

Appeal Decision

Site visit made on 24 November 2020

by S Edwards MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 January 2021

Appeal Ref: APP/D1265/W/20/3252544

22 & 24 Dudsbury Road, West Parley, Ferndown BH22 8RE

- 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 AJ Developments against the decision of Dorset Council.
 - The application Ref 3/19/0829/OUT, dated 8 March 2019, was refused by notice dated 19 February 2020.
 - The development proposed is demolish existing buildings and erect 2 no blocks of 8 flats. Total 16 units. Associated parking, bin and cycle storage. Proposed bat roost.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The planning application was submitted to East Dorset District Council. However, on 1 April 2019, East Dorset District Council ceased to exist and became part of a new Unitary Authority known as Dorset Council. The development plans for the merged Local Planning Authorities will remain in place for the area within the new Unitary Authority they relate to until such time as they are revoked or replaced. I shall therefore determine the appeal having regard to the policies set out within the Christchurch and East Dorset Local Plan Part 1 – Core Strategy¹ (CS) and saved policies from the East Dorset Local Plan² (LP).
3. The site address as detailed on the application form has been altered in subsequent documents. I have used the address detailed on the appeal form, which reflects the extent of the site more accurately.
4. The application was submitted in outline. The application form indicates that approval is only sought for access, layout and scale, whilst appearance and landscaping are reserved for subsequent determination. Nevertheless, the submitted plans are integral to my consideration of the appeal scheme in respect of the position and scale of the proposed buildings, and overall layout of the site.

Main Issues

5. The main issues are the effect of the proposal on (1) the character and appearance of the area, including protected trees, and (2) the living conditions

¹ Adopted April 2014.

² Adopted January 2002.

of neighbouring occupiers, with particular regard to outlook, privacy, noise and disturbance.

Reasons

Character and appearance

6. The appeal site comprises two two-storey detached dwellings set within spacious grounds, which form part of an established residential area identified as the New Road Special Character Area (SCA). The properties are located on the western side of Dudsbury Road, where the pattern of development is predominantly characterised by large individually designed houses set back at some considerable distance from the road frontage, within large and verdant plots. As noted within the Special Character Areas Supplementary Planning Guidance No.27³ (the SPG), the low density development affords a sense of spaciousness, emphasised by generous landscaping and lawns. The mature trees and vegetation provide a high degree of seclusion, but also give the locality a distinctive and pleasant suburban feel.
7. The construction of two blocks of flats would represent a significant intensification of development by reason of the size and footprint of the buildings, but also the extensive and formalised hardstanding areas required for the provision of parking and turning. The overall depth, massing and bulk of the new buildings would be excessive in comparison to other buildings in the immediate vicinity, including in respect of the proposed roof form, which would require large areas of flat roofing.
8. The size and scale of the proposed blocks would appear at odds with neighbouring buildings, only to emphasise the incongruous nature of these developments. Furthermore, the assertive three-storey scale of the proposed buildings, which would be brought noticeably closer to the Dudsbury Road frontage, would increase their undue prominence within the street scene. This would be exacerbated by the loss of vegetation required for the enlargement of the vehicular access.
9. A large part of the site's frontage would be covered by built development, as exemplified further by the erection of refuse and cycle storage facilities along the proposed driveway and parking area, which would harmfully contrast with the site's established informal and domestic character. These aspects of the proposal would, cumulatively, introduce a harder, more urban appearance to the plots, which would detract from the prevailing pattern of development in the area and appear out of kilter with the generally more verdant and spacious character of the locality. As a result, the positive contribution which the properties on their respective plots make to the sense of spaciousness and openness in the area would be significantly diminished.
10. The Council have raised concerns regarding the works which would occur within the Root Protection Area (RPA) of T7, notably because mature beech trees are particularly susceptible to development pressures. However, the incursion within the RPA would be relatively minor, and the AMS confirms that a no dig cellular confinement system would be used within this sensitive area. In the absence of substantive evidence to the contrary, and subject to the implementation of protection measures, I see no reasons why the proposed

³ October 2005.

works would adversely affect the long-term longevity and wellbeing of this protected tree. Furthermore, I have not been presented with any further information suggesting that future applications would be submitted after the completion of the development to fell more trees. Any subsequent works would in any event have to be approved by the Council, by reason of the protection afforded by the Tree Preservation Order.

