

Appeal Decision

Site visit made on 8 December 2020 by Christian Ford BA (Hons) BTP MRTPI

Decision by Zoe Raygen Dip URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 February 2021

Appeal Ref: APP/D1265/W/20/3257022

Rear of 14 & 16 Oaks Drive, St Leonards and St Ives, BH24 2QT

- 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 Taylor Grey Homes Ltd against the decision of Dorset Council.
 - The application Ref 3/19/2495/FUL, dated 19 December 2019, was refused by notice dated 5 June 2020.
 - The development proposed is to sever land and erect 2 no 3 bedroom bungalows with garages and parking.
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Decision

1. The appeal is allowed and planning permission is granted to sever land and erect 2 no 3 bedroom bungalows with garages and parking, at rear of 14 & 16 Oaks Drive, St Leonards and St Ives, BH24 2QT in accordance with the terms of the application Ref: 3/19/2495/FUL, dated 19 December 2019 and subject to the attached schedule of conditions.

Appeal Procedure

2. The site visit was undertaken by a Planning Decision Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the area, with particular regard to the proposed access.

Reasons for the Recommendation

4. The appeal site is located in a residential area which is generally characterised by dwellings of a bungalow style that are set back from the respective roads. The front boundary treatments differ with some being fairly low, thereby offering views of the front garden areas, while others are taller, restricting such views. Many of the properties were originally provided with deep rear gardens and there are numerous examples in the locality of subsequent backland residential developments.
 5. In the vicinity of the appeal site, there is a wide variation in the width of the gaps between the built form of the frontage properties where the access to the backland developments have been provided. Appendix C of the Council's appeal statement indicates they range from around 5.5m to 10m. There is some dispute around the exact measurements. However, even if I were to use those of the Council, while the gap in the proposed scheme would be narrower than the
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bottom of this range, it would not be significantly so and consequently would not be conspicuously narrow. Similarly, although the access requires the removal of frontage hedging, this would not be out of keeping with the area given the differing front boundary treatments.

6. Irrespective of the exact width of the backland accesses in the area, the landscaping running alongside them also widely varies. There is no soft landscaping in relation to the access between 17 and 19 Oaks Drive, opposite the appeal site. The access between 10 and 12 Oaks Drive, beyond its front section, is lined by low level plants that only screen the concrete gravel boards of the adjacent tall close boarded fencing. In contrast, the access to Birchwood Place and other accesses in the area demonstrate that the planting of evergreen shrubs is more effective in softening the stark appearance of adjacent close boarded fencing. The varying widths of the Birchwood Place soft landscaping also illustrates that the planting strip available does not have to be particularly wide for shrubs to thrive.
7. The submitted plans indicate that beyond the front wider passing zone, the width of the access to the proposed development would be approximately 4.8m and the surfaced driveway would be 3m wide. The residual 1.8m width would be sufficient to provide acoustic fencing, (in the form of close boarded fencing) and meaningful planting strips that would enable plants to establish. Having regard to the implemented schemes in the area, it is clear that the choice of planting is critical to the effectiveness of softening the appearance of adjacent close boarded fencing. This will therefore be an important consideration in the subsequent submission and approval of the soft landscape works in the appeal development.
8. While it is noted the appellant has put forward a revised proposed site plan at the appeal stage, seeking to address concerns raised by the Council, from my findings above, the revisions are unnecessary to make the development acceptable.
9. In light of the above and subject to appropriate conditions being imposed, it is concluded the proposed development, in particular the access, would not have an unacceptably harmful effect on the character and appearance of the area. It would therefore not conflict with Policy HE2 of the 2014 Christchurch and East Dorset Core Strategy or Section 12 of the National Planning Policy Framework ('the Framework'), both of which seek to ensure development is of a high quality design that reflects local character and distinctiveness.

