



Appeal Decision

Site Visit made on 15 February 2021

by **M Bale BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 23 March 2021

Appeal Ref: APP/V1260/W/20/3264007

7 Canford Cliffs Avenue, Poole BH14 9QN

- 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 & Mrs I Cotterill against the decision of Bournemouth Christchurch and Poole Council.
 - The application Ref APP/20/00424/F, dated 7 April 2020, was refused by notice dated 18 September 2020.
 - The development proposed is to sever land and erect detached dwellinghouse with new access from Canford Cliffs Avenue.
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Decision

1. The appeal is allowed and planning permission is granted to sever land and erect detached dwellinghouse with new access from Canford Cliffs Avenue at 7 Canford Cliffs Avenue, Poole BH14 9QN in accordance with the terms of the application, Ref APP/20/00424/F, dated 7 April 2020, subject to the conditions in the attached schedule.

Main Issue

2. The main issue is the effect of the development on the character and appearance of the area.

Reasons

3. Canford Cliffs Avenue, and the adjoining Widdicombe Avenue, are wide, suburban roads with houses either side. Tree-planted 'islands' positioned centrally along the roads give a distinct character, contributing to a spacious, verdant appearance to the streets.
4. Although there has been development of some garden land, there is a rich mix of architectural styles and the area has retained a character of generally large houses with large gardens in a mature landscape setting. I understand that other recently constructed dwellings may have been permitted in a different development plan context, so may not set any form of precedent, but they are, nevertheless now part of the existing character of the area.
5. Compared to other nearby dwellings, the proposal would have a small plot and rear garden. No.7 would also be left with a small garden relative to most of the neighbourhood. Despite the plot sizes and overall pattern of development, gaps between dwellings as seen from the streets are not large, so the contrast would not be readily discernible from the public realm and the proposal would not appear to be cramped or erode the historic large dwelling and garden concept that contributes to the area's character.

6. Most dwellings in the area are set back a broadly consistent distance from the road. No.7 is unusually orientated side-on to Canford Cliffs Avenue, instead sitting as part of a continuous line of dwellings fronting Widdicombe Avenue. Beyond No.7, the road drops steeply. The line of dwellings continues on the opposite side of the road, but on the side of the appeal site, the next 3 dwellings are set well back and raised up from the road, behind large trees.
7. There is a more heavily planted gap between Nos.13 and 21, which, together with the large set back of these dwellings, give this part of the road a distinctly verdant, almost woodland appearance. Nevertheless, the continuity of dwellings on the opposite side of road and highway layout means that despite the topography and variation, Canford Cliffs Avenue and Widdicombe Avenue appear as one cohesive residential character area.
8. The proposal would stand well forward of these adjoining dwellings, but its siting relative to the highway would be more typical of most other development in the area. While I understand that vegetation may have been recently cleared, the existing garden at No.7, does not contribute to the mature verdant gap, being surrounded by a timber fence with limited garden planting behind. There is no substantive evidence before me that, even in its pre-clearance state, it shared the same woodland appearance as the adjoining stretch.
9. The proposed frontage would be partially given over to vehicular parking and access steps to the elevated upper ground floor entrance. However, with the additional planting proposed, the frontage treatment would be similar to many other dwellings in the locality. Two storeys of accommodation with garaging and storage space below are proposed which would give the dwelling a 3-storey overall appearance when viewed directly from the street. This is similar to the approach taken at a number of other dwellings on the opposite side of the road.
10. It is fair to say that the proposal's siting relative to Nos.9-13, combined with proposed height would make it prominent in the street scene. This would be a noticeable change. However, as the existing garden does not contribute to the woodland gap and it would be seen in context with those similarly designed dwellings opposite, it would do no harm to the overall character and appearance of the area.
11. I, therefore, find that there would be no conflict with those aims of Policies PP27 and PP28 of the Poole Local Plan 2018 that seek to ensure that new development achieves a good standard of design that reflects local patterns of development, and that there is sufficient land to enable development to be accommodated in a manner which would preserve or enhance the area's residential character.
12. I understand that other appeals for development in gardens have been dismissed due to a conflict with LP Policies PP27 and PP28 including in Alexandra Road, Links Road and Blake Hill. However, while there may be similarities, these are different residential areas and do not lead me away from my findings in this particular case, which I have considered on its own merits with regard to the evidence before me.
13. The reason for refusal of the application also refers to LP Policy PP2 concerning the amount and broad locations of development in Poole. The Council's appeal statement suggests that compliance with Policy PP2 in this case is dependent

on compliance with Policies PP27 and PP28. Therefore, my findings in respect of Policies PP27 and PP28 indicate that no overall conflict with Policy PP2 would arise.

