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## Appeal Decision

Site visit made on 23 June 2020

**by M Bale BA (Hons) MA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 05 August 2020**

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**Appeal Ref: APP/V1260/W/20/3244578**

**41 Danecourt Road, Poole BH14 0PG**

- 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 Mrs Diane Vincent against the decision of Bournemouth, Christchurch and Poole Council.
  - The application Ref APP/19/00017/F, dated 21 December 2018, was refused by notice dated 14 November 2019.
  - The development proposed is demolish existing dwelling and replace with 4 new.
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### Decision

1. The appeal is allowed and planning permission is granted to demolish existing dwelling and replace with 4 new at 41 Danecourt Road, Poole BH14 0PG in accordance with the terms of the application, Ref APP/19/00017/F, dated 21 December 2018, subject to the conditions in the attached schedule.

### Application for costs

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

### Preliminary matter

3. Amended plans were received by the Council during the processing of the application. Not all plans were updated which has led to some inconsistencies. However, the proposal can be understood and the scope of the permission can be clarified through additional wording within my condition confirming the amended plans.
4. The application was refused, in part, due to the effect of the development on European sites. Following payments to the Council and submission of undertakings under Section 111 of the Local Government Act 1972, the Council has advised that these matters have been adequately addressed. I shall return to this later in my decision.

### Main Issues

5. The main issues are the effect of the development on the character and appearance of the area, the effect on living conditions of nearby residents with particular regard to the outlook from No.41a Danecourt Road, and the effect on highway safety with particular regard to parking provision.

## Reasons

### *Character and appearance*

6. Danecourt Road has dwellings on both sides in a broadly linear arrangement. That said, there are examples, including opposite the site, where accesses have been formed to the rear of dwellings to serve additional development behind the main road frontage. The majority of dwellings are substantial, detached properties set back on their sites. On the site side of the road, most are above the road on rising land behind strongly defined front boundaries.
7. There are a wide variety of architectural styles in the locality. Whilst a number of dwellings have a similar appearance to that existing at the appeal site and its neighbour, which appear to be a pair, the Council does not see the existing dwelling as having sufficient architectural merit to justify retention for its own sake. Although nicely proportioned and representative of the era in which it was built, I have no reason to disagree.
8. In the area around the site, there is significant roadside planting giving the area a verdant character where the dwellings are arranged amongst trees and hedges. This gives the area a spacious environment where, aided by a curve in the road, the soft landscape features contribute more heavily to the character and appearance of the area than the individual buildings.
9. Whilst some more modern development exists within the area, the proposal would insert a new architectural style with semi-detached dwellings into the street scene. The proposal would include a number of architectural features that would give the building on the road frontage a fairly bulky appearance including cantilevered ground floor terraces, a projecting stone dividing wall between the dwellings, and a pronounced 'box like' first floor with asymmetrical windows below deeply overhanging eaves.
10. Three storeys of living accommodation would be provided above a garage that had been dug into the rising land. A similar arrangement exists at No.37A Danecourt Road and, whilst this nearby property is described as an anomaly by the Council, the proposed arrangement would reflect an established form. Nevertheless, the presence of the garage would give the dwellings a tall 4-storey appearance compared to the other, mainly two-storey, dwellings in the locality.
11. However, the top floor would be largely accommodated within the pitched roof space. It would be set well back from the main front elevation so as to reduce the overall bulk when viewed from the street. A landscaped bank to the front would help to conceal much of the garaging from many views into the site, maintaining the strongly defined front boundaries. The result would allow dwellings that were not significantly taller than the existing building to sit comfortably within the wider street scene and, despite the more open and engineered frontage, not undermine the verdant character of the area.
12. The two dwellings to the rear of the site would be largely hidden from public views. The Council has indicated that they would provide adequate garden space and parking, and they would be surrounded by other garden space at adjoining sites. Therefore, I find that they would not be cramped. From this part of the site, other development behind road frontages, albeit not accessed from Danecourt Road, is apparent and, in particular, the dwellings would have

visual affinity with nearby No.7 Harbour View Road which also has no direct road frontage. They would not, therefore, appear isolated or uncharacteristic.

