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## Appeal Decision

Site visit made on 12 October 2020

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

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

**Decision date: 11 November 2020**

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**Appeal Ref: APP/V1260/W/20/3254779**

**37 Anvil Crescent, Broadstone, Poole BH18 9DY**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by Fayrewood Property Limited against the decision of Bournemouth Christchurch and Poole Council.
  - The application Ref APP/20/00112/P, dated 28 January 2020, was refused by notice dated 14 April 2020.
  - The development proposed is to erect a single storey bungalow.
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### Decision

1. The appeal is dismissed.

### Procedural Matter

2. The appeal seeks outline permission with all matters reserved except for layout and access. In so far as the submitted plans and drawings show details of matters other than the layout and access, I have treated those as being purely illustrative.

### Main Issues

3. The main issues are (1) the effect of the development on the character and appearance of the area, including the impact to adjacent protected trees, and (2) the effect of the development on the value and integrity of internationally protected ecology sites.

### Reasons

#### *Character and Appearance*

4. The site is in a residential area, with Anvil Crescent primarily characterised by bungalows and dormer style dwellings set within generous plot sizes. These dwellings front this road, usually behind a front garden. The proposed bungalow, however, would be set in a rearward position within the back garden of No 37 Anvil Road.
5. The host dwelling's plot is large, but its sub-division would result in a relatively small plot for both No 37 and the proposed bungalow. In an area characterised by spacious plots, this would result in much less space provided around the dwelling than most adjacent properties. These factors serve to demonstrate that the proposed dwelling would appear cramped within its boundaries.

6. There is the development of four dwellings in total at Abbotsbury Road, but this is more of a comprehensive development in what was rear gardens, forming something akin to a small cul-de-sac in itself. However, the proposed single bungalow with the appeal scheme would appear out of keeping and an incongruous addition within the street scene of Anvil Crescent. There is a suggestion of further dwellings to either side to follow, but this proposal is for a single dwelling and therefore this is what I have considered. Furthermore, the dwelling proposed at No 37 would have a limited relationship with the dwellings developed at Abbotsbury Road, with a significant amount of trees and general landscaping between the plots filtering views.
7. The proposed bungalow may reflect the design of other dwellings in the area and provide sufficient parking provision. I also recognise that this is a residential area with access to facilities and services. However, this does not overcome the issue of the inappropriate layout with the bungalow failing to suitably reflect the prevailing characteristics of the street. There may be some comparables with the recent development on Abbotsbury Road in terms of density and plot sizes, but this development relates more to Anvil Crescent to which the proposed development would appear as incongruous in its arrangement and layout.
8. Whereas there may be some changes as part of an evolving character within certain streets, within the context of this site within Anvil Crescent, the proposal would be out of keeping with the prevailing character. As such, the proposal is contrary to policies PP02, PP27 and PP28 of the Poole Local Plan (November 2018). These policies require development to reflect or enhance local patterns of development, in keeping with neighbouring buildings and the established pattern of development in the street, amongst other things.

#### *Tree Impact*

9. There is a group of mature trees on or near the site which are protected under Tree Preservation Order (TPO) 18/00001/G1. These trees are set to be retained and I am satisfied with the submitted Arboricultural Impact Assessment (AIA) and from what I observed on site that this can be achieved. However, the site is to the north of some of these trees which are tall and imposing, which would cast a shadow over much of the rear garden area of the proposed bungalow.
10. While this is noted, there is no substantive evidence that future occupants of the proposed dwelling would be inclined to try to prune or fell these trees. They would be aware of the trees before purchasing the bungalow and furthermore, even if they did apply pressure to get the trees pruned or felled, they are mainly on others land and the Council also retains control over these trees through the TPO.
11. For these reasons, I am not persuaded that the proposed dwelling would necessarily result in the inappropriate pruning or felling of important trees which are positive features for the visual amenity of this area. As such, with regards this issue, the proposal accords with policies PP27 of the Poole Local Plan (November 2018) and BP3 of the Broadstone Neighbourhood Plan in this regard. These policies seek to safeguard trees that make a significant contribution, either individually or cumulatively, to the character and local climate of the area and retain soft landscaping, amongst other things.

### *Ecology Sites*

12. The Council's third reason for refusal was that, in the absence of an appropriate contribution towards mitigating effects on ecology resulting from increased recreational pressure and potential for disturbance to the Dorset Heathlands Special Protection Area ('SPAs'), Site of Special Scientific Interest (SSSI), and Dorset Heaths SAC (Special Area of Conservation), a likely significant adverse effect in that respect could not be ruled out. The appeal site falls within the five kilometre zones of influence of the SPA, with reference to the Dorset Heathlands Planning Framework 2020-2025.
13. The Council indicates that there would be a need for the development to provide mitigation of potential impacts on the Dorset Heathlands Special Protection Areas. As part of the Dorset Heathland Planning Framework a contribution will be taken from all qualifying residential development to fund Strategic Access Management and Monitoring (SAMM).
14. Reason for refusal No 4 also highlight that to ensure against development harm to the Poole Harbour SPA, SSSI and Ramsar designations, this would require a further contribution towards the Poole Harbour recreation SAMM. My attention has been drawn to the Poole Harbour Recreation 2019-2024 document in this regard.
15. The appellant has submitted a draft Head of Terms to meet the requirement set out in the Dorset Heathlands and the Poole Harbour SPDs. It appears that the appellant is prepared to make the contributions. 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.
16. However, even if there were no likely significant effects to these important ecology sites from the proposed development, thereby being in line with Poole Local Plan policies PP32 and PP39 and the National Planning Policy Framework (the 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.

### **Planning Balance**

17. The Council has stated that it can demonstrate a 5 year housing land supply, although this has been contested by the appellant who states that the Council figures cannot be relied upon. If there was not a sufficient housing land supply, paragraph 11 of the Framework sets out that decisions should apply a presumption in favour of sustainable development and that, under criterion d) where the policies which are most important for determining the application are out of date, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
18. In terms of benefits, the proposal would include a new dwelling towards housing land supply in a residential area within a settlement boundary, which could provide for families for example. There would also be the economic benefit to the area from new occupants supporting local businesses. The appellant also states this as being an efficient use of land. However, as only a

single dwelling is proposed the benefits are limited. Moreover, I have concluded that the proposal would be harmful to the character and appearance of the area, which would be contrary to some of the development plan policies of the Poole Local Plan, whilst the development would also be contrary to Chapter 12 of the Framework, which has regard to achieving well designed places.

19. I recognise that the site is not within a town or district centre, or within a sustainable transport corridor, but the reason for refusal No 1 does not include this aspect of the proposal. In any case, in relation to policy PP02 with regards accessibility, this site is in a residential area where there does appear to be a relatively good level of access to shops and services, with alternative modes of travel to use of the private car available.
20. Overall, even if the tilted balance under paragraph 11 of the Framework did apply, the proposal would be harmful to a degree that would significantly and demonstrably outweigh the limited benefits when considering the policies of the Framework as a whole.

### **Conclusion**

21. For the reasons given above, and considering all matters raised, this appeal should be dismissed.

*Steven Rennie*

INSPECTOR