Other Matters

14. Visibility to the right when leaving the site would be hindered by the horizontal and vertical alignment of the road. While visibility splays can be provided, this does not address the obstruction caused by the brow of the hill alongside No.7. Nevertheless, even though the results of the supporting traffic survey may have been influenced by the Covid-19 pandemic, the Council concluded that adequate visibility was available.
15. I note the concerns of local residents in this regard, including the suggestion that the surveyed speeds were artificially suppressed by construction works and that maximum vehicle speeds should be accounted for in access visibility designs. However, while vehicle speeds are perceived to be high, I have no substantive evidence to indicate that the achievable splays would not be adequate to protect highway safety. The site is within a residential environment with numerous vehicle accesses and there is no particular evidence of safety concerns in the area. I, therefore, have no reason to disagree with the Council's conclusion in this regard.
16. The highway layout with centrally positioned islands limits opportunities for on-street parking. I understand that visitors to the area frequently park partially on the footway as a consequence. However, the proposal would provide adequate parking in accordance with the Council's standards and, while this may afford limited visitor parking opportunities on site, this single additional dwelling would not cause a significant increase in on-street parking pressure. There is no reason to suspect that the proposal would lead to the loss of any of the characterful landscaped islands.
17. The proposal would be visible from No.9 Canford Cliffs Avenue and No.2 Widdicombe Avenue. A relatively bland rear elevation, together with obscure glazing, would protect the privacy of their residents. While forward of No.9, the proposed dwelling would be to the side of both of these properties and, therefore, the living conditions of their occupiers would not be harmed by any change to their outlook. Local residents may experience some disruption and disturbance during building works, but this would be relatively short term and, therefore, of limited weight in my decision.

Appropriate assessment

18. The site is within 5km of the Dorset Heathlands Special Protection Area (SPA) and Ramsar site, and the Dorset Heaths Special Area of Conservation (the Dorset Heathlands European sites). It is also in close proximity to the Poole Harbour SPA and Ramsar site (the Poole Harbour European sites).
19. The Dorset Heathlands European sites host protected priority habitats and species. Qualifying features include Dartford Warbler, Nightjar, Woodlark, Hen harrier and Merlin as well as other typical species of lowland heathland, wetlands and dunes.
20. The Dorset Heathlands Planning Framework 2020-2025 Supplementary Planning Document (DHPF), indicates that the associated increases in population, in combination with other development, are likely to place

increased pressure upon the protected heathland, including through increases in wild fires, damaging recreational uses, the introduction of incompatible plants and animals, loss of vegetation and soil erosion, and disturbance by humans and their pets.

21. Similarly, increased recreational pressure on parts of Poole Harbour is likely to have a significant effect upon the Poole Harbour European sites. These are designated for their internationally important populations of regularly occurring species and migratory species. Particular features of interest include Common Shelduck, Pied Avocet, Black-tailed Godwit, Mediterranean Gull, Common Tern, Little Egret, Eurasian Spoonbill, and Sandwich Tern. There is also an internationally important assemblage of waterfowl including Dunlin, Redshank and Brent Goose, as well as supporting habitats for seagrass, shallow inshore waters including coastal lagoons, intertidal sediments, saltmarsh, and reedbeds.
22. The DHPF and the Poole Harbour Recreation 2019-2024 Supplementary Planning Document set out that mitigation measures can be achieved through the delivery of Heathland Infrastructure Projects and Poole Harbour Infrastructure Projects, paid for through the Community Infrastructure Levy (CIL), and Strategic Access Management and Monitoring Measures (SAMMs). The Council has confirmed that the submitted planning obligation would effectively secure financial contributions towards the necessary SAMMs and I have no reason to disagree.
23. In addition, extra nitrogen loading on Poole Harbour, including from human sewage discharge has been shown to contribute to growth of wide spread algal mats through eutrophication. The mats restrict the growth, distribution and variety of important food available for wading birds and affect other important features and processes.
24. The Nitrogen Reduction in Poole Harbour Supplementary Planning Document (NRPH) 2017 sets out a package of mitigation measures to ensure nutrient neutrality across new developments, such as improving nitrogen stripping at Sewage Treatment Works and offsetting the increase through converting high nitrogen input land uses to low input uses. The NRPH indicates that individual councils have the responsibility to ensure that sufficient mitigation, which would be funded by CIL, is in place prior to occupation of the development.
25. Having sought the views of Natural England, I find that the mitigation set out above would be suitable. Therefore, following appropriate assessment under the Conservation of Habitats and Species Regulations 2017, I am satisfied that the proposal would adequately avoid adverse effects on the integrity on the Dorset Heathlands and Poole Harbour European Sites.

