
Appeal Decision

Site visit made on 11 February 2020

by S. Rennie BSc (Hons), BA (Hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 April 2020

Appeal Ref: APP/Q1255/W/19/3239112

8 Hastings Road, Poole BH17 7JD

- 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 Reginald Bugler (R A Bugler Ltd) against the decision of Bournemouth Christchurch Poole (BCP) Council.
 - The application Ref APP/19/00762/F, dated 12 June 2019, was refused by notice dated 14 August 2019.
 - The development proposed is described as 'Amend additional approved dwelling (8A) add additional dwelling adjacent to 43 Gough Crescent'.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the development on (1) the character and appearance of the area, (2) the protected oak tree on site, and (3) the living conditions of both neighbours and future occupants of the proposed development. There is also the issue of the potential effect on (4) the protected ecological sites including the Dorset Heathland and Poole Harbour.

Reasons

Character and Appearance

3. The site is the side and part of the rear garden of the corner plot dwelling No 8 Hastings Road. There is already planning permission for a new dwelling to the side of No 8 (Ref: APP/18/00906/F) but this latest proposal includes a dwelling to the rear of No 8 also, adjacent to 43 Gough Crescent.
4. The area is characterised by primarily semi-detached houses or short terraces within spacious plots. I recognise that there are several examples in the area of infill housing development including on the corners of Hastings Road. The house proposed to the side of No 8 would reflect these infill house developments and this additional dwelling could be achieved without the site becoming overly cramped, similar to the approved scheme.
5. However, this proposal also includes a new dwelling to the rear of No 8, fronting Gough Crescent. This dwelling would be positioned close to the boundaries of a tight and narrow plot. This dwelling would also mean that the rear garden space of No 8 would be substantially limited. Furthermore, the rear

garden of the proposed new house at the side of No 8 would be small as a consequence of the additional proposed dwelling fronting Gough Crescent.

6. Considering the spacious character of the area, even with the existing infill developments and other extensions evident, the proposed two dwellings on this site would appear cramped and overly contrived within the site. There is some parking provision and amenity space for the proposed housing, but the space for such provision is less than many other houses in the area, which often have much larger gardens for example. I recognise that this could be described as an efficient use of the site, but this should not be at the significant expense of the visual character of the area.
7. In terms of the design of the houses, the gabled front elevation of the proposed dwelling to front Gough Crescent would not fit with the character of the street, which has a clear predominance of fully hipped roofs. Furthermore, the eaves and ridge height of the proposed house to the side of No 8, being significantly and noticeably higher than the adjacent existing houses (to a degree more than previously approved), would result in an overly prominent new dwelling. Such issues in the design add to the sense that this would be an incongruous development which have an adverse impact to the visual amenities of the area.
8. I recognise that there has been planning approvals elsewhere and allowed appeals, but each site I have seen is different, even if there are similarities. Some appear to be within larger plots for example. Furthermore, each case should be assessed on its own merit.
9. Whilst I do not regard the loss of sections of wall or hedgerow to have a significant visual impact, for the reasons outlined above the proposal is harmful to the character and appearance of the area, contrary to policies PP27 and PP28 of Poole Local Plan 2018. These policies seek to, amongst other things, require development to be of a good standard of design which reflects and enhances local patterns and neighbouring buildings, with sufficient land for plot severance which would preserve or enhance the area's character.

Tree Impact

10. There is an existing and mature oak tree on the corner of Hastings Road and Gough Crescent, which is within the site. The dwelling proposed to the side of No 8 would be in close proximity to this tree. This oak tree is subject to a tree preservation order (TPO No: 34/2000).
11. The submitted Arboricultural Impact Assessment (Richard Nicholson – Arboricultural Planning Consultant) found the tree to be in good condition. This assessment found that the scheme allowed for the long term retention of the oak at the front of the site. The Arboricultural Method Statement suggested use of vertical barriers and ground protection through the construction period that could be required by condition.
12. However, the Council has raised a reason for refusal based on the close proximity of the oak tree to the proposed house to the side of No 8. The Council feel that the tree could still grow and the close proximity would mean that there would be pressure from future residents to cut the tree back or fell it to allow more light to the front windows or for house maintenance reasons.

13. Whilst I understand that the close proximity of the tree to the proposed house would be such that there could be future occupants who want to do work to the tree, there is no substantive evidence before me that this would necessarily be the case or that any future work requested would have an adverse impact to the trees lifespan. It is also likely that anyone seeking to move into the house would be fully aware of the tree and so would take that into consideration with their decision. Furthermore, the tree is protected and so the Council has power to prevent any harmful works that might be proposed to the tree in the future.
14. Therefore, I do not regard the proposal as likely to have a detrimental or harmful impact to the oak tree and as such, in this regard, is in accordance with policy PP27 of Poole Local Plan 2018, which includes a requirement for development to not result in the loss of trees that make a significant contribution to the character of the area.

