

Appeal Decision

Site visit made on 2 September 2020

by M Scriven BA (Hons) MSc CMgr MCIHT MCMI

an Inspector appointed by the Secretary of State

Decision date: 25 November 2020

Appeal Ref: APP/V1260/W/20/3252856

1A Lawrence Drive, Poole, BH13 7EN

- 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 A Price against the decision of Bournemouth, Christchurch and Poole Council.
 - The application Ref APP/20/00093/F, dated 21 January 2020, was refused by notice dated 27 March 2020.
 - The development proposed is to demolish existing property and erect 3 detached properties.
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Decision

1. The appeal is dismissed.

Procedural matters

2. The Council's reasons for refusal included the absence of avoidance or mitigation measures in respect of effects on European protected habitats. I have dealt with this below.

Main Issues

3. The main issues are the effect of the proposed development on the character or appearance of the area, with particular regard to the Branksome Park Conservation Area (CA) and;
4. The effect of the proposed development on the living conditions of neighbours at No 1 Lawrence Drive, with particular regard to privacy.

Reasons

Effect of the proposal on the character or appearance of the area and CA

5. The appeal site sits in a corner plot adjacent to Lawrence Drive and Canford Cliffs Road. The positioning and size of the existing dwelling follows that which prevails in the area, being set back from the road, centrally positioned in spacious gardens, amongst established trees and aligned with its neighbours. Although there are differing property styles, this overall uniformity in size, space between buildings and general alignment positively contributes to the character and appearance of the area.
6. The CA boundary runs down the opposite side of Canford Cliffs Road. Legislation and national policy require great weight be given to the preservation or enhancement of the significance of designated heritage assets such as the CA. Given its close proximity to the CA boundary such considerations are relevant to the proposal. The significance of the setting of the CA is attributed to its

- spacious sylvan character and large plots, with established vegetation forming property boundaries, creating a rural like feel and making it distinct from the nearby urban area.
7. The proposed development would introduce three detached dwellings, with associated gardens, integral garages and bin storage within the current boundary of the site. The existing building would be demolished, Plot 1 would be served by amending the access on to Lawrence Drive and an additional access would be created on to Canford Cliffs Road serving Plots 2 and 3,
 8. The subdivision of the existing plot would result in the proposed plot sizes being significantly smaller and narrower than that which prevails. Likewise, the proposed buildings would appear far smaller than the nearby established built form. Similarly, the positioning of the proposed dwellings would appear tighter to their boundaries than that which prevails nearby.
 9. Furthermore, Plot 1, although broadly following the building line of Canford Cliffs Road, would be positioned further forward than the established building line on Lawrence Drive. As such, the arrangement of the proposed development would be at odds with that which typically exists in nearby corner plots, whereby other corner plot buildings broadly align with adjacent buildings, adding to an overall cohesive built form. Therefore, the proposal would fail to reflect the prevailing scale and pattern of development, which would be harmful to the character and appearance of the area.
 10. The harm identified above would be made more apparent when seen from the wider access on Lawrence Drive and also Canford Cliffs road by virtue of the proposed access, despite the boundary fencing and retention of existing trees. Therefore, the proposed development as a whole would result in significant harm to the character and appearance of the area.
 11. Notwithstanding the view of the appellant that the plot is distinct from the CA given the wide carriageway separating it and the plot, I am of the view that the site is in close proximity to the boundary of the CA and it currently shares many of the characteristics of that prevailing in the CA, which positively define its setting. Such facets include the spacious plot size and large building set back from the road. Therefore, for the same reasons above, the proposal would not in my view preserve or enhance the character and appearance of the CA.
 12. The appellant states that the proposed materials and resultant appearance of the proposed dwellings would break up the built form, enhancing the area, similarly that the proposed development would be less prominent than that which currently exists. However, the proposal would create a tightly positioned development overall, visible from highway and at odds with that nearby. Although the neighbouring garage at 128 Canford Cliffs Road is a small building adjacent to the side and highway boundary, it by no means positively contributes to the character and appearance of the area, or defines that which prevails. Similarly, whilst the existing house is large it reflects the established form and is not in itself harmful. I accept that plot coverage of the proposed driveways are reflective of that nearby and could be subject of a condition, however this does not outweigh the harm identified above.
 13. Various examples of perceived precedent have been provided from elsewhere in Poole. Limited detail has been provided regarding acceptance, it appears that the sites sit in generous plots and in different settings to the proposal before

me. I also acknowledge that the proposed development has evolved from previous applications. However, I must consider the appeal on its own merits and on the evidence before me.

