
Appeal Decision

Site visit made on 11 May 2021

by S. Rennie BSc (Hons), BA (Hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 July 2021

Appeal Ref: APP/V1260/W/20/3263979

20 Leicester Road, Poole BH13 6DA

- 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 D Russell against the decision of Bournemouth Christchurch and Poole Council.
 - The application Ref APP/20/00558/F, dated 29 May 2020, was refused by notice dated 6 October 2020.
 - The development proposed is to sever the land and erect a 4 bedroom detached house with integral garage and parking.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the development on the character and appearance of the area, and the significance of the Branksome Park Conservation Area.

Reasons

3. The site is within the Branksome Park Conservation Area (CA). The significance of the Conservation Area derives from its historic layout, which was developed as a Victorian seaside suburb with a spacious sylvan character with large building plots which gives the impression of an almost rural character, as set out within the CA Character Appraisal and Management Plan (CAMP). These large building plots and the position of the dwellings set back from the frontage (such as No 20 Leicester Road) allow for the dominance of the trees and other vegetation that is so characteristic of the CA.
4. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of Conservation Areas in the exercise of planning functions. The National Planning Policy Framework (the Framework) also advises that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance. Paragraph 193 of the Framework states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

5. No 20 Leicester Road is typical of many dwellings within this part of the CA, being that it is a large detached house set within a spacious plot, with the dwelling being set well back from the front boundary with the highway behind extensive landscaping, particularly mature trees. The house at No 20 is set back more than many other neighbouring properties, but most other houses along Leicester Road are significantly set back from the front boundary which does allow for the substantial landscaping which is such a positive feature of this CA. As such, there is a strong prevailing character to the street scene of Leicester Road, which the current arrangement of No 20 contributes positively towards.
6. The proposal, however, would result in a new dwelling atypically close to the front boundary, where it would be a lot more prominent than the existing house at No 20 or indeed most of the other neighbouring houses. Currently the site of the proposed house is an undeveloped garden area which contributes towards the sylvan character, with the existing house set towards the rear of the plot and is barely visible as it is otherwise dominated by trees and landscaping. The introduction of an additional dwelling in a prominent position near the front boundary would alter this balance so the plot would be less dominated by the landscaping with significantly more built development visible from the highway. There would still be some landscaping to the front boundary area (either retained or additionally planted) but this would not fully screen the proposed dwelling, with it being at least partially visible as an incongruous new dwelling within a residential plot in this street.
7. In this regard, the re-positioning and orientation of the dwelling now proposed does not sufficiently overcome the previous Inspector's concerns (ref: APP/V1260/W/20/3246884), with the proposed new dwelling still uncharacteristically close to the street frontage. The amended proposal does not lead me to a different conclusion, with the proposed house not likely to appear as a coach house, but as a new independent dwelling, for example. Furthermore, the tandem arrangement that would be formed by the proposal would also be distinctly uncharacteristic of the historic layout and established pattern of residential development along Leicester Road. This arrangement would likely be evident when viewed from the access, with the driveway leading past the proposed dwelling up to the large existing house to the rear.
8. I understand that there may be other dwellings set close to their frontage and other dwellings set in tandem arrangements. However, this is not the prevailing character of this CA and particularly the street scene of Leicester Road.
9. Overall, the proposed dwelling would appear as an incongruous addition to the street scene, with the arrangement at odds with the prevailing character of the area. This would undermine the positive characteristics of the site currently, which contribute to the CA significance. As such, the proposal would neither conserve nor enhance the CA, even with the additional landscaping and taking into account the design of the proposed house.
10. The proposed dwelling would be harmful to the character and appearance of the Conservation Area. Nevertheless, the harm would be less than substantial and in accordance with paragraph 196 of the Framework, that harm should be weighed against any public benefits of the proposal. Such public benefits include the CIL contributions, economic boosts through construction, the additional planting (which would also include biodiversity enhancements),

providing a family size dwelling within the plot towards local housing land supply in an accessible location including use of renewable technology. However, this is a single dwelling proposed and the cumulative public benefits arising from the proposal to offset the identified harm are limited. I must attach considerable importance and weight to this harm. As such, the public benefits do not outweigh the harm that would result from the proposed development.

11. On this basis, the proposal is contrary to policies PP27, PP28 and PP30 of the Poole Local Plan 2018, which requires development to reflect or enhance local patterns of development; restrict plot subdivisions to those where the type, layout and scale of development would preserve or enhance an area's residential character; and to preserve or enhance heritage assets, amongst other things. The proposal is also contrary to the Framework in that it would not conserve the CA in a manner appropriate to its significance

Planning Balance

12. The Council have stated that since the application was refused and following the publication of the Housing Delivery Test (HDT) in January 2021, *"the HDT shows that the total number of homes delivered in Poole compared to those required over a defined 3 year period was 73% which is below the governments threshold of 75%. Consequently, in accordance with paragraph 215 c) and footnote 7 of the National Planning Policy Framework, paragraph 11 d) of the Framework is now engaged."*
13. Paragraph 11 of the Framework sets out that decisions should apply a presumption in favour of sustainable development and that, under criterion d) where the policies which are most important for determining the application are out of date, 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 taken as a whole.
14. The proposal would provide dwellings towards the local housing supply with a family house in a sustainable location. There would be economic benefits from the construction of the dwelling, and this could be considered as an efficient use of the site. There are also the benefits set out in paragraph 10 above, amongst other potential benefits. However, such benefits would be significantly and demonstrably outweighed by the identified harm, when assessed against the policies in the Framework taken as a whole.

Other Matters

15. Planning permission was also refused as the proposal would fail to avoid or mitigate likely significant effects on the integrity of the Dorset Heathland Special Area of Conservation (SAC), the Dorset Heathlands Special Protection Area (SPA) and Ramsar site, and the Poole Harbour SPA and Ramsar sites. These likely effects could arise through increased recreational pressure as a result of additional people living in the area as a result of the proposed house.
16. The appellant has stated that they will make the contributions towards mitigation measures in line with the Council's requirement. Had I been minded to allow the appeal, it would have been necessary for me to consider this matter in further detail, such as consult Natural England and consult the Council on whether all contributions were received. There may have also been

the need for some form of legal agreement to ensure the contributions are used towards the necessary mitigation. However, as I am dismissing the appeal for other reasons, further consideration is not required on these issues.

Conclusion

17. For the reasons set out above I conclude that the appeal should be dismissed.

Mr Steven Rennie

INSPECTOR