13. As such, I find that the proposal would reflect the defining characteristics of the area and not harm its appearance as required by Policies PP27 and PP28 of the Poole Local Plan 2018 (LP).

#### *Living conditions*

14. The proposed dwellings on the road frontage would be broadly on the site of the existing No.41. Although, due to the excavation and additional wall height, the proposal may have more presence than the existing dwelling, it would not project significantly beyond the existing footprint or be significantly higher. Whilst the dwellings would be slightly closer to the boundary of No.41a than the existing they would sit alongside a garage to this neighbouring property. The roof would slope away from the side boundaries and, therefore, despite the bulky stone dividing wall between the proposed pair, it would not be overbearing on the outlook from No.41a.
15. Concerns have been raised in the representations relating to the privacy of neighbouring residents. This is particularly in relation to views from the proposed dwellings to the rear, which, given the size and shape of the site, would be close to the boundaries. However, this is not a concern shared by the Council and, despite the changes in level, I too find that the distances or angles between properties would be sufficient to avoid any harmful loss of privacy or natural light.
16. The dwellings to the rear would bring additional activity, including vehicle movement with its associated noise and fumes, into an area surrounded by other residential gardens. However, the number of dwellings would be small and so the level of activity would be low. Like the Council, therefore, I find that this additional activity would not cause harm to the living conditions of neighbouring residents. Accordingly, there would be no conflict with those parts of LP Policy PP27 that seek to protect these interests.

#### *Highway safety*

17. The proposed garage parking spaces for the dwellings at the front of the site would fall below that advised by the Council's Transport Development Management Officer. However, there is no substantive evidence as to why double garages need to be the stated size, or reference in that officer's comments to a specific evidence based guideline for double garages. I note that the Parking and Highway Layout in Development Supplementary Planning Document 2011 (SPD) gives size guidance for single garages on the basis that they must also include some provision for storage. The plans in this case, show a utility boiler room that could provide some storage to the rear of the garages. Moreover, I find no compelling evidence that the garages would not adequately accommodate two cars or conflict with the principles of the SPD.
18. The proposed site plans do not clearly demonstrate how all of the required spaces for the frontage properties would be provided in addition to the garages and the forecourt space would appear to be tight for manoeuvring purposes. However, there is currently no on-site turning provision nor is there any at a number of nearby properties so I see no reason to insist upon dedicated turning space for the proposals.

19. I saw at my site visit that there are parking restrictions on Danecourt Road and nearby North Road, with parking on Danecourt Road confined to a limited number of marked bays. I note from the representations that the road can be busy and there may be indiscriminate parking outside the bays at times. However, I cannot attach significant weight to the inconvenience of any parking that may occur in contravention to the restrictions. As appropriate places to park are marked, I find that any parked cars that could not be accommodated at the site would not result in an obstruction to the free flow of traffic or any harm to highway safety.
20. As such, I find that even if the parking provision for the front dwellings proves inadequate, no harm to highway safety would arise. There is no substantive evidence that the access and parking for the dwellings at the rear of the site would be incapable of meeting the needs of future residents and the traffic likely to be attracted to them. Therefore, the proposal would not conflict with LP Policy PP35 that requires development to provide safe access to the highway and accord with the SPD.

