



Appeal Decision

Site visit made on 9 October 2019

by M Aqbal BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 January 2020

Appeal Ref: APP/E1210/W/19/3227280

55 Somerford Road, Somerford Christchurch BH23 3PL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Q McLaughlin against the decision of Christchurch Borough Council.
 - The application Ref 8/18/0243/OUT, dated 29 January 2018, was refused by notice dated 3 December 2018.
 - The development proposed is demolition of existing dwelling and replacement with 3 no 2 bedroom flats, 4 no 3 bedroom houses and 1 no bungalow.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application was submitted in 'outline' for access, layout and scale, with landscaping and appearance reserved for future consideration.
3. The decision to refuse the application was made by Christchurch Borough Council. However, I am aware that on 1 April 2019, Christchurch Borough Council ceased to exist and became part of a new Unitary Authority known as Bournemouth, Christchurch and Poole Council. The development plans for the merged Local Planning Authorities will remain in place for the area within the new Unitary Authority they relate to until such time as they are revoked or replaced. I shall therefore determine the appeal having regard to the policies of the adopted Christchurch and East Dorset Local Plan Part 1 Core Strategy (2014) (CS) and the Borough of Christchurch Local Plan (LP).

Main Issues

4. The main issues are whether the proposed development would deliver a high quality scheme having regard to the character of the area; the living conditions of neighbours and the protected trees within the site; and, the effect of the proposal on the integrity of the Site of Special Scientific Interest (SSSI), which also forms part of the Dorset Heathlands Special Protection Area (SPA) and Ramsar site and the Dorset Heaths Special Area of Conservation (SAC).

Reasons

Quality of the proposed scheme

Character of the area

5. The appeal site ('the Site') comprises a detached dwelling known as No 55 Somerford Road (No 55) and its generous plot, along with two other properties 1 Stroud Park Avenue and 53 Somerford Road. Located on the south side of Somerford Road, the Site, in part, occupies an elevated corner position at the junction of this road with Somerford Way. It is adjoined to the west by a terrace of two-storey properties, to the east and south by single storey properties, with further residential development, including three-storey flats on the north side of Somerford Road. Vehicular access to the site is served from Somerford Road and an unmade track from Stroud Park Avenue is to be utilised for part of the development. A number of trees on site are protected by two Tree Preservation Orders¹ ('protected trees'). These contribute to the verdant quality of the site and area.
6. Surrounding development is varied, in terms of density, design, layout and scale. The principal element of the proposed scheme comprises a single block. This is predominantly two-storey (plots 1,2,3 and 4) and in part three-storey (flats 1-3). This is to be located in a linear form between existing development and in the broad location of No 55 (which is to be demolished). In part, this principal block would be set-back from Somerford Road and the protected trees, relative to No 55. Overall, the alignment of the principal block would be consistent with the existing arrangement.
7. In terms of scale, the proposed two-storey element is of a comparable height to the adjoining terraced properties and the three-storey element would be of a similar height and position to the existing building which is partly two-storey with accommodation in the roof space. The three-storey element from along Somerford Road would be viewed in the context of the neighbouring bungalow at 57 Somerford Way (No 57). Nevertheless, as a consequence of its set-back from the road, the screening afforded by the protected trees and the generous spacing achieved from No 57, the principal block would assimilate into the streetscene. In views from Somerford Way and Kay Close, due to the intervening development, landscaping and boundary treatments, this element of the scheme irrespective of its increased mass would not be particularly apparent or inappropriate given the varied context of the area.
8. The siting and scale of the new bungalow at plot 5 in the south-east corner of the site would complement nearby bungalows in Somerford Way and Kay Close.

Living conditions

9. The Council has raised concerns in respect of the extent and relationship of the proposed development along the eastern boundary of the site with nearby bungalows. I have not been referred to any specific adopted space standards for separation distances between existing and proposed buildings. Therefore, I have considered the proposal on its merits.

¹ TPO 1986/9 and TPO 1999/8

10. The two and three storey elements of the scheme would be nearest to No 57. For the reasons given above, along with the intervening boundary treatment, these would not be unduly dominant or oppressive when viewed from No 57 or the other nearby bungalows. Although, the bungalow at plot 5 would introduce new development where there is none at present, due to its modest scale, separation from neighbouring properties and the existing fencing, it would not adversely affect the outlook of neighbours.
11. Although the increase in residential units would generate additional activity at the Site, in the context of a busy and noisy highway (Somerford Road) along with the acceptable separation achieved from existing dwellings, there would be no significant adverse effect in respect of noise and general disturbance on neighbours.