Conditions

26. A plans condition is required in the interests of certainty. In the interests of the character and appearance of the area, conditions are required to secure landscaping of the site and protection of off-site trees. To protect living conditions, various first floor windows facing neighbouring properties are required to be obscure glazed and permitted development rights for roof alterations should be removed.

27. To adequately manage surface water, a condition is necessary to ensure water from hard surfaces is disposed of within the site. In the interests of highway safety, conditions are required securing the laying out and provision of parking spaces and visibility splays. To secure biodiversity enhancement a bat tube or box is required and to reduce carbon emissions a scheme of renewable energy should be submitted in accordance with LP Policy PP37.
28. I have amalgamated and made revisions to some of the Council's conditions in the interests of clarity, precision, and to ensure compliance with Planning Practice Guidance.

Conclusion

29. For the reasons given above, I conclude that the appeal should be allowed.

M Bale

INSPECTOR

Schedule

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 2020-01-11, rev. A; 2020-01-12, rev. A; 2020-01-13.
- 3) The first floor bathroom and bedroom 1 window in the west elevation and the first floor landing window in the south elevation shall be glazed in glass which conforms to or exceeds Pilkington Texture Glass Privacy Level 3 and shall either be a fixed light or hung in such a way as to prevent the effect of obscure glazing being negated by reason of opening. These shall all be installed prior to the first occupation of the dwelling hereby permitted and shall thereafter be retained at all times.
- 4) 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 alterations of the roof form, including the provision of dormers or windows, other than those authorised by this permission, shall be erected.
- 5) The development hereby permitted shall not be brought into use until the access, vehicle parking and turning space for the new dwelling, as shown on the approved plans, has been constructed and surfaced in accordance with details that shall first have been submitted to and approved in writing by the Local Planning Authority, and these areas shall thereafter be retained and kept available for those purposes at all times.
- 6) Before the development hereby permitted is brought into use the land designated as visibility splays for the new dwelling on site, as indicated on the approved plan, shall be cleared of all obstructions over 0.6 metres above the level of the adjoining highway, including the reduction in level of the land if necessary, and nothing over that height shall be permitted to remain, be placed, built, planted or grown on the land so designated at any time.

- 7) Prior to the occupation of the development hereby approved proposals for the landscaping of the site shall be submitted to, and approved in writing by, the Local Planning Authority. The landscaping scheme shall include provision for landscape planting along the northern boundary of the site (facing Canford Cliffs Avenue) and the boundary along the host dwelling, the retention and protection of existing trees and other site features, walls, fencing and other means of enclosure and any changes in levels.
- a) the approved scheme shall be fully implemented with new planting carried out in the planting season October to March inclusive following occupation of the dwelling or the completion of the development whichever is the sooner, or in accordance with a timetable to be agreed in writing with the Local Planning Authority;
- b) all planting shall be carried out in accordance with British Standards, including regard for plant storage and ground conditions at the time of planting;
- c) the scheme shall be properly maintained for a period of 5 years and any plants (including those retained as part of the scheme) which die, are removed or become damaged or diseased within this period shall be replaced in the next planting season with others of a similar size and the same species, unless the Local Planning Authority gives written consent to any variation; and
- d) the whole scheme shall be subsequently retained.
- 8) Prior to the commencement of the development hereby permitted, an arboricultural method statement providing comprehensive details of construction works in relation to trees on the adjacent land shall be submitted to, and approved in writing by, the Local Planning Authority. All works shall subsequently be carried out in strict accordance with the approved details.
- 9) Notwithstanding the submitted plans, prior to the commencement of any construction works above the ground floor slab level of the new dwelling hereby approved, details of the use of on-site renewable energy sources to meet a minimum of 10% of predicted energy use of the residential development, shall be submitted to, and approved in writing by, the Local Planning Authority. The approved renewable energy sources shall subsequently be implemented, retained and maintained.
- 10) All ground hard surfaces shall either be made of porous materials, or provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the site. The hard surfaces shall thereafter be retained as such.
- 11) Prior to the first occupation of the development hereby permitted 1 No. bat tile (to be located on the south or east slope of the roof of the new dwelling hereby permitted) or 1 No. bat brick or tube (to be located under the apex of the roof on the south or east elevation of the dwelling hereby permitted), shall be installed and shall thereafter be maintained as such.