
Appeal Decision

Site visit made on 18 May 2020

by Nick Davies BSc(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 June 2020

Appeal Ref: APP/V1260/W/19/3237347

8 Dudmoor Farm Road, Christchurch BH23 6AQ

- 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 Sue Bristow against Bournemouth, Christchurch and Poole Council.
 - The application Ref 8/19/0823/FUL, is dated 23 April 2019.
 - The development proposed is to demolish existing dwelling and erect a replacement 2 storey dwelling with car parking and vehicular access.
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Decision

1. The appeal is dismissed and planning permission to demolish existing dwelling and erect a replacement 2 storey dwelling with car parking and vehicular access is refused.

Procedural Matters

2. I have used the description of the development from the appeal form, rather than the original application form, as it more clearly describes the nature of the proposal.
3. The plans submitted with the appeal differ to those that comprised the original planning application. The amended plans were submitted to the Council during the course of the application, and they have been referred to in the Council's statement, but it is not clear whether they were the subject of public consultation. However, the amendments are limited to a reduction in the site area, and revised calculations on the floorspace of the rooms, rather than any material changes to the proposed development. Therefore, no parties would be prejudiced by my consideration of them. Accordingly, I have made my decision based on the plans submitted with the appeal.

Main Issues

4. The appeal arises from the Council's failure to make a decision on the application. The Council has submitted a statement setting out how it would have been determined. Based on this statement and all the evidence before me, I consider that the main issues are:
 - a) Whether the proposal is inappropriate development within the Green Belt for the purposes of the National Planning Policy Framework (the Framework) and development plan policy;
 - b) The effect of the development on the openness of the Green Belt;

- c) The effect of the proposal on biodiversity; and,
- d) If the development is inappropriate, whether the harm by reason of inappropriateness and any other harm is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

Reasons

Whether the proposal is inappropriate development within the Green Belt

- 5. 8 Dudmoor Farm Road is a long, narrow bungalow, with a pitched slate roof, set back from the road on a large plot. It is in a rural location, to the northeast of Christchurch, outside the built-up area of the settlement. There is a scatter of dwellings in the locality and a range of equestrian buildings nearby. The appeal site lies within the South East Dorset Green Belt.
- 6. The Government's approach to protecting the Green Belt is set out in Section 13 of the Framework. Paragraph 143 states that inappropriate development is, by definition, harmful to the Green Belt, and should not be approved except in very special circumstances. Paragraph 145 makes it clear that, other than in specified circumstances, new buildings are inappropriate development. One of the exceptions is the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces.
- 7. Saved Policy H13 of the Borough of Christchurch Local Plan (March 2001) (the Local Plan) predates the Framework. However, its approach to replacement dwellings in the Green Belt is consistent with it, in that they will only be permitted where they are not significantly greater in size than the existing dwelling. Additionally, the Local Plan Policy requires that the scale, design, materials and siting of the dwelling is in keeping with the countryside surroundings.
- 8. The parties do not agree on the precise figures for the floor area of the existing and proposed dwellings. However, using the appellant's own figures, the floor area of the existing single storey dwelling is 95.9m², whereas that of the proposed replacement is 221.1m². That is an increase of 130.6%, well over twice the floor area of the existing dwelling. The new building would, therefore, be materially and significantly larger than the one it would replace. Consequently, the proposal would be inappropriate development that is, by definition, harmful to the Green Belt. In accordance with paragraph 144 of the Framework, this is a matter to which I attach substantial weight.

The effect of the development on the openness of the Green Belt

- 9. Paragraph 133 of the Framework states that the fundamental aim of Green Belt policy is to prevent urban sprawl, by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.
- 10. The openness of the Green Belt is clearly evident around the existing dwelling. Whilst there is a scatter of other buildings in the immediate vicinity, they are all of modest proportions and of utilitarian, agricultural or equestrian character. The bungalow itself, being a low profile, single storey building, is relatively unobtrusive when approaching the site from the south, as views of it are filtered by roadside vegetation. It is open to view from the road to the north,

but it is seen against the backdrop of small trees which, together with its scale and subdued materials, help to assimilate the building into the rural scene.

11. The proposed replacement dwelling would have a more extensive footprint, and it would be two-storey. Based on the appellant's figures, the ridge of the existing bungalow is 4.7 metres high, whereas the proposed building would be at a height of 6.3 metres. Due to its flat-roofed design, this increased height would cover a large part of the building, adding considerably to its comparative bulk. The enlarged footprint, and increased height, would result in a significant increase in the amount of development on the site.
12. The proposed dwelling would be of contemporary design, and I have no reason to question the architectural merits of the building itself. However, the white rendered walls and large areas of glazing would have a much more striking appearance than the existing bungalow. As a result, it would be a far more dominant feature in the rural landscape. It would be more readily visible through and above the roadside planting, and in the more open views from the north, it would have a prominent visual presence. For these reasons it would not assimilate well into its surroundings and would be a more noticeable feature in the countryside than the existing bungalow, contributing to a reduction in the apparent openness of the landscape.
13. I therefore find that, as a result of its increased size and strident design, the proposal would be harmful to the openness of the Green Belt.

