
Appeal Decision

Site visit made on 10 February 2020

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

an Inspector appointed by the Secretary of State

Decision date: 9 April 2020

Appeal Ref: APP/V1260/W/19/3239835

21 Arcadia Road, Christchurch, Dorset BH23 2JF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mrs T Barlow against Bournemouth Christchurch and Poole Council.
 - The application Ref 8/19/0756/FUL, dated 1 April 2019.
 - The development proposed is the proposed alterations and extension to 21 Arcadia Road and erection of 1No. 3 bed bungalow to the rear of 21 including private access driveway and parking.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The appeal results from the Council's failure to determine the planning application within the statutory period. Although there is no formal decision from the Council it has considered the proposals and indicated that had it been in a position to determine the application it would have given planning permission as they considered the proposed development to be in accordance with policy.

Main Issue

3. There are no objections from the Council so there are no particular main issues, although the impact to the ecological significance of the Dorset Heathland is noted. However, there is the issue raised at appeal stage of an incorrect elevation plan.

Reasons

4. The proposal includes a new dwelling to be positioned to the rear of the existing house at No 21 Arcadia Avenue. The proposed dwelling would be to the rear of the existing house, in a residential area with several neighbouring dwellings adjacent to the site. There have been objections received from several of these neighbours.
5. During the course of considering this appeal, it was noticed that there was an error with the northeast elevation being the wrong way around, thereby not

- fitting with the internal plan or other elevations. The parties have been asked to respond on this issue.
6. The Council stated that as the other plans are correct and was just one elevation which was wrong they would be unlikely to have re-consulted on a corrected plan.
 7. The appellant has acknowledged the mistakes and has provided corrected plans. They suggest that the mistake does not materially impact the proposal in any way.
 8. Whilst I recognise that most of the elevations and the floor plans were correct, the error related to the front elevation of the proposed house, near to the boundary with neighbours. Some of the objections do not relate to issues that would be affected by the erroneous elevation, but some of the objections received with the planning application concerns loss of privacy or the issue of the proximity of the proposed dwelling to neighbouring gardens. It is clear that there is concern that there would be direct impacts to the living conditions of neighbours as a result of the proposals.
 9. It is possible that if neighbours to the site had seen the correct elevation plan then their comments may have been different. There could be additional comments received from neighbours who have not written in based on the initial proposed plans. Comments from interested persons are given full consideration with an appeal such as this and help to inform my decision, but in this case the neighbours to the site or any other interested persons were not provided with correct and accurate plans as part of the publicity of the planning application or appeal.
 10. Therefore, whilst it may be argued that this is unlikely, determining the appeal based on the corrected and amended elevation plan would prejudice neighbours to the site who have not been given suitable notification to comment on this significant amendment. In these circumstances I cannot accept the corrected plans submitted to me, due to significant concerns that this would prejudice interested parties who may have wanted to comment on this. As such, I do not have a complete set of correct plans as part of this appeal to make my decision.
 11. As the proposed plans and drawings that I am considering are not fully accurate, I cannot be assured that the development would not have an adverse effect on the character and appearance of the area or on the living conditions of neighbours, for example. For that same reason I cannot be assured that the proposal would accord with the policies stated in the Council statement, including KS1, KS2, KS12, HE2, HE3, KS4, LN1 and LN2 of the Christchurch and East Dorset Local Plan Part 1-Core Strategy 2014, and saved policy H12 of the Christchurch Local Plan. These policies seek to, amongst other things, require appropriate design of new development of a suitable size and type, with sufficient parking provision.
 12. I recognise that the Council may not be able to demonstrate a five year land supply currently, but given the circumstances, I cannot be assured that the proposal would not result in a significant and demonstrable harm when considered against the National Planning Policy Framework. Therefore, even with the modest benefit of a single new dwelling towards the housing land

supply and the other benefits associated with this, the significant harm is not outweighed.

Ecology

13. The application site is within the vicinity (within 5 km and beyond 400m) of Town Common Site of Special Scientific Interest (SSSI) which is part of the Dorset Heathlands Special Protection Area (SPA) and Dorset Heaths Special Area of Conservation (SAC) and Ramsar.
14. The proposed development, either on its own or in conjunction with other proposals, is likely to have an adverse effect on the integrity of the SPA and SAC. Additional pressures in this regard will arise as a result of new house building. Accordingly, I consider that occupation of the proposed development would be likely to increase recreational pressures on the SAC/SPA and, either alone or in combination with other development in the area, would have a significant effect on them. It is therefore necessary for an Appropriate Assessment (AA) to be undertaken.
15. Considering the proposal would result in the introduction of a new dwelling in Christchurch, based on the evidence provided, including the Dorset Heathlands Mitigation Strategy, the increase in people in the area to be housed by the development would likely have an impact to these important ecological areas, such as through recreational pressures.
16. In this case, the cumulative effects of potential development within the Christchurch area on the protected sites have been assessed in the Dorset Heathlands Planning Framework 2015-2020, dated January 2016 (the Mitigation Strategy). These have resulted in an implementation plan to mitigate the impact of new housing development upon the Dorset Heathlands. The measures included within this Implementation Plan are funded partly by CIL receipts and partly by payments secured through planning obligations.
17. I understand that a legal agreement, providing for the appropriate contribution to be made in accordance with the Mitigation Strategy, has been submitted. 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.
18. However, even if there were no likely significant effects to ecology from the proposed development, thereby being in line with policies ME1 and ME2 of the Christchurch and East Dorset Local Plan Part 1-Core Strategy 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.

Conclusion

19. For the reasons given above the appeal is dismissed.

S Rennie

INSPECTOR

