



Appeal Decision

Site visit made on 23 September 2020

by D J Barnes MBA BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Housing, Communities and Local Government

Decision date: 15 October 2020

Appeal Ref: APP/V1260/W/20/3251635

97 Orchard Avenue, Poole BH14 8AH

- 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 and Mrs A Turner against the decision of Bournemouth, Christchurch and Poole Council.
 - The application Ref APP/19/01116/F, dated 29 August 2019, was refused by notice dated 29 October 2019.
 - The development proposed is for the demolition and a replacement of an existing dwelling and outbuildings with a new dwelling and garage.
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Decision

1. The appeal is dismissed.

Main Issue

2. It is considered that the main issue is the effect of the proposed development on the character and appearance of the surrounding area.

Reasons

3. The appeal property is a 2-storey detached house on the edge of a residential area comprising similar sized detached dwellings of varying designs. There are some recently erected houses and flats of contemporary design which include balconies and extensive areas of glazing with an outlook towards the sea. The dwellings are generally set back from the footways of Orchard Avenue to the rear of spacious and landscaped gardens which are also used for parking. A notable exception to the open and landscaped character and appearance of the streetscene is the single storey garage sited forward of the appeal property.
4. The property is located within the Poole Park Conservation Area where there is a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the area. Poole Park itself is a Listed Building where special regard is required to be had to the desirability of preserving it or its setting or any features of special architectural or historic interest which it possesses. These statutory heritage requirements are echoed in Policy PP30 of the Poole Local Plan (LP).
5. The Council's *Poole Park Conservation Area Supplementary Planning Guidance* (SPG) identifies the character of the area as being parkland open space containing a number of worthy architecturally structures albeit these do not include the property. Reference is made in the SPG to new development being of traditional design and according with the identified townscape character.

However, buildings of modern design are encouraged if the design is of exceptional quality. The promotion of a good standard of design being required for all new developments is identified in LP Policy PP27.

6. The property is elevated above Poole Park with a steep slope extending from the lawn within the rear garden to a brick boundary wall fronting Whitecliff Road. Vegetation has been removed from the slope and exposed some brick steps and retaining walls. From Whitecliffe Road there are gated pedestrian and vehicular accesses to some of the dwellings fronting Orchard Avenue. The slope and associated brick structures are visible from various locations within the Conservation Area and Listed Building. Although elevated, views of the property itself are from more distant locations than the slope.
7. Although within the Conservation Area, no objection to the principle of the property being demolished and a replacement dwelling being erected has been raised by the Council. The Council's concerns are related to aspects of the detailed design of the proposed development, including the fenestration of the dwelling's rear elevation, the alterations to the slope to create a garage/parking area and the siting of the flat roof double garage within the front garden.
8. From Poole Park the general form and size of the proposed dwelling would be similar to the neighbouring properties. Although there would be extensive glazing and glass screens at roof level, these contemporary elements of the proposed design would be seen against the context of the roof slope. From the viewpoints available, because of their siting and design these elements of the appeal scheme would not visually dominate the proposed dwelling. For similar reasons, the first floor balcony would be viewed against the context of the main part of the proposed dwelling.
9. Further, the proposed rear elevation would not be out of context with the contemporary fenestration and balconies of other dwellings within the Conservation Area, including those with elevations facing towards Poole Park such as 107 and 105 Orchard Avenue. Accordingly, by reason of siting and a good standard of design, the rear elevation of the proposed dwelling would preserve the character and appearance of the Conservation Area and would not harm the setting of the Listed Building.
10. There would be a material change to the character of the slope because of the increase in the quantum of the built form of development and materials associated with the front elevation of the garage and the terraces above. By reason of materials and colour, the existing built forms of development (including the brick paths, steps, small structure and retaining walls) are less obtrusive than this element of the proposed development.
11. Although the proposed garage's frontage would be partially screened by the rear boundary wall fronting Whitecliffe Road, the proposed built form and appearance of the slope would fail to reflect the characteristics of the adjoining verdant slopes. The alterations to the slope would not be of a good standard of design, would fail to preserve the character and appearance of the Conservation Area and would cause harm to the setting of the Listed Building. A landscaping condition could be imposed but there would be nothing to require the retaining of any planting after the normal maintenance period.

12. As identified by the appellants, there are garages to the rear of other properties with access from Whitecliffe Road. However, these are located where there is not the same steepness of slope and, as such, the same quantum of built development as being proposed by the appeal scheme is not as visible.
13. As identified, the property's existing single storey garage is a notable feature and its removal would represent an enhancement to the character and appearance of the streetscene. However, although it would be sited further away from the footway than the existing garage and would be subservient in scale to the dwelling, the bulk, size and siting of the proposed double garage, together with its flat roof design, would be a more visually dominant feature within the streetscene. Further, for the same reasons, the proposed garage would not be of high quality design and would be detrimental to the open and landscaped character and appearance of the streetscene. Accordingly, the character and appearance of the Conservation Area would not be preserved but would be harmed.
14. The unacceptable harm which has been identified concerning the alterations to the slope to create a garage with its associated parking area and the double garage demonstrably outweigh the lack of harm associated with the fenestration of the replacement dwelling's rear elevation.
15. The National Planning Policy Framework identifies that where a development proposal would lead to less than substantial harm to the significance of a designated heritage asset then this harm should be weighed against the public benefits of the proposal. The benefits claimed by the appellants include the health and safety concerns associated with brick structures which exist within slope and the context of the property within a residential area. However, the property's context has already been assessed and limited weight is given to the health and safety concerns because remedial works could be undertaken to the existing brick structures. Sustainable construction and energy efficiency would be matters expected of any new dwelling rather than being specific to the appeal scheme. This is a case where the benefits claimed by the appellants do not outweigh the harm which has been identified.
16. For the reasons given, it is concluded that the proposed development would cause unacceptable harm to the character and appearance of the surrounding area and, as such, it would conflict with LP Policies PP27 and PP30. Accordingly, it is concluded that this appeal should be dismissed.

D J Barnes

INSPECTOR