### **Other matters**

21. There is local concern about flood risk due, in part, to a high water table in the area and the site levels. However, the Council's officer report indicates that the area is capable of accommodating soakaways, and that permeable surfacing and landscaping could be secured to minimise surface water run-off. I have no substantive evidence to lead me away from this position.
22. I note that planning permission was previously refused for a development that would have resulted in fewer dwellings on this site. I must assess this appeal based upon the current proposal and the evidence before me now. An appeal relating to 3 dwellings to the rear of No.66 Danecourt Road was also dismissed due to effects on the character and appearance of the area and living conditions, as was an appeal for a development at 105 North Road due to the effect on living conditions. However, although nearby, these were different proposals, at different sites that have different relationships to the public realm and their surroundings, and so are not directly comparable. Therefore, these previous decisions do not lead me away from my conclusions above.
23. The need for the development has been questioned, along with comments that other nearby similar development has not sold. However, regardless of this, the Council's officer report confirms that the site is in a location where additional development and intensification is supported in principle. Therefore, in the absence of substantive evidence that the form of development proposed is manifestly unsuitable in respect of the housing needs of the area, these concerns are only of very limited weight.
24. A biodiversity survey has been undertaken that confirms that the site has low potential for bats and there was no evidence of nesting birds. There is, therefore, no particular evidence of a reasonable likelihood that protected species would be present on the site. Taking a precautionary approach, however, the report recommends a further survey, which can be secured through planning conditions.
25. There is potential for disruption during construction works. Whilst I understand that this may follow other previous disruption in the area and is a frustration

for nearby residents, such is likely to be short term. It is, therefore, of limited weight and does not lead me away from my earlier findings.

### **Appropriate Assessment**

26. The site is within 5km of the Dorset Heathlands Special Protection Area (SPA) and Ramsar site, and the Dorset Heaths Special Area of Conservation (the Dorset Heathlands European sites). It is also in close proximity to the Poole Harbour SPA and Ramsar site (the Poole Harbour European sites). Additional impacts arising from a greater number of residents in the area, in combination with other development, using these sites for recreation purposes means that likely significant effects to the integrity of the European sites could arise. Appropriate Assessment under the Conservation of Habitats and Species Regulations 2017 is, therefore, required.
27. The Dorset Heathlands European sites host protected priority habitats and species. Qualifying features include Dartford Warbler, Nightjar, Woodlark, Hen harrier and Merlin as well as other typical species of lowland heathland, wetlands and dunes. Their conservation objectives are to ensure the integrity of the sites is maintained, and ensuring that the sites contribute to achieving the favourable conservation status of their qualifying features.
28. The Dorset Heathlands Planning Framework 2020-2025 Supplementary Planning Document (DHPF), indicates that the associated increases in population, in combination with other development, are likely to place increased pressure upon the protected heathland, including through increases in wild fires, damaging recreational uses, the introduction of incompatible plants and animals, loss of vegetation and soil erosion, and disturbance by humans and their pets.
29. The DHPF sets out that mitigation measures can be achieved through the delivery of Heathland Infrastructure Projects (HIPs), funded through the Community Infrastructure Levy (CIL), and Strategic Access Management and Monitoring Measures (SAMMs). Financial contributions have already been made directly to the Council in respect of SAMMs and their purpose is set out in two associated undertakings under S111 of the Local Government Act 1972. The DHPF sets out governance measures as to how this payment would lead to appropriate mitigation.
30. Similarly, increased recreational pressure on parts of Poole Harbour is likely to have a significant effect upon the Poole Harbour European sites. These features are designated for their internationally important populations of regularly occurring species and migratory species. Particular features of interest include Common Shelduck, Pied Avocet, Black-tailed Godwit, Mediterranean Gull, Common Tern, Little Egret, Eurasian Spoonbill, and Sandwich Tern. There is also an internationally important assemblage of waterfowl including Dunlin, Redshank and Brent Goose, as well as supporting habitats for seagrass, shallow inshore waters including coastal lagoons, intertidal sediments, saltmarsh, and reedbeds.
31. The Poole Harbour Recreation 2019-2024 Supplementary Planning Document (PHR) sets out that Poole Harbour Infrastructure Projects (PHIPs), funded from CIL, and SAMMs funded from individual contributions can avoid significant adverse effects on the integrity of the Poole Harbour sites. As with the Dorset Heathlands, the appellant has paid appropriate contributions to the Council to

cover the cost of SAMMs. The PHR sets out governance measures as to how this payment would lead to appropriate mitigation.