Other Matters

10. The appeal site lies within 5km and beyond 400m of Dorset Heathland which is designated as a Site of Special Scientific Interest and a European wildlife site. As the proposal is for an increase of two residential units, it is likely to have a significant effect on the site due to the potential increase in residents using the protected sites. I have therefore carried out an appropriate assessment.
11. The mitigation measures set out in the Dorset Heathlands Supplementary Planning Document (SPD) can prevent adverse impacts on the integrity of the site. The SPD strategy includes Heathland Infrastructure Projects (HIPs) and Strategic Access Management and Monitoring (SAMM). The Council funds HIP provision via the Community Infrastructure Levy (CIL). In this instance the SAMM contribution has already been paid by the appellant and a biodiversity

mitigation plan has been provided, along with a signed Biodiversity Mitigation and Enhancement Plan. Natural England raise no objection on this basis and the Council is content with this approach. I see no reason to disagree. The contribution is reasonable and necessary and implementation of the biodiversity mitigation plan can be achieved through the imposition of a condition. With the mitigation secured, the development would not result in an adverse effect on the integrity of the designated site.

12. Some objectors, including St Leonards Parish Council, have expressed concerns the proposal would represent overdevelopment and the plots would be contrived. However, the new dwellings would be consistent in respect of their siting, form and general character with the existing backland development found on either side of the appeal site. Consequently, the development would make efficient use of land while maintaining the area's character, as sought by the Framework.

Conclusion

13. As the proposed development would be in accordance with the development plan and there are no material considerations which indicate the development should otherwise be resisted, it is concluded the appeal should be allowed.

Conditions

14. The list of conditions suggested by the Council has been considered having regard to the tests set out in the Framework and the advice of the Planning Practice Guidance. Where appropriate, the conditions have been amended for clarity and precision.
15. The standard time limit condition is imposed, as is a condition specifying the approved plans to ensure certainty. Conditions in respect of external materials and landscaping are imposed to ensure the development harmonises with the character of the locality. A condition to secure the implementation of the approved Biodiversity Mitigation Plan is imposed in the interests of nature conservation. A condition concerning the construction of the vehicular access, turning and parking areas is imposed to ensure the safe and proper development of the site.
16. The Council's list of suggested conditions omitted a condition that would prevent the future insertion of windows in the roofs of the development. As acknowledged in the officer report, given the close proximity of the proposed new dwellings and garages to neighbouring properties, such a condition is necessary to protect the privacy of the neighbouring occupiers.

Overall Conclusion and Recommendation

17. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be allowed.

Christian Ford

PLANNING DECISION OFFICER

Inspector's Decision

18. I have considered all the submitted evidence and the Planning Decision Officer's report, and on that basis the appeal is allowed.

Zoe Raygen

INSPECTOR

Schedule of Conditions

1. The development hereby permitted shall begin not later than three years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved plans; 9279/100, 9279/101, 9279/102, 9279/103, 9279/104 and 9279/105.
3. No development above DCP (damp proof course) shall take place until details and samples of all external facing and roofing materials have been submitted to and approved in writing by the Local Planning Authority (LPA). All works shall be undertaken in accordance with the approved details.
4. No development above DCP (damp proof course) shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include hard surfacing materials; means of enclosure; details of boundary planting, schedules of plants (noting species, plant sizes and proposed numbers/densities where appropriate). The works shall be carried out prior to the occupation of the dwellings or in accordance with a programme agreed with the local planning authority. The soft landscaping shall be maintained in accordance with the agreed details and any trees or plants which, within a period of 5 years from the completion of the development, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
5. The dwellings shall not be occupied until the mitigation measures as detailed in the approved Biodiversity Mitigation Plan – Philip Smith Conservation Consultant 22/04/20 have been completed in full, unless any modifications to the agreed mitigation plan as a result of the requirements of a European Protected Species Licence, or the results of subsequent bat surveys have first been submitted to and agreed in writing by the local planning authority. Thereafter approved mitigation measures shall be permanently maintained and retained in accordance with the approved details.
6. The dwellings shall not be occupied until the vehicular parking, turning and access has been constructed in accordance with approved plan 9279/100. These areas shall thereafter be retained at all times for those purposes.
7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no windows shall be inserted in the roofs of the dwellings and the garages hereby permitted.

End of Schedule