



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: 30th September 2020

Appeal Ref: APP/D1265/W/19/3243088

Hillside, Woodsford Road, Crossways DT2 8UU

- 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 Greavey, Forster Greavey Ltd against the decision of Dorset Council.
 - The application Ref WD/D/19/001148, dated 24 April 2019, was refused by notice dated 14 October 2019.
 - The development proposed is demolition of existing bungalow, construction of 4 No. semi detached and 1 no. detached dwellings (5 No. dwellings total) with associated car parking and landscape.
-

Decision

1. The appeal is allowed and planning permission is granted for demolition of existing bungalow, construction of 4 No. semi detached and 1 no. detached dwellings (5 No. dwellings total) with associated car parking and landscape at Hillside, Woodsford Road, Crossways DT2 8UU in accordance with the terms of the application, Ref WD/D/19/001148, dated 24 April 2019, subject to the conditions in the attached schedule.

Main Issues

2. The main issues are the effect of the development on the character and appearance of the area, and the effect on the living conditions of neighbouring residents at Blackwell Walk with particular regard to outlook and privacy.

Reasons

Character and appearance

3. The site is within the urban area and marks a transition on Woodsford Road between more established development and a large area of newer housing. The new development has a fairly uniform style and appearance that the Council contends is representative of the local vernacular. The proposals do not reflect this style.
4. However, along Woodsford Road generally is a wide variety in architectural styles. The appearance is of groups similar dwellings in small clusters that do not necessarily reflect the surrounding groups or any wider vernacular style. In this context, the proposed appearance would not be out of place. Although most nearby dwellings are two-storey, second floor accommodation would be within the roofspace, and the overall scale would not appear excessive.

5. Somewhat unusually for the area, a second row of dwellings would be provided behind those directly fronting Woodsford Road. However, this is not unprecedented, with a similar arrangement existing further along the road. Although currently garden land, dwellings in this location would not harmfully change the residential character of the area and, being separate from the main street scene where they would be partially obscured from the public realm, would not have a cramped appearance.
6. The proposed dwellings would have a deep planform, and the inclusion of a large dormer would provide extra bulk at second floor level. However, as the site is surrounded by other dwellings on the road frontage and the dormer would be on a side elevation, these features would only be readily appreciated at very close range and would not harm the mixed appearance of the area.
7. It has been suggested in the representations that the number of properties is disproportionate to the size of the plot. I note that other examples of developments for 5 dwellings in the vicinity have been on larger plots. However, for the above reasons, I find that this proposal would not harm the character and appearance of its surroundings.
8. I, therefore, find that there would be no conflict with policies ENV1, ENV10, ENV11 or ENV12 of the West Dorset, Weymouth and Portland Local Plan 2015 which seek to ensure that development provides a coherent street structure, is designed to complement and respect the character of surrounding areas, maintaining and enhancing local distinctiveness. The Council's reason for refusal also refers to LP Policy ENV1 relating to landscape protection. As the site is surrounded by other residential development, there would be limited visual effect from any removal of boundary planting, so I find this particular policy to have little relevance to my decision.

Living conditions

9. No.8 Blackwell Walk sits alongside those dwellings proposed for the plot frontage. It has a conservatory at the rear, close to the boundary with the site. The rear part of the site is alongside Nos.4-6 Blackwell Walk whose rear elevations face the site boundary and the proposed side elevation of proposed plot 4. The site is higher than these neighbours. The garden of No.3 Blackwell Walk extends along the rear part of the site.
10. Notwithstanding the change in level, the separation from the rear elevations of Nos.4-6 would mean that the proposed dwellings did not create an oppressive internal living environment for these neighbours. The side elevation of plot 4 would have a fairly bulky appearance. However, it would be set slightly off the boundary line and the site would be open to either side of plot 4, limiting any enclosing effect.
11. Plot 1 would be built alongside the side elevation of No.8. Given the levels and the relative positions of the dwellings, its conservatory would be affected and may suffer some loss of light. However, the proposed side elevation would not extend along the full width of the conservatory, reducing any effect and avoiding complete enclosure of that room. As such that I conclude that the proposal would not have a significant adverse effect upon the living conditions of this neighbour.

12. The development would bring an increase in activity into the area that is currently rear garden for a single bungalow. However, given the surrounding residential context and relatively close proximity of other neighbours and parking areas, such would not lead to unacceptable additional noise or pollution for nearby residents.
13. Rear windows would face towards the garden area of No.3 Blackwell Walk, but the distances to the garden and angles to this neighbour's windows would be sufficient to maintain privacy for the occupiers. The angles between proposed and existing windows of other properties would similarly avoid any loss of privacy. Therefore, I find that there would be no harm to the living conditions of neighbouring properties and the proposal complies with LP Policy ENV16 that seeks to protect such interests.

