



Appeal Decision

Site visit made on 9 March 2021

by M Scriven BA (Hons) MSc CMgr MCIHT MCMi

an Inspector appointed by the Secretary of State

Decision date: 15 April 2021

Appeal Ref: APP/V1260/W/20/3261908

10 Crichel Mount Road, Poole, BH14 8LT

- 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 Westcoast Developments LTD against the decision of Bournemouth, Christchurch and Poole Council.
 - The application Ref APP/19/00396/F, dated 26 March 2019, was refused by notice dated 23 October 2020.
 - The development proposed is demolish the existing outbuilding and erect 2no. semi-detached dwellings with associated access and parking.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Westcoast Developments against Bournemouth, Christchurch and Poole Council. This application is the subject of a separate Decision.

Procedural matter

3. The Council's third and fourth reasons for refusal related to the likely impact of the proposal on the Dorset Heathlands Special Protection Area (SPA), the Dorset Heaths Special Area of Conservation (SAC) and the Poole Harbour SPA, I have dealt with these matters below.
4. The appellant refers to Plan 1519 202C as being before the Council at the time of their decision. The Council have provided email correspondence from the appellant requesting that the plan be disregarded, instead requesting consideration of Plan 1519 202B. However, the document is referred to by the appellant in their statement and parties have had opportunity to comment on it, as such I do not consider any party to have been prejudiced by having regard to the Plan in this instance.
5. The Council have explained that since the time of their decision a new Parking Standards Supplementary Planning Document, 2021 (SPD) has been adopted. I must consider the most up to date policies of the Council, I have therefore had regard to the recently adopted document and the appellant was given additional opportunity to comment on its content, albeit no response was received.

Main Issues

6. The main issues are;

- The effect of the proposed development on local parking provision and highway safety.
- The effect of the proposed development on the living conditions of future occupiers, with particular regard to outlook and privacy.

Reasons

Parking and highway safety

7. The appeal site is located to the rear of 10 Crichel Mount Road at the bottom of steeply sloping land. The proposal would utilise an existing access serving the site to an approximately 80 metre section of bridleway that links to Lilliput Road. The link, albeit serving other properties is of a poor condition and is narrow with no passing places. There are also limited opportunities for vehicles to turn, other than at an informal grassed area at the head of the track and, as I saw at the time of my visit, inappropriate parking requires drivers to reverse back on to Lilliput Road with poor visibility of other highway users. In addition, an unmade footpath exits on to the bridleway, immediately adjacent to the proposed access.
8. I have no substantive evidence before me to consider the site to be readily accessible to a frequent public transport service, as such car dependency and associated usage to access necessary goods and services is likely to be high, resulting in frequent comings and goings from the site. Plan 1519 202B shows parking provision for four vehicles within the site, one below that expected by the Council for the number and size of the proposed homes at the time of their decision, albeit now understood to broadly meet that outlined in the recently adopted SPD. Plan 1519 202C shows only two spaces on-site, well below that required by the Council in both the previous and current guidance.
9. Given the distance of the site from Lilliput Road and positioning of the site access, visitors and deliveries would not know if there was sufficient space to park and or turn within the site until their arrival. In the event that the proposed spaces were occupied it is likely that parking would occur on the bridleway or in the on-site turning areas. If the on-site turning areas became blocked it would likely necessitate the reversing of vehicles on to the bridleway. This would be even more likely to occur if the layout was as shown in Plan 1519 202C given only two spaces would be provided.
10. In the event of parking overspilling on to the grassy turning area or on the link itself, there would be very limited opportunity for other vehicles using the track to be able to turn to leave the track in forward gear, requiring reversing the length of the bridleway back on to Lilliput Road. Any obstruction of the bridleway or reversing movements on to or along it would result in harm to the safety of both motorised and non-motorised highway users, as drivers reversing would have insufficient visibility of oncoming users of the link or exiting the adjacent footpath.
11. Consequently, the associated likely effect of the proposed development would lead to the harm of safety of users of the bridleway, the adjacent footpath and at the junction with Lilliput Road.
12. Notwithstanding the appellant's parking survey appears to demonstrate an availability of on-street parking in Lilliput Road, this is some distance from the site and would unlikely be desirable for visitors or deliveries to use as an

alternative, particularly in hours of darkness as the bridleway is unlit, similarly during inclement weather given the lack of cover and the current condition of the track.