Impact on Protected trees

12. Since the application subject of this appeal was refused, applications for tree works² in relation to the protected trees have been approved and implemented. Details of these works are summarised in a statement from the appellant's tree consultant³ which includes an amended tree protection plan. Consequently, works to the protected trees to facilitate the proposed construction works have largely been undertaken.
13. Further alterations near the protected trees would still be necessary to facilitate the proposed layout, including the driveway and the creation of a stepped access. Some basic information is provided in relation to these works and given their modest scale, I am satisfied that the requirement for additional information could be secured by a condition if the appeal were to succeed.
14. As already stated, the principal block would be largely set-back from the protected trees, relative to the existing arrangement. Based on the submitted arboricultural report, this new block would encroach slightly into the root protection area (RPA) of the retained trees, representing no more than about 5% of the total RPAs. Moreover, the replacement of some of the existing hard surfacing with lawn would be of benefit to the roots of the retained trees.
15. The area of the protected trees is partly incorporated into the frontages to plots 1 and 2. Nonetheless, existing tree cover is limited here and its steep bank form, reduces its functionality as garden space. Consequently, these properties include south-facing private gardens to the rear away from the protected trees. The retained tree cover to the northwest of the proposed flats is similarly limited. These proposed layout arrangements are therefore unlikely to give rise to future requests to reduce the retained level of tree cover.
16. However, the house at plot 3 is orientated so that its amenity space and windows for all living accommodation face northwest towards the protected trees. As a consequence of this layout, future occupiers would be highly reliant on this single-aspect for daylight. While the Council has granted approval for works to prune T3 which has a high crown, there are other trees near to this plot. Together, they create strong tree cover, which would limit daylight received to the house at plot 3. This would more than likely result in pressure from future occupants to prune or fell these trees, which the Council would find difficult to resist once the development has been undertaken. Although

² Application Ref. 8/18/2209/TTPO and Application Ref. 8/19/0284/TTPO

³ Response to Arboricultural Reasons for Refusal of Planning Consent at 55 Somerford Road, Christchurch

replacement tree planting could be secured, this would take time to establish and in the short to medium term would compromise the contribution of the protected trees to the quality of the area.

17. Drawing on the above reasons, I conclude that the proposal would fail to provide a high-quality development with regard to its compatibility with protected trees at the site. I therefore find conflict with Policies HE2 of the CS and H12 of the LP which amongst other matters seek to secure high quality developments with regard to layout which are appropriate and compatible with existing landscaping, including mature trees.

Site of Special Scientific Interest (SSSI), Dorset Heathlands Special Protection Area (SPA) and Ramsar site and the Dorset Heaths Special Area of Conservation (SAC).

18. The Site is within 5km of a Site of Special Scientific Interest (SSSI) which is part of the designated Dorset Heaths Special Area of Conservation (SAC) and Ramsar site and is also part of the Dorset Heathlands Special Protection Area (SPA). The Dorset Heathlands Planning Framework Supplementary Planning Document 2015-2020 (SPD) sets out a strategy that seeks to mitigate the impacts on the heathland arising from recreational pressure from residents of new dwellings. The SPD indicates that the provision of Heathland Infrastructure Projects would be delivered through the Community Infrastructure Levy and that Strategic Access Management and Monitoring (SAMM) would be secured via a planning obligation.
19. The development, in combination with other projects, is likely to have a significant and adverse effect on the integrity of the protected sites, by way of the additional recreational pressure. However, although the appellant advises that this could be addressed through a suitably worded legal agreement and is willing to provide this, at the time of making my decision no such legal agreement is before me.
20. In the absence of a means of securing such measures, I am not satisfied that the impact of the proposal on the internationally important heathlands would be adequately mitigated or that their integrity would be protected. The scheme would therefore have an adverse impact on the heathlands contrary to the objectives of the SPD, and also to those of the National Planning Policy Framework ('the Framework') that seek to conserve and enhance the natural environment. Consequently, there would be conflict with CS Policy ME2 which, amongst other things, requires mitigation measures to be provided as part of residential development proposals. The appeal scheme would additionally fail to accord with the Habitats and Species Regulations 2010 (as amended).

Other Matters

21. The appellant asserts that the Council is unable to demonstrate a five-year housing land supply. Irrespective of this, the scheme would harm a habitats site, which provides a clear reason for refusing the development proposed. As such, this is not a situation where the presumption in favour of sustainable development, as set out in paragraph 11d of the Framework is engaged.
22. Notwithstanding the above, the provision of additional dwellings would increase housing supply for the area and there would be benefits associated with this. However, given the modest scale of the proposal (7 additional dwellings), the

housing provision and its associated benefits attract limited weight, and do not outweigh the harm and conflict with the development plan identified above.

23. Although the Framework promotes the effective use of land in meeting the need for homes, this is subject to, amongst other things, safeguarding and improving the environment which is not the case here, based on the harm I have already identified.
24. Various other concerns have been raised by interested parties, in relation to the quality of the access from Stroud Park Avenue, increased traffic and inadequate parking both within the site and on-street. Further, although they did not form part of the Council's reasons for refusal, the Council's Officer report raises issues about the living conditions for future occupants. While I have noted these concerns, as this appeal is being dismissed on the main issues, it is not necessary for me to consider these matters further.

Conclusion

25. For the above reasons, I conclude that the appeal should be dismissed.

M Aqbal
INSPECTOR