
Appeal Decision

Site visit made on 20 January 2020

by R Lankshear BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 March 2020

Appeal Ref: APP/V1260/W/19/3240335

14 Links Road, Poole BH14 9QR

- 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 and Mrs Adams against the decision of Bournemouth Christchurch and Poole Council.
 - The application Ref APP/19/01074/F, dated 19 August 2019, was refused by notice dated 14 October 2019.
 - The development proposed is erect 3 No. bedroom dwellinghouse.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr and Mrs Adams against Bournemouth, Christchurch and Poole Council. This application is the subject of a separate Decision.

Main Issues

3. The main issues are the effect of the development on i) character and appearance of the area; and ii) its effect on the ecology of the nearby Dorset Heathlands Special Protection Area (SPA), Site of Special Scientific Interest (SSSI), Ramsar Site and Dorset Heaths Special Area of Conservation (SAC) and Poole Harbour SPA, SSSI and Ramsar Site.

Reasons

Character and appearance

4. The appeal site falls within a predominantly residential area. Currently there is a hipped roof dwelling to the front of the site with accommodation split over three floors when including the integral garage. The site slopes upwards towards the northern boundary, being largely grassed with a number of trees including those protected by a Tree Preservation Order (TPO). Overall, the area comprises detached properties, situated in generally well-proportioned, landscaped plots that whilst set back from the road still address the public domain. The spaciousness and the mature landscaping, including that within rear gardens, gives the area a pleasant and verdant character, with dwellings blending into a well-treed landscaped setting.

5. With reference to Policy PP28 of the adopted Poole Local Plan 2018 (PLP) the appellants contend that the Council do not have a policy that has undergone statutory tests that prevents development of this form. However, from the information before me this policy has been formally adopted and have no evidence to suggest that I should afford this policy decreasing weight.
6. Policy PP28 allows for the sub-division of plots where they would be of a type, scale and layout that would preserve or enhance the area's residential character. The appeal development would be visible in part, owing to the views around and between dwellings and the sites elevated position relative to Links Road. Although I acknowledge that there is a degree of variety in the position of properties in relation to the road, the siting of the appeal dwelling would introduce a development in an anomalous position within a well-landscaped back garden environment. To my mind although the plot is relatively large and resulting density would be low, the appeal proposal would be out of keeping with the predominant and established grain of development and overriding spacious and verdant character of the area. I am not persuaded that any such harm could be effectively mitigated by a landscaping scheme, particularly in the short to medium term.
7. It has been brought to my attention that the appellants consider there is a fallback position for the provision of an ancillary building within the garden that would have a comparable impact. However, such a building is not before me and I have no evidence to consider that there is greater than theoretical possibility that such a building would be erected. Furthermore, I am not persuaded that the form and characteristics of any such development would be similar to that proposed under this appeal.
8. The appellants make reference to a number of nearby developments that they consider are of relevance to my determination of this appeal, including those at Nos 50-56 Compton Avenue, Nos 1-5 Canford Cliffs Avenue and an outbuilding within a rear garden of a neighbouring property. Whilst I acknowledge that some backland development may have occurred in the area, I do not find that it is a predominant or overriding characteristic. Furthermore, although some detail has been provided, I am not fully familiar with the individual circumstances and planning history of each case. Nevertheless, having assessed the examples provided, the context, position and form of development appear in a number of instances to be materially different from the appeal site. In any event, I have determined the appeal proposal on its individual merits and do not consider that the examples provided alter my view with regard to the impact of the appeal proposal on the character and appearance of the area.
9. As aforementioned, the appeal site includes a number of trees including those covered by a TPO. The appeal development is indicated as being outside the canopy and root protection areas of the protected trees. However, it is contended that the position of the trees relative to the dwelling would result in a loss of outlook, light and shading of the living accommodation including the garden areas that would place pressures upon the protected trees, including those to the south of the dwelling.
10. From the information before me, the position of the dwelling has been altered from previous proposals at the site to provide a greater degree of garden space to the north and west of the dwelling away from protected trees. However, as a

result principal south-facing windows serving the bedroom and open plan kitchen/dining area would front towards these trees in close proximity of their canopy. The introduction of such a relationship would, to my mind, introduce a new form of pressure upon these trees. The trees currently present at the site contribute significantly to the pleasing verdant character of the wider area and this is recognised by their protection through a TPO.

