

Appeal Decision

Site visit made on 10 November 2020

by S Edwards MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 December 2020

Appeal Ref: APP/D1265/W/20/3255379

442 & 444-454 Ringwood Road, Ferndown BH22 9AY

- 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 M Jennings (Halcyon (Ferndown 1) Limited) against the decision of Dorset Council.
 - The application Ref 3/19/2264/FUL, dated 9 November 2019, was refused by notice dated 30 June 2020.
 - The development proposed is to demolish the existing buildings on site used as flats and a dwelling and redevelop the site for a 27 no. residential apartments for retirement living in a single building of three and four storeys in height, with residents lounge, amenity space, secure cycle storage, refuse store and car parking.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The site address as detailed on the application form has been amended in subsequent documents. Having regard to the evidence before me, the appeal site does not solely comprise no 442 Ringwood Road as indicated on the application form, but also nos 444-454 Ringwood Road. I have therefore adopted the site address as detailed on the appeal form, which reflects accurately the extent of the site.

Main Issues

3. The main issues are:
 - The effect of the proposal on the character and appearance of the area;
 - The effect of the development on protected trees;
 - Whether the proposal would provide satisfactory living conditions for future occupiers of the development, with particular regard to outlook and light; and
 - The effect of the proposal on the living conditions of the neighbouring occupiers of no 10 Pringles Drive, with particular regard to outlook and privacy;

Reasons

Character and appearance

4. The appeal site comprises a two-storey building with pitched roof subdivided into 8 flats (nos 444-454) and a detached dwelling (no 442), as well as a number of outbuildings, which are set within spacious grounds. It is located within an area of primarily residential character, which includes buildings of varying sizes and designs, generally set within large plots. This, together with the abundance of mature trees and soft landscaping, give the locality a pleasant spacious and suburban feel. By reason of its distinctive character and sense of place, the area is identified by the Council's Special Character Area (SCA) Supplementary Planning Guidance No.27 (2005) as the New Road SCA.
5. The existing buildings are proposed to be replaced by a large four-storey block comprising 27 residential apartments for retirement living. The appeal scheme would constitute a significant intensification of the development on the site, not only in respect of the massing and site coverage of the proposed building, but also the excessive areas of hardstanding notably required for the provision of access and car parking along the boundary shared with no 440 Ringwood Road.
6. The appeal scheme would introduce a substantial and harder, more urbanised form of development which would detract from the generally more verdant and spacious character of its immediate surroundings. This would be aggravated by the high number of trees and landscaping which would have to be removed to accommodate a development of this scale. As a result, the proposed development would significantly erode the contribution that the site presently makes to the Ringwood Road street scene and the wider SCA.
7. Furthermore, the undue prominence of the proposed development would be exacerbated by its excessive four-storey scale and overall height, which would appear at odds with the buildings either side and overwhelmingly dominate the street scene. The established soft landscaping and the fencing along the site's front boundary would not satisfactorily mitigate the harmful nature of the development, particularly as it would remain visible from the access point, neighbouring properties, but also from the path connecting Ringwood Road to Pringles Drive.
8. The appeal scheme is predominantly characterised by its assertive, contemporary design which, in itself, is not objected to by reason of the variety of styles found in the area. However, the development as proposed would accentuate its excessive scale and incongruity, whilst failing to reflect the local distinctiveness which characterises the New Road SCA.
9. The appellant has sought to address these issues, notably by incorporating traditional elements towards the front of the block and using a large palette of materials and features to break up the elevations. The resulting built form would however lack articulation and appear as a disjointed and clumsy juxtaposition of styles which, together with its repetitive design approach, would fail to conceal the excessive and monolithic scale of the development, but also its overall bulk, massing and height. Additionally, the external elevations of the development do not appear to reflect the materials which prevail in this area.
10. The proposed development would cause significant harm to the character and appearance of the Ringwood Road street scene and the wider New Road SCA. Consequently, it would fail to accord with Policy HE2 of the Christchurch and

East Dorset Local Plan Part 1 – Core Strategy¹ (CS) and Policy DES11 of the East Dorset Local Plan² (LP) which, amongst other things, require development proposals to be of a high quality design and respect features and characteristics identified in SCAs. The appeal scheme would also be contrary to paragraph 127 of the National Planning Policy Framework (the Framework) which seeks to ensure that development proposals add to the overall quality of the area and are sympathetic to local character.