32. Having sought the views of Natural England as Statutory Nature Conservation Body, I am satisfied that the mitigation provided through the HIPs, PHIPs and SAMMs, would ensure that significant adverse effects to the integrity of the European Sites would not arise from this development, in combination with other development in the area. The measures would be delivered by the Council, from the point at which the dwellings were occupied, using the payments that have been provided.

### **Conditions**

33. A plans condition is required for certainty. In the interests of the character and appearance of the area, conditions are required to secure details of landscaping, facing and roofing materials. To ensure adequate facilities are available for traffic likely to be attracted to the site, in the interests of highway safety, conditions are required to secure the laying out and retention of the parking and turning facilities and appropriate visibility splays.
34. To protect the privacy of the occupiers of No.39, it is necessary to secure obscure glazing for the stairwell window in the side facing that property, and privacy screens on the side returns of the proposed balconies. Although there is limited potential for the site to accommodate bats, adopting a precautionary approach, it is necessary to secure a further emergence survey prior to any demolition works.
35. LP Policy PP37 also requires a proportion of future energy use to be provided from renewable energy sources and a further condition is necessary to secure this. I have made some revisions to the Council's suggested conditions in the interests of clarity and to ensure compliance with the National Planning Policy Framework.

### **Conclusion**

36. Having regard to the above, I conclude that the appeal should be allowed.

*M Bale*

INSPECTOR

## Schedule

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 0037/001 (insofar as it relates to the 'location plan' elements); 0307/002 A; 0307/003 A; 0307/004; 0307/005; and 0307/006 (insofar as it describes the proposed site and floor levels).
- 3) Prior to their installation, details and samples of all external facing materials shall be submitted to and approved by the Local Planning Authority in writing. The development shall be carried out in accordance with the approved details and thereafter retained as such.
- 4) Prior to any works connected with the demolition of the existing dwelling, a bat survey, comprising a dusk emergence or dawn re-entry survey shall be carried out. The results of the survey, along with any required recommendations, shall be submitted to and approved in writing by the Local Planning Authority prior to the demolition works taking place and any recommendations shall be thereafter carried out as specified within the survey report.
- 5) Prior to occupation of the development hereby permitted, details of the use of on-site renewable energy sources to meet a minimum of 10% of predicted energy use of the residential development, shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to the occupation of the dwelling to which they relate and shall thereafter be retained and maintained as such.
- 6) Prior to the occupation of any of the dwellings hereby permitted, a scheme of landscaping shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include provision and details for landscape planting, walls, fencing and other means of enclosure and any changes in levels, indications of all existing trees and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development.
- 7) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species. Any walls, fences or other means of enclosure shall be constructed prior to the occupation of the dwelling to which they relate and shall thereafter be maintained as such.
- 8) The development hereby permitted shall not be brought into use until the access, turning space, vehicle parking shown on the approved plan have been constructed, and these shall thereafter be retained and kept available for those purposes at all times.
- 9) Before the development hereby permitted is brought into use, a plan showing pedestrian visibility spays either side of the access shall be

submitted to and approved in writing by the Local Planning Authority. Prior to occupation of the site the land designated as visibility splay(s) as indicated on the approved plan(s) shall be cleared of all obstructions over 0.6 metres above the level of the adjoining highway, including the reduction in level of the land if necessary, and nothing over that height shall be permitted to remain, be placed, built, planted or grown on the land so designated at any time.

- 10) The stairwell window at first floor on the 'side/west' elevation on the front residential building (Unit A) detailed on drawing no. 0307/004 shall be glazed with obscure glass and fixed shut. The type of obscure glazing shall be agreed in writing by the Local Planning Authority prior to the installation of the window, shall be implemented prior to the occupation of the dwelling to which it relates and shall thereafter be maintained as such.
- 11) Prior to occupation of the front two dwellings of the scheme hereby approved (Unit A and B), obscure glazed privacy screens of at least 1.8 metres in height shall be erected along the sides of the balconies and shall thereafter be permanently retained as such in accordance with details that shall previously have been submitted to and approved in writing by the Local Planning Authority prior to their installation.