



Appeal Decision

Site visit made on 19 November 2019

by David Wyborn BSc(Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 December 2019

Appeal Ref: APP/V1260/W/19/3236476

12 Beaconsfield Road, Poole BH12 2NJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Nate Dinmore against the decision of Bournemouth, Christchurch and Poole Council.
 - The application Ref APP/19/00310/F, dated 13 March 2019, was refused by notice dated 12 June 2019.
 - The development proposed is described as "sever existing plot to accommodate new family dwelling to rear".
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Decision

1. The appeal is dismissed.

Procedural Matters

2. A signed and dated obligation under Section 111 of the Local Government Act 1972 has been submitted at the appeal stage, with related payment, to seek to mitigate the impact from the additional unit of residential accommodation on the Dorset Heathlands Special Protection Area (SPA) and Ramsar site, Dorset Heaths Special Area of Conservation (SAC) and the Poole Harbour SPA and Ramsar site. The Council has confirmed in their view that this addresses the third and fourth reasons for refusal in relation to these habitats sites and I will return to this matter later.
3. At the appeal stage a further plan has been submitted, showing an additional window to bedroom 3, to seek to address the second reason for refusal. Views from the window would look towards the boundary fence, beyond which is an outbuilding. As no one would be prejudiced¹ by this matter I am prepared to accept the plan and for it to be considered at the appeal stage.

Main Issues

4. The main issues are:
 - the effect of the proposal on the character and appearance of the area, and
 - whether the proposal would provide acceptable living conditions for future occupiers, having particular regard to the outlook from bedroom 3.

¹ Having regard to the principles established in *Bernard Wheatcroft Ltd v SSE* [JPL, 1982, P37]

Reasons

Character and appearance

5. Policy PP27 of the Poole Local Plan (adopted November 2018) (the Local Plan) concerns design and, amongst a range of criteria, sets out that development will be permitted provided that it reflects or enhances local patterns of development and neighbouring buildings in terms of layout and siting, including building line and built site coverage.
6. Policy PP28 of the Local Plan concerns plot severance and specifies that such a proposal would only be permitted where there is sufficient land to enable a type, scale and layout of development including parking and useable amenity space to be accommodated in a manner which would preserve or enhance the area's residential character.
7. 12 Beaconsfield Road together with the surrounding reasonably tight knit residential development consists of buildings positioned on the sloping hillside. The surrounding streets consist of a mix of dwellings often facing the roads with rear gardens. I have noted that there are some examples of dwellings sited in rear locations behind other buildings, however, generally within this section of the hillside, the location of such rear residential dwellings is not, in my view, a predominant element of the character of the area.
8. While most buildings with their access, parking and garden areas are sympathetically accommodated with the slope of the land, other properties and/or outbuildings appear to be cut into the slope with retaining walls and more engineered features and, in this way, do not make a positive contribution to the wider character of this residential area.
9. The proposal would occupy a rear area of reasonably steep sloping land. While the dwelling would not be particularly apparent from public locations it would be cut into part of the slope, with sections of retaining wall, raised areas of garden and terrace and the two storey dwelling would appear tight to the proposed broadly south and eastern boundaries of the plot. The result would be a cramped form of development which would not sympathetically integrate with the natural slope of the land and would appear within the site as a harmful overdevelopment. This form of the development, coupled with the rear location not fronting the road, would not satisfactorily reflect the local pattern of development in the terms required by Policy PP27 of the Local Plan or preserve the area's residential character as required by Policy PP28.
10. As a consequence, the proposal would not meet the requirement in the National Planning Policy Framework (the Framework) that decisions should ensure that developments are sympathetic to local character and in terms of achieving appropriate densities, the desirability of maintaining an area's prevailing character and setting (including residential gardens).
11. In coming to my judgement on this issue, I have carefully considered all the submissions made by the appellant including the detailed comments, photographs and plans in relation to the character of the site and area, the analysis of the Council's pre-application comments, planning report and appeal statement, the built form to plot ratio analysis, plot ratio on this site, site coverage figures, and the other matters that form the basis of the appeal.