Protected trees

11. The trees located on the appeal site are protected by Tree Preservation Orders. As detailed above, there is no doubt that the abundance of mature trees and associated landscaping makes a significant contribution to the sylvan character and appearance of the area. A number of trees would be felled as part of the appeal scheme, which the Council does not oppose.
12. However, the new building would be located within proximity to a number of trees situated on the site's northern boundary. Many of the proposed units would look onto these protected trees, and the canopies would appear particularly close to the balconies and patio areas. By reason of the sitting and orientation of the new block, the trees are likely to affect daylight and sunlight levels reaching the proposed flats with windows and balconies to the northern elevation, notably at times when occupiers would be more likely to spend prolonged periods of time outside. Season leaf and debris may also cause high levels of nuisance to future occupiers of the development.
13. Whilst I note that the Council would retain a degree of control over any proposed tree works by reason of the protection afforded by the TPO, applications based on health and safety grounds could be difficult to resist. I find it likely that the appeal proposal would subject the protected trees to additional pressure for pruning works or even felling, in order to bring more light into the flats and the amenity areas. The loss of trees would be particularly regrettable as there is no evidence before me that these specimens would not be otherwise expected to live for many more years.
14. Furthermore, I share the concerns raised by the Council in respect of the proposed drainage strategy, which shows that a soakaway system would be installed within some of the trees' root protection areas (RPA). The proposed strategy would also conflict with the information shown on the Tree Survey and Protection Plan, which indicates that 'no dig' methods should be used for some of the hard surfacing. In the absence of further substantive evidence to the contrary, I am unable to conclude that the proposed development could proceed whilst protecting the health and longevity of the trees.
15. The loss of trees would erode the important contribution which they collectively make to the character and appearance of the locality and have a detrimental effect upon the sylvan character of this area. Having regard to the available evidence, there is no certainty that the proposal would not cause irreversible harm to the long term longevity and wellbeing of protected trees. Consequently, the proposal would fail to accord with CS Policies HE2 and HE3, which seek to protect and enhance the landscape character of the area and require development proposals to take account of the relationship to mature

¹ Adopted April 2014.

² Adopted January 2002.

trees. The proposal would also be contrary to Section 15 of the Framework, which seeks to conserve and enhance the natural environment. I however find no conflict with LP Policy DES2, which focuses on the effect of development proposals on the living conditions of existing and future residents.

Living conditions – future occupiers of the development

16. The proposed flats would be relatively spacious, but many of would be solely north facing. The orientation of these units, together with the fact that the proposed block would be sited within proximity to a number of mature trees, would be such that the living environment for future occupiers of the development would be dark and gloomy, and it is therefore likely that residents would have to rely on artificial lighting for large parts of the day, particularly during the winter months.
17. The lack of daylight and sunlight would also affect the use of the patios and balconies located to the northern elevation of the proposed block, which would constitute the main outdoor amenity areas for future occupiers of these units. The orientation of the communal lounge does not in my view provide a reasonable justification for the deficiencies associated with some of the proposed units, where future occupiers would spend a large part of the day.
18. For these reasons, the appeal scheme would fail to provide satisfactory living conditions for future occupiers of the development, with particular regard to outlook and light. It would therefore conflict with CS Policy HE2, LP Saved Policy DES2 and paragraph 127 of the National Planning Policy Framework, which require development proposals to provide a high standard of amenity for existing and future users.