Biodiversity

14. The application was not accompanied by an ecological survey, and no assessment of the impact of the development on existing habitats, species or features of nature conservation importance has been submitted in support of the appeal. However, there is an extant planning permission¹ for the demolition of the bungalow and construction of a replacement dwelling in a similar location to that now proposed. On the evidence before me, there is no reason to conclude that the appeal scheme would have any greater impact on biodiversity. The Council has suggested a condition to ensure that appropriate mitigation measures are implemented to safeguard protected species. Had I been minded to allow the appeal, I consider that, in the particular circumstances of this case, a condition could have been imposed to achieve the Framework's aim of minimising impacts on, and providing net gains for, biodiversity.

Other considerations

15. The extant permission for a replacement dwelling on the site is a material consideration, as it represents a potential fallback position. There is a greater than theoretical possibility that the permission would be implemented if the appeal is dismissed, therefore I ascribe it significant weight in my decision.
16. The dwelling approved under the extant approval would have a considerably larger floor area than the existing bungalow, and its ridge would be about 1.6 metres higher. The parties do not agree on the comparative footprint and floorspace figures for the extant permission and the appeal scheme. The appellant contends that the appeal scheme has a smaller footprint, less floorspace and a lower overall height, resulting in a lesser impact on openness.

¹ LPA Reference: 8/17/3046/FUL

Even if I were to accept the Council's figures, the increase in the proposed footprint by 7m², and the floorspace by 29m², would not be significant. Therefore, in terms of the area of land covered by the building, and the amount of floorspace provided, I find that the appeal proposal is comparable with the extant consent.

17. However, the impact of a building on the openness of the Green Belt is not only determined by its footprint and floorspace. The volume of the building and its visual impact also play an important role. The extant approval is for a more traditionally designed dwelling with a pitched roof. Its eaves would be at single storey level, so the first-floor accommodation would be entirely within the roof space. As a result, its volume would be considerably smaller than that of the full two-storey dwelling now proposed. The Council has calculated that the volume of the appeal dwelling would be 229m³ greater than that of the extant approval, a difference of 36%. The appellant has not provided evidence to contest this figure. The proposed dwelling would therefore be significantly larger than the permitted dwelling.
18. As well as having a smaller volume, the low eaves level of the permitted dwelling would also reduce its visual impact. In the more open views from the north, the dominant element of the building would be the pitched roof, which would be covered in black slate. This material would be more visually recessive than the white render and glass of the appeal scheme, and would, consequently, have a less conspicuous impact on the rural surroundings. I therefore find that the volume and design of the extant approval would have less impact on the openness of the Green Belt than the appeal proposal.
19. The appellant has also drawn my attention to an appeal decision² which allowed a proposal for a replacement dwelling, of contemporary design, at 12 Dudmoor Farm Road. In that case, which predated the current Framework, the Inspector concluded that the replacement dwelling would not be materially larger than the one it would replace. He also found that the dwelling would not be unduly prominent, as the site was relatively well-screened by existing vegetation and additional screening was proposed. I note also that the majority of the proposed dwelling was single-storey and that the external materials were predominantly dark-stained horizontal boarding. I therefore find that the scheme was not comparable with the case before me, and it carries little weight in my decision.
20. The proposal would result in economic benefits, through the creation of construction jobs, but these would be limited in scale and duration. The appellant also contends that there would be benefits through the creation of a more energy efficient, family-sized dwelling in a sustainable location. However, these benefits could also be achieved through implementation of the extant permission, which would have less impact on the openness of the Green Belt. Consequently, these considerations carry little weight in my decision.

Green Belt Balance

21. I have concluded that the proposed replacement dwelling would be inappropriate development that would conflict with national and local policy to protect the Green Belt. It would also be harmful to the openness of the Green

² Planning Inspectorate reference: APP/E1210/A/13/2209328

Belt. The absence of harm to biodiversity is a neutral factor in the overall balance.

22. The extant consent for a dwelling on the site is a material consideration, but I have concluded that the appeal scheme would be more harmful to the openness of the Green Belt. There are no other considerations in favour of the proposal that clearly outweigh the presumption against inappropriate development in the Green Belt and the substantial weight that the Framework requires to be attached to such harm. The very special circumstances necessary to justify the proposal do not, therefore, exist. Consequently, the development would be contrary to Policy H13 of the Local Plan and the Framework's aim to protect Green Belt land.

Conclusion

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

Nick Davies

INSPECTOR