11. Notwithstanding this, a significant number of trees would be removed as part of the development, which would increase the harm caused by the proposal, by reducing the level of screening currently provided by the existing landscaping. Moreover, it is of particular note that there are important discrepancies between the proposed plans and the submitted Arboricultural Impact Assessment (AIA) and Arboricultural Method Statement⁴ (AMS) which recommends a significantly greater number of trees to be felled.
12. Due to the extensive removal of vegetation which would occur, the appeal scheme would significantly erode the contribution which the site presently makes to the sylvan character and appearance of this area. Although landscaping is a reserved matter, and further information would therefore be expected as part of a subsequent application, any additional planting would inevitably take time to mature before it could provide an effective form of screening. I am therefore of the view that this would not be sufficient to mitigate the harm which would be caused by the development.
13. My attention has been drawn to a planning application⁵ for the conversion of a former care home into flats and the retention of an attached dwelling at nos.39-41 Dudsbury Road, which has been approved by the Council in recent years. Having regard to the available evidence, I am however not certain that the nature and circumstances of this development represent a direct parallel to the proposal before me, despite its proximity to the appeal site.
14. The appellant has also referred to a number of large scale developments, notably along Dudsbury Avenue, New Road and Golf Links Road. Whilst they are located within the New Road SCA, none of these schemes share the same characteristics as the appeal site, and relate to a different street scene. As such the examples cited are not considered comparable to the appeal scheme which, in any event, I am required to determine on its individual merits.
15. For the foregoing reasons, the proposal would cause unacceptable harm to the character and appearance of the area. It would therefore be contrary to CS Policies HE2 and HE3, which require the design of new developments to be of a high quality, reflecting and enhancing areas of recognised local distinctiveness, whilst protecting and seeking to improve the landscape character of the area. The proposal would also conflict with section 12 of the National Planning Policy Framework, particularly paragraph 127, which seeks to ensure that new developments function well and add to the overall quality of the area. Furthermore, the appeal scheme would fail to have appropriate regard to the development criteria set out within the SPG for proposals affecting the New Road SCA.

⁴ Gwydion's Tree Consultancy, Ref: GH1721.1, dated 1 March 2019.

⁵ Local Planning Authority Reference 3/17/2505/FUL.

Living conditions

16. Despite the significant depth and massing of the proposed development, a reasonable distance would be retained between the new buildings and the properties located at nos 20 and 26 Dudsbury Road. Additionally, the proposed blocks would not project significantly further to the rear than these neighbouring buildings. This would ensure that the development does not unduly affect the outlook presently enjoyed by the residents of these neighbouring properties.
17. Although appearance is reserved for subsequent determination, layout forms part of the matters which I am required to consider as part of this appeal. The floor plans are not marked 'for illustrative purposes only' and in accordance with the advice provided by the national Planning Practice Guidance⁶, they must be treated as part of the development in respect of which the application was made. The proposed floor plans show that the side elevations of the new buildings would include a number of windows serving habitable rooms, which it would not be considered appropriate to obscure glaze, to ensure that a satisfactory outlook is provided for future occupiers of the development.
18. These openings have the potential to cause harmful levels of actual and perceived overlooking for the neighbouring occupiers of nos 20 and 26. I have similar concerns regarding the proposed first floor windows within the recessed elements of the rear elevation, particularly by reason of their proximity to the respective boundaries shared with nos 20 and 26. Whilst the existing vegetation along the boundaries currently provides a suitable level of screening, there is no certainty that this could or would remain in situ for the lifetime of the development.
19. As part of the appeal scheme, the existing vehicular access serving no 24 Dudsbury Road would be closed, and there would therefore be a single point of access for the two blocks at no 22. This, together with the quantum of development proposed, would generate a significant number of car movements within relative proximity to the boundary shared with no 20. The noise and disturbance caused by the comings and goings of the future occupiers of the development would be detrimental to the living conditions of these neighbouring residents, particularly in the context of this tranquil setting.
20. The appeal scheme would not cause unacceptable harm to the outlook presently enjoyed by the occupiers of nos 20 and 26. However, it would have a detrimental effect on the living conditions of these neighbouring residents, with regard to privacy, noise and disturbance. As such, it would be contrary to CS Policy HE2 and LP Policy DES2, which notably seek to ensure that development proposals safeguard the living conditions of nearby residents, including minimising general disturbance to amenity. It would also be contrary to paragraph 127 of the Framework, which requires new developments to promote health and well-being with a high standard of amenity for existing and future users.

Other Matters

21. The appeal site lies within proximity to a Dorset Heathlands Special Protection Area (SPA), which is recognised under the Conservation of Habitats and

⁶ Paragraph: 035 Reference ID: 14-035-20140306.

Species Regulations 2017 as being of international importance. The Council and Natural England have advised that the appeal scheme would have a likely significant effect on the integrity of this sensitive area (either individually or in combination with other plans and projects) notably by reason of additional recreational pressures resulting from residential development, unless suitable mitigation is provided.

22. The Council have indicated that the financial contribution towards Strategic Access Management and Monitoring measures which would be required as part of the development are now collected through the Community Infrastructure Levy, rather than a Unilateral Undertaking. As the appeal is being dismissed on other substantive grounds, this is not a matter which needs to be considered further here. However, had the development been considered acceptable in all other respects, I would have had to explore the necessity for undertaking an Appropriate Assessment, to ensure the proposal's compliance with Habitats Regulations.

Conclusion

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

S Edwards

INSPECTOR