11. I acknowledge the comments raised by the appellants with regard to the size and position of outdoor garden space, intended solar gain from rooflights and a light well, the stated desire to retain the trees and the nearby example provided of a dwelling built within close proximity of protected trees. However, on balance, I consider that the proposal would result in significant pressures for works to the trees particularly those on the southern boundary that will be in close proximity to primary light providing windows to habitable rooms. Any such works could significantly diminish the trees' positive contribution to the surrounding area.
12. I also acknowledge comments with regard to the proximity of works at other properties to protected trees or works to trees at neighbouring properties. However, these are not directly relevant to my consideration of the merits of the appeal proposal before me.
13. For the above reasons, I conclude that the proposed development would harm the character and appearance of the area. As such, it would be contrary to Policies PP27 and PP28 of the PLP. These policies seek, amongst other things, development that reflects or enhances local patterns of development in terms of layout and siting, respond to natural features on the site (including trees) and plot severances where there is sufficient land to enable a layout of development which would preserve or enhance the area's residential character.

Special Protection Area, SSSI, Ramsar and Special Area of Conservation

14. The Council's third reason for refusal was that, in the absence of an appropriate contribution towards mitigating effects on ecology resulting from increased recreational pressure and potential for disturbance to the Dorset Heathlands SPA, SSSI, SAC and Ramsar Site, a likely significant adverse effect in that respect could not be ruled out. The appeal site falls within the zone of influence of the heathland, with reference to the Dorset Heathlands Planning Framework 2015-2020 Supplementary Planning Document 2016.
15. The Council indicates that there would be a need for the development to provide mitigation of potential impacts on the Dorset Heathlands Special Protection Areas. As part of the Dorset Heathland Planning Framework a contribution will be taken from all qualifying residential development to fund Strategic Access Management and Monitoring (SAMM).
16. The fourth reason for refusal relates to the proximity of the site to the Poole Harbour SPA, SSSI and Ramsar site. With the adoption of the Poole Local Plan, the 'Poole Harbour Recreation Interim Scheme' has been adopted, to ensure against development harm to the Poole Harbour SPA and Ramsar designations. This would require contribution towards the Poole Harbour Recreation SAMM.
17. The appellants have submitted a Unilateral Undertaking in support of this appeal to meet the requirement set out in the Dorset Heathlands Planning Framework and the Poole Harbour Recreation Interim Scheme. I am satisfied

that this would provide the necessary mitigation to the habitats sites if the appeal was allowed. However, even if there were no likely significant effects to ecology to result in the proposals being in line with LP policies PP32 and PP39 and National Planning Policy Framework (the Framework) paragraphs 175 and 176, I have found harm in relation to the other main issues and there is no need for me to consider this further.

Other Matters

18. The appellants contend that owing to the merger to form Bournemouth, Christchurch and Poole Council that it stands to reason that housing requirement needs to be considered across the whole newly formed authority. As a result, they speculate that the Council may not be able to demonstrate sufficient housing land supply, particularly in the absence of windfall sites such as this one. I acknowledge that Housing Delivery Test results have recently been published, and that these results indicate a change in the housing land supply buffer may be required. Even if this results in the supply of housing land falling below 5 years and the tilted balance by virtue of footnote 7 of paragraph 11 of the Framework applying to this proposal, the adverse effects of the development including those to character and appearance, would be at odds with development plan policies that I find to be consistent with the provisions of the Framework. To my mind, any such harm would outweigh benefits, including the social and economic benefits of the provision of a single dwelling, as proposed. Therefore, the proposal would not be a sustainable form of development.
19. The appellants have raised concern with the manner in which the Council determined the application and previous proposals, including political motivation, not revisiting the site or considering the application impartially. This is a matter that would need to be taken up with the Council in the first instance and in determining the appeal I have only had regard to the planning merits of the case.
20. The appellants also indicate that the proposal would not result in unacceptable detriment to neighbour's living conditions; and that the proposal would not impact upon highway safety. These factors are however to be expected in such situations and are to my mind neutral in the planning balance.
21. The appellants have sought to justify the proposal on the basis that it would provide a family home for them. I consider that this does not provide justification for the proposal that outweighs the identified conflict with regard to the main issues.
22. None of the matters raised outweigh or alter my conclusions with regard to the main issues.

Conclusion

23. For all the reasons given above, and having considered all other matters raised, the appeal is dismissed.

Robert Lankshear

INSPECTOR