12. I have noted the comments regarding the potential for other residential development in the area behind other dwellings and that this proposal would not prejudice such schemes, however, I have determined this proposal based on the particular circumstances before me. I also note the previous permission for extensions to No 12 which were permitted in 2012². While this appears to be quite an extensive scheme including retaining walls, it is attached to the existing dwelling rather than separated within the rear garden area, and is an extension rather than a dwelling. I therefore give this previous approval limited weight in the analysis.
13. I have noted the other examples of plot severance that have been highlighted in the immediate and wider area, including that at 5 Beaconsfield Road, and taken into account the influence that they have on the character of the area. I am not aware of the full circumstances of these other cases and therefore I attribute them limited weight in the assessment of the acceptability of this proposal on this particular site which I have considered on its merits in the light of the present Local Plan policies and site specific considerations.
14. Ultimately, the assessment of the impact of a proposal on the character and appearance of the area is a matter of judgement. I have carefully considered all the information and evidence before me and assessed the impact that the proposal would have at my site visit. Having regard to the particular characteristics of this site, my judgement is that the proposal would cause undue harm to the character and appearance of the area and would not comply with the relevant Local Plan policies.
15. Accordingly, I conclude that the development would harm the character and appearance of the area and therefore conflict with Policies PP27 and PP28 of the Local Plan which, amongst other things, in this respect seeks development to reflect or enhance local patterns of development and neighbouring buildings in terms of layout and siting, including building line and built site coverage.

Living conditions

16. Bedroom 3 would be located in a corner of the dwelling and have two windows that would face the reasonably close boundary fence. This would not provide a pleasant outlook. However, the room would also be lit by a rooflight, and based on the further plans, by another window on the side facing elevation. As this is a bedroom and the other rooms would have adequate windows and aspect, I consider that this bedroom would provide adequate outlook and living conditions in the circumstances of this case.
17. In the light of the above, I conclude that the proposal would provide acceptable living conditions for future occupiers and therefore in this respect would not conflict with Policy PP27 of the Local Plan which seeks, amongst other things, to ensure that development provides satisfactory internal amenity space for new occupiers.
18. Policy PP28 of the Local Plan is referenced in the related reason for refusal but as this policy concerns the approach to plot severance and sub-divisions it is not directly related to the issue of living conditions.

² APP/12/00369/F - Extension to rear at lower ground and ground floor level. (Householder Application). 16/05/2012.

Other Matters

19. The construction of the dwelling would provide a small, but worthwhile, addition to the supply of housing in a residential location with good access to local services and facilities, which is identified as a sustainable transport corridor. There would be benefits to the local economy during construction and in subsequent occupation, although these would be to a limited degree due to the scale of the proposal, and in respect of construction would only be for a limited time.
20. The dwelling would be on a windfall site. It is explained that this would be a self-built proposal and therefore the additional unit would help to contribute towards that element of the local housing market. The Framework indicates that small and medium sized sites can make an important contribution to meet the housing requirements of an area, and can be built out relatively quickly.
21. No concerns have been raised with the design of the dwelling in itself, there would be no material impact on neighbouring residents and the proposal would provide a new family home for the appellant built to Lifetime Homes principles. It would meet the energy and resource requirements set out in Local Plan policies.
22. The above matters are all meaningful benefits of the scheme, however, given that only a single dwelling is proposed, I attribute them limited weight.
23. The undertaking under Section 111 of the Local Government Act 1972 would, in all likelihood, together with the charges under the Community Infrastructure Levy, mitigate the impacts of the development on the SPA and SAC sites in accordance with The Dorset Heathlands Planning Framework 2015-2020, the Poole Harbour Recreation Mitigation Interim Scheme (January 2019) and the Nitrogen Reduction in Poole Supplementary Planning Document (April 2017). However, in the light of the conclusion on the first main issue, I do not need to consider this matter further.
24. There is also reference to the conduct and the advice of the Council and its officers during the pre-application and application stages of the process. However, while I acknowledge the details of this background and have taken this into account where relevant, the conduct of the Council is not a matter for my deliberations in the context of a planning appeal.

Conclusion

25. I have found that the scheme would provide acceptable living conditions for future occupiers, however, this is neutral in the overall analysis rather than a benefit of the scheme. The benefits resulting from the delivery of a single dwelling afford limited weight. I have also found that the scheme would harm the character and appearance of the area, thereby failing policies of the Local Plan and the Framework, and this is a matter to which I attach substantial weight.
26. The evidence from the Council is that they can demonstrate a 5 year land supply of deliverable housing sites and therefore the presumption in favour of sustainable development as set out in paragraph 11d of the Framework is not engaged. Nevertheless, even if this was to be the case, then the adverse impacts of the proposal would significantly and demonstrably outweigh the

benefits, when assessed against the policies of the Framework taken as a whole.

27. For the above reasons, and having regard to all other matters raised, the proposal would not comply with the development plan when considered as a whole and there are no material considerations that outweigh the identified harm and the associated development plan conflict. I therefore conclude that the appeal should be dismissed.

David Wyborn

INSPECTOR