13. I acknowledge that the bridleway is straight, providing adequate visibility along it, if in forward gear, for drivers once on the track. I also appreciate that vehicles can only travel at a low speeds given the current condition of the track. However, this does not overcome the likely harm to safety referred to above, particularly given the close proximity of the footpath, an absence of passing places on the track and few public points of refuge.
14. I note that part of an extant permission (APP/17/00210/F) exists for the creation of one dwelling on the site. However, my understanding is that proposal would have sufficient parking available as well as allowing for vehicles to access and egress the site in forward gear. As such, any associated safety impacts would likely be significantly less than that before me. The fact the proposal is for two dwellings rather than one, increases the likely identified conflict between users of the link when compared with the extant permission as there would likely be intensified traffic movements than for one dwelling. That a wedding event business previously occupied the site does not justify the proposal before me as it would appear that the site would have been served with adequate turning facilities previously.
15. For the reasons above, the proposed development would not accord with policies PP27(1),(f), PP28 (2), PP34(d) and PP35 (1) (b), (c) (i& ii) and (d) of the Poole Local Plan, 2018 (LP), which collectively seek, amongst other things to ensure that development proposals consider the needs of all transport users and provide for safe access to the highway.
16. That shown in Plan 1519 202B would meet the requirements of Policy PP35 (e) of the LP in terms of the number of spaces provided, conforming with the recently adopted Parking Standards SPD, 2021. However, that intended in Plan 1519 202C would not and, in my view, the use of Lilliput Road for alternative parking provision would be very unlikely.

Living conditions

17. By virtue of the steeply sloping topography to the rear of the properties, substantial retaining walls would be required as shown on the plans provided. The short separation distance between the rear ground floor living areas of the buildings and these structures would diminish the enjoyment of the properties for future occupiers as their outlook would be dominated by tall and wide expansive walling, also creating an effect of enclosure. An appropriate landscaping scheme may lessen the overbearing effect of the proposed retaining walls. However, I have no such detail before me and given the height of the proposed retaining walls, any meaningful landscaping would likely take time to establish and, even then would only partially offset the identified harm.
18. Furthermore, the intended elevated amenity areas, which I accept are of adequate space, would be would look directly into habitable rooms of the proposed pairing. This would further diminish the enjoyment of the properties for future residents by virtue of a lack of privacy. Although this matter could be dealt with through landscaping, given the height of that required, it would further increase the effect of enclosure referred to above.

19. I fully accept that the living conditions of future occupiers or neighbours would not be harmed with regard outlook or privacy in terms of the scheme's relationship with the intended development above the site (APP/17/00210/F), accessed via Crichel Mount Road. However, this does not overcome the identified harm. The appellant has also provided perceived precedent of similar outdoor arrangements elsewhere. However, they do not appear to have the presence of the large retaining walls in such close proximity to living areas and I therefore afford them very limited weight.
20. As such the proposed development would not accord with Policy PP27 (1c) of the LP, which seeks to ensure that development proposals provide satisfactory living conditions for future occupiers.

Other matters and planning balance

21. 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, 2020. Planning obligations have 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 above I have not considered this matter any further.
22. I have had regard to the setting of the Evening Hill Conservation Area and concur with the appellant and Council that the proposal would not be harmful in this regard given its distance from the site. However, this is of neutral weight in the appeal. Similarly, that the Council have not objected to the proposal on other grounds is of neutral weight in the appeal.
23. Whilst I accept that a condition relating to a construction traffic management plan could be imposed, this would not lead me to a different conclusion regarding the appeal.
24. The appellant has raised concerns relating to the Council's approach to decision-making and time spent to determine the application. However, I have determined the appeal on its own merits and on the basis of the evidence before me.
25. I accept that the proposal would contribute to Community Infrastructure Levy projects. Also, that the proposal would provide an additional energy efficient dwelling beyond that previously approved, as such there would be a small benefit to the local housing supply and likely economic benefit during its construction. Plan 1519 202B shows a sufficient number of parking spaces on-site whereas Plan 1519 202C does not. However, irrespective of which layout is considered the intended development is such that it would likely result in significant harm to highway safety. Also, the scheme would not provide for adequate living conditions of future occupiers.
26. The Council acknowledge that further to publication of the Housing Delivery Test results in January 2021, they cannot currently demonstrate a five-year land supply with a 20% buffer applied. As such, the approach set out at paragraph 11d) of The Framework is applicable. This states that where a five-year housing supply cannot be demonstrated, those policies most relevant to determining the application are considered to be out of date and planning

- permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework when taken as a whole.
27. Although considered out of date, I consider the main policies referred to above to be broadly consistent with Framework's three dimensions of sustainable development. As pointed out by the appellant there are also policies in the LP which seek to support housing development on unallocated sites and making more efficient use of land as reflected in the Framework.
28. The Framework identifies that the creation of high-quality places is fundamental to what the planning and development process should achieve and that developments should function well and add to the overall quality of the area. Therefore, I afford very significant weight to the likely harm identified to the safety of highway users. The effect on the living conditions of future occupiers would also be contrary to the Framework.
29. Applying the Framework's tilted balance at paragraph 11d), taking all the harm that I have identified, the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. The scheme does not therefore benefit from the Framework's presumption in favour of development, and it would conflict with the Development Plan.

Conclusion

30. Therefore, having had regard to the Development Plan and Framework as a whole, the appeal is dismissed.

M Scriven

INSPECTOR