Living conditions – neighbouring occupiers of no 10 Pringles Drive (no 10)

19. This neighbouring property comprises a large bungalow set back significantly from the road frontage, within proximity to its rear boundary, which it shares with the appeal site. The area to the rear of the dwelling is largely laid out as a patio, and it is apparent, based on the available evidence and my observations, that it is used for outdoor recreation purposes by its occupiers and forms an intrinsic part of their enjoyment of the property. It is also of note that the rear elevation of this neighbouring property facing towards the appeal site includes a number of windows and rooflights, some of which are serving habitable rooms.
20. The proposed development would extend significantly further into the plot than the existing buildings and would therefore be sited a lot closer to no 10, as it would only be approximately 8.5 metres from the boundary shared with this neighbouring property at the nearest point. The proximity of the proposed block to no 10, combined with its substantial height, bulk, mass and scale would result in a form of development which would appear overbearing and oppressive to the occupiers of this neighbouring dwelling.
21. The harm identified would be exacerbated by the detailed design approach of the appeal scheme, which sought to address overlooking issues by limiting the number of ground, first and second floor obscure glazed openings on the East elevation to windows serving corridors. However, this means that the occupiers of no 10 would be presented with a largely blank elevation, which would stand out as an overtly dominant and visually intrusive built form.

22. Whilst the proposed third floor level would be set further back from the boundary shared with no 10, the distance would not be sufficient to ensure that the privacy of these neighbouring residents is protected as a result of the development. Units 26 and 27 would include several windows serving habitable rooms and a balcony, which would unacceptably increase the level of actual and perceived overlooking for the occupiers of no 10. The existing landscaping along the appeal site's rear boundary presently preserves the privacy of these neighbouring residents to a certain extent. However, some of these trees are deciduous and there is no certainty that the existing vegetation would provide an adequate level of screening for the lifetime of the development. This is a consideration to which I therefore ascribe limited weight.
23. By reason of its overall scale, bulk, mass and proximity to no 10, the proposed building would unacceptably harm the living conditions of these neighbouring residents, having particular regard to outlook and privacy. It would therefore be contrary to CS Policy HE2 and LP Saved Policy DES2 which notably require development proposals to be compatible with the relationship to nearby properties including minimising general disturbance to amenity. It would also conflict with paragraph 127 of the Framework, in that it seeks to protect the amenity of existing users.

Other Matters

24. Various concerns have been raised by interested parties, notably in respect of the lack of affordable housing provision, health care services, and highway safety. However, these considerations have been adequately addressed within the Council's submissions and there are no reasons for me to take a different view.
25. The appeal site lies within proximity to Parley Common, which has been identified as a Site of Special Scientific Interest (SSSI) for the special interest of its heathlands habitats and associated plant and animal species. Parley Common SSSI also forms part of the Dorset Heathlands Special Protection Area (SPA), Special Area of Conservation (SAC) and Ramsar, which are recognised under the Conservation of Habitats and Species Regulations 2017 as being of international importance.
26. The Council, together with Natural England, have advised that the appeal development would have a likely significant effect on the integrity of these sensitive areas (either individually or in combination with other plans and projects) notably by reason of additional recreational pressures, unless suitable mitigation is provided. As the appeal is being dismissed on other substantive grounds, this is not a matter which needs to be considered further here. However, has the development been considered acceptable in all other respects, I would have sought to explore the necessity for undertaking an Appropriate Assessment, to ensure the proposal's compliance with Habitats Regulations.

Planning Balance and Conclusion

27. The appeal scheme would contribute to the provision of residential accommodation for older people for which there is an identified need. There would be social benefits associated with the proposal, in that it would provide a specific type of accommodation which would support the needs of older people. Additionally, the proposal would generate a number of economic benefits.

However, I have also found that the proposal would cause unacceptable harm to the character and appearance of the area, protected trees and the living conditions of neighbouring residents and future occupiers of the development. Overall, the identified harm would outweigh the benefits which would be derived from the appeal scheme.

28. For the reasons detailed above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

S Edwards

INSPECTOR