Living Conditions

15. The proposed houses are to the rear and side of No 8 Hastings Road. Both dwellings would be clearly visible from the rear windows and rear garden of No 8. However, these proposed dwellings would not enclose the rear garden fully, which would remain relatively open. As such, I do not regard the proposal as having an overbearing impact to occupants of No 8. There would likely be some impact to the daylight in the rear garden of No 8, but from my observations it would not be significantly different to the existing situation.
16. Furthermore, from the arrangements of elevations and windows (including the obscure glazed windows in the side of the house to the rear of No 8) as proposed I do not regard there as being a significant level of overlooking of No 8 as a result of the proposals. There would be some views into the rear garden of No 8 from the proposed house to their rear, but they would be at an oblique angle. Furthermore, I recognise that this is a residential area where there is already a high level of overlooking into other neighbouring gardens. The occupants of No 8 has a small rear garden, though it is still large enough for most typical domestic garden activities.
17. The proposed dwelling to the rear of No 8 would have views into the rear section of the garden of No 6 Hastings Road. However, this would be from a distance as the proposed house is set off this boundary. Furthermore, as mentioned above, there is already a degree of overlooking typical between houses and neighbouring rear gardens. As such, I do not regard the proposals as having a significant impact to the living conditions of No 6.
18. In regards to the living conditions of future occupiers, for the house to the side of No 8, I recognise that the oak tree would overshadow the front garden and shade the front windows to an extent, but in my view this would not be to a degree that would be harmful to the living conditions of future occupiers. Furthermore, I note that there is a bedroom served only by a rooflight but being that this bedroom is essentially within the roof I would regard this as acceptable and not particularly uncommon. Whilst smaller than some other gardens in the area, I would regard the amenity space available for future occupiers of both proposed houses to be acceptable, although this is a different consideration to the character and appearance impact described above.
19. There is a side window in the proposed house to the rear of No 8 facing back towards the other proposed house, but this is a high level opaque glazed

window and so would not result in significant overlooking impact. I recognise the issue of perceived overlooking, but as the window would be obscure glazed the harm would be minimal.

20. Finally, the windows in the rear of No 8 would overlook the rear garden of the proposed house to the rear of the site. However, as stated above, there is already a degree of overlooking typical between houses and neighbouring rear gardens. As such, I do not regard this overlooking impact as being significantly harmful.
21. Overall, the proposal would not result in significant harm to living conditions of neighbours or future occupiers of the proposed houses. In this regard, the proposal is in accordance with policy PP27 of Poole Local Plan 2018, which seeks to, amongst other things, ensure development would not result in a harmful impact upon amenity for both local residents and future occupiers.

Ecology Sites

22. The Council's fourth 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 Special Protection Area ('SPAs'), Site of Special Scientific Interest (SSSI), and Dorset Heaths SAC (Special Area of Conservation), a likely significant adverse effect in that respect could not be ruled out. The appeal site falls within the five kilometre zones of influence of the SPA, with reference to the Dorset Heathlands Planning Framework 2015-2020 Supplementary Planning Document (adopted January 2016, 'SPD').
23. 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).
24. In the Council's statement, they also highlight that with the adoption of the Poole Local Plan the 'Poole Harbour Recreation Mitigation Interim Scheme' has been adopted, to ensure against development harm to the Poole Harbour SPA, SSSI and Ramsar designations. This would require a further contribution towards the Poole Harbour recreation SAMM.
25. The appellant has submitted a legal agreement to meet the requirement set out in the Dorset Heathlands Planning Framework and the Poole Harbour Recreation Mitigation Interim Scheme. Had I been minded to allow the appeal it would have been necessary for me to undertake an Appropriate Assessment of the development in order to confirm its effect and need for mitigation. I would have also required a consultation response from Natural England.
26. However, even if there were no likely significant effects to ecology from the proposed development, thereby being in line with Poole Local Plan policies PP32 and PP39 and the National Planning Policy Framework, that would be neutral in the planning balance rather than representing a positive factor weighing in favour of allowing the appeal. This issue has not, therefore, been further assessed.

Other Matters

27. The National Planning Policy Framework seeks to boost housing supply. I also note the result of the latest Housing Delivery Test of the Council. In this regard the provision of housing on this small site as part of a 'windfall' development would be a benefit, but this would only be two houses so the benefit would be modest.
28. The proposal would have certain social benefits, through providing housing in an accessible location for example. There would also be the economic benefits, such as through the construction process. However, these would be modest benefits which would not outweigh the harm I have identified above.

Conclusion

29. On the basis of the harm I have identified in relation to the character and appearance of the area, the appeal should be dismissed.

S. Rennie

INSPECTOR