Other matters

14. I note that Woodsford Road can become heavily congested by parked vehicles which impede traffic flow and access from other nearby properties. There is no substantive evidence that the proposed parking and turning spaces are inadequate to accommodate vehicles likely to be attracted to the site, or that visibility from existing adjoining parking bays would be significantly different to other locations in the area. The access to plots 4 and 5 may not be wide enough to accommodate a footway, but given the low number of dwellings that would be served from this route, pedestrians, including those with restricted mobility, could be safely accommodated alongside vehicular traffic.
15. Moreover, whilst guidelines may require some visitor parking provision at the site, the Local Highway Authority has not objected to the proposal. I, therefore, conclude that there would not be no adverse effect on highway safety as a consequence of the development.
16. I note that hedgerows proposed for removal may be historic field boundary features. However, the Council is satisfied that planning conditions can be used to secure overall biodiversity enhancement at the site. I have no reason to disagree with that position.
17. There are some representations about the suitability of the proposed housing mix and need for the development, given other developments proposed in the area. However, given the Council's stated position that it cannot currently demonstrate a 5 year supply of deliverable housing land, I attach very little weight to these concerns.

Habitats Regulations Assessment

18. Natural England has confirmed that the proposal would result in a net increase in dwellings within 5km of the Dorset Heathlands Special Protection Area (SPA). As set out in the Dorset Heathlands Planning Framework 2020-2025 Supplementary Planning Document (DHPF), recreational impacts associated with increases in population can lead to likely significant effects on these European Sites. Natural England has also noted that, there would be likely significant effects on the Poole Harbour SPA and Ramsar as a consequence of increased nutrients entering the Harbour via the sewage treatment system. Appropriate Assessment under the Conservation of Habitats and Species Regulations is, therefore, required.

19. The Dorset Heathlands are an extensive area of Lowland Heath that are recognised for their national and international importance for nature conservation. They host protected priority habitats and species including Dartford warblers, nightjars, woodlark, hen harrier, merlin, sand lizards and smooth snakes.
20. An increase 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.
21. The DHPF sets out that mitigation so as to avoid significant adverse effects on the integrity of the protected sites can be achieved through the delivery of Heathland Infrastructure Projects and Strategic Access Management and Monitoring Measures. At the appeal site, such mitigation would be funded through the Community Infrastructure Levy (CIL) and delivered by the Council, giving me assurance over its deliverability.
22. Poole Harbour includes large areas of intertidal marshes and mudflats that, together with the permanent channels, support large numbers of non-breeding water birds of national and international significance. However, increasing levels of nitrogen from sewage and agriculture are contributing to the growth of algal mats in Poole Harbour through eutrophication, restricting the food available for wading birds.
23. The Nitrogen Reduction in Poole Harbour Supplementary Planning Document (NRPH) 2017 sets out a package of mitigation measures to ensure nutrient neutrality, such as improving nitrogen stripping at Sewage Treatment Works and offsetting the increase through converting high nitrogen input land uses to low input uses. The NRPH indicates that individual councils have the responsibility to ensure that sufficient mitigation is in place prior to occupation of the development. The Council has confirmed that the measures would be funded by CIL.
24. With regard to the foregoing, following Appropriate Assessment under the Conservation of Habitats and Species Regulations (2017), I conclude that the development would not give rise to significant adverse effects upon designated European Sites.

Conditions

25. A plans condition is required in the interests of certainty. Conditions are required to secure biodiversity enhancement as required by the National Planning Policy Framework (the Framework), in accordance with the appellant's submitted statement. In the interests of highway safety, conditions are required to secure appropriate access arrangements from the public highway, and details of facing materials must be secured in the interests of the character and appearance of the area.
26. As the site is surrounded by other dwellings, conditions to control the hours of working and suppression of dust during construction are necessary to protect living conditions. Due to nearby land uses, it is also necessary to ensure the reporting and remediation of any unexpected contamination at the site.

27. I have made some revisions to the Council's suggested conditions in the interests of clarity and precision, to ensure compliance with the Framework.

Conclusion

28. With 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: 19-100 PL 01 rev A; 19-100-PL 02 rev A; 19-100 PL 03 rev B; 19-100 PL 04 rev B; 19-100 PL 05 rev B; 19-100 PL 06.
- 3) No development above foundation level shall commence until samples of materials to be used in the construction and finish of the external walls and roof (to include a sample of the bricks, slate, ridges, hips, timber boarding, rain water goods, render colour) have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved samples.
- 4) Before the development is occupied the dropped kerb and footway crossings forming access to the highway, the parking and turning areas shown on Drawing Number 19-100 PL 02 A must be constructed, unless otherwise agreed in writing by the Local Planning Authority. Thereafter, these must be maintained, kept free from obstruction and available for the parking and turning and manoeuvring of vehicles.
- 5) The biodiversity mitigation measures set out in the Biodiversity Mitigation & Enhancement Plan dated 31.05.19 shall be implemented in full, prior to the development hereby approved being first brought into use and the site shall thereafter be maintained in accordance with the stated mitigation proposals.
- 6) No development shall take place, including any works of demolition, until a scheme to control the emission of dust and dirt during construction has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be adhered to throughout the construction period for the development.
- 7) Any contamination that is found during the course of construction of the approved development shall be reported immediately to the Local Planning Authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the Local Planning Authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the Local Planning Authority. These approved schemes shall be carried out before the development is resumed or continued.
- 8) Demolition or construction works shall take place only between
0700 and 1900 Monday-Friday
0800 and 1300 Saturdays
and shall not take place at any time on Sundays or on Bank or Public Holidays.