14. The proposed development would therefore not accord with Policy PP2 of the Poole Local Plan, 2018 (LP) which seeks to ensure that proposed development follows a sustainable pattern of development. Similarly, the proposal would not accord with Policies PP27 and PP28 of the LP, which amongst other things seeks to ensure that proposed development preserves or enhances the existing character and appearance of the area. Likewise, the proposal would not accord with Policy PP30 which seeks to protect or enhance heritage assets.
15. Notwithstanding its presumption in favour of sustainable development, the development would not be sympathetic to local character and the surrounding built environment setting or the nearby CA. Therefore, the proposed development would not accord with the National Planning Policy Framework, 2019 (the Framework) objectives of sustainable development and achieving well-designed places when read as a whole.
16. Similarly, the proposal would not accord with the Planning Policy Guidance and associated National Design Guide, 2019, referred to by the appellant.
17. Although harmful to its surroundings, the harm to the CA would be less than substantial. This would still represent a harmful effect, adversely affecting the significance of the CA. Less than substantial harm should be weighed against the public benefits of the proposal. It would be anticipated that there would be economic benefit during construction of the development. Minor public benefit would be derived from the additional two dwellings to the local housing mix, passive surveillance, minor improvement to the access and installation of bat boxes. However, the harm to the CA would clearly outweigh these public benefits.

Living conditions of neighbours

18. The existing building has rear windows facing the roof, driveway and boundary vegetation of No 1 Lawrence Drive. However, as the windows are relatively small and by virtue of the positioning of the current building, they do not appear to effect the neighbour's privacy in any harmful way.
19. The plans show that the proposed building occupying Plot 2 would be positioned further south of the existing building and would incorporate what appears to be floor to ceiling height bedroom windows in the first floor, rear elevation. The proposed windows would look directly out to the rear garden of No 1 with only a short separation distance. Therefore, although not directly looking into habitable rooms of the neighbouring dwelling, they would result in minor harm to the living conditions of the neighbours with regards privacy.
20. I acknowledge that the proposed central window of Plot 2 serves a bathroom and could be the subject of a condition regarding obscured glazing to mitigate its harm. Notwithstanding the view of the appellant, such conditions would not be appropriate with regard the bedroom windows, in part or whole, as this would effect the living conditions of future occupiers of plot 2 with regard to outlook as they are the sole windows of each room.
21. Although no objections to the proposal have been raised by the owners of the neighbouring property this does not equate to there being an absence of harm.

22. The proposed development would therefore not accord with Policy PP27 of the LP which seeks to ensure that development does not harm the living conditions of neighbours.

Other matters

23. The appeal site is within 5 Km of the Dorset Heathlands and Poole Harbour Special Protection Areas as defined by the Conservation of Habitats and Species Regulations, 2017. Notwithstanding the Council's original reasons for refusal, planning obligations have since been secured by the Council which they consider necessary so as to ensure that the development, along with other plans and projects would not cause harm to the special interest features of the sites of international nature conservation importance. However, bearing in mind my findings on the main issues there is no prospect of planning permission being granted for this scheme and consequently I have not pursued this matter any further.
24. The absence of objection from consultees, including the highway authority, the Council's ecology, environmental health and drainage specialists, does not offset the harm identified above.
25. The appellant refers to a previous inspector's decision¹, regarding the siting of proposed development. However, it is not the location of the proposed development that makes it unacceptable but rather the proposed scheme.

Planning Balance

26. I acknowledge that the proposal would provide 2 additional, energy efficient, dwellings across the Borough on previously developed land, in an accessible location and there would be some economic benefit during its construction. However, there does not appear to be a shortfall in housing sites and as such this only carries modest weight in my decision. The proposal would broadly satisfy requirements relating to its location with regard access to sustainable transport networks and necessary services. However, the harm of the proposed development outweighs such neutral considerations. Furthermore, any benefit to the local housing mix, biodiversity, passive surveillance and improved access to Lawrence Drive would be offset by the harm identified above.

Conclusion

27. For the reasons above, when considered against the Development Plan and Framework as a whole, the appeal is dismissed.

M Scriven

INSPECTOR

¹ APP/Q1255/W/19/3222113