



Appeal Decision

Site visit made on 23 June 2021

by Matthew Jones BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 September 2021

Appeal Ref: APP/V1260/W/20/3256227

Wilderton House, 2 Wilderton Road, Poole BH13 6EE

- 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 Highdrive Property Co. Limited against the decision of Bournemouth Christchurch and Poole Council.
 - The application Ref A PP/19/00744/F, dated 11 June 2019, was refused by notice dated 21 February 2020.
 - The development proposed is demolition of the existing building and construction of a block of 21 apartments with basement parking.
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Decision

1. The appeal is allowed and planning permission is granted for demolition of the existing building and construction of a block of 21 apartments with basement parking at Wilderton House, 2 Wilderton Road, Poole BH13 6EE under the terms of Ref A PP/19/00744/F, dated 11 June 2019, and in accordance with the conditions in the attached schedule.

Procedural Matters

2. On 17 November 2020, after the lodging of this appeal, a similar scheme for the demolition of the existing building and construction of a block of 25 apartments with basement parking was granted permission at the site (the Extant Scheme)¹. The main parties made reference to this decision during the appeal, and I had regard to it in my assessment without prejudice to any party.
3. During the appeal the appellant also submitted a signed and dated unilateral undertaking (the UU) which seeks to secure an offsite contribution towards affordable housing (AH) and payments towards mitigation of the respective effects of the proposed development on the integrity of the Dorset Heathlands Special Protection Area and the Dorset Heaths Special Area of Conservation (the Dorset Heathlands) and the Poole Harbour Special Protection Area (Poole Harbour). I return to these matters later in my decision.
4. A revised National Planning Policy Framework (the Framework) was published in July 2021. The main parties have had the opportunity to provide comments on the revisions and I have also taken them into account in my decision.

Main Issues

5. The main issues are (i) whether or not the proposal would preserve or enhance the character or appearance of the Branksome Park and Chine Garden Conservation Area (the CA) and (ii) the effect of the proposal on the integrity of the Dorset Heathlands and Poole Harbour.

¹ Appeal Ref: APP/Q1255/W/19/3230105

Reasons

Conservation Area

6. The site comprises Wilderton House (WH), a Victorian mansion now extended and converted into flats, a garage block and WH's expansive, treed grounds located within the CA. Several of its trees benefit from Tree Preservation Order No. 33/2002 and all are protected by virtue of their location within the CA. The position of the site within the CA also places upon me a duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA.
7. The significance of this part of the CA derives from its varied residential buildings within large plots subsumed by a spacious and sylvan setting. Given its rich composition and use of local materials, WH is locally listed, is a non-designated heritage asset, and is also identified as a key building by the Branksome Park Conservation Area Character Appraisal and Management Plan (2006). That said, WH has become highly degraded which has impoverished its status, with it now of low significance as a non-designated heritage asset and of limited positive consequence to the CA. Its luxuriant, treed grounds, however, remain a clear positive contributor to the CA's significance.
8. The proposed apartment block would protrude further to the south than WH, occupying a small clearing in the trees within the site. I recognise the Council's concern that this would develop an area which was once a legible, formalised, open space serving the mansion. However, given the conversion of WH into flats long ago and its sense of dilapidation, which extends to its now informal and enervated grounds, this is not a concern I share. The design of the building, although not of the same order of WH, would offer an honest modern and adequately articulated response, respectful to the CA, and particularly the varietal built form now found along Wilderton Road.
9. With regard to the sylvan character of the CA, those trees which would be removed and which may be reduced subject to future tree works make up a modest proportion of the trees within the site and are quite well set within it, with the east, roadside boundary greenery proposed for retention. The spacious and sylvan qualities of the site would be modestly enhanced through replacement of the garage block with new tree planting. For these reasons, the contribution of the site's grounds to the CA would be maintained.
10. Drawing my findings together, the scheme would remove a positive building within the CA and replace it with a building of neutral standing and, in doing so, the sylvan character of the CA would be retained. Given the state of WH, the overall result would be one of less than substantial harm to the CA. Nonetheless, this harm attracts considerable importance and weight and falls to be weighed in the balance with the public benefits of the scheme.
11. The scheme would provide a mixture of 14 new homes (net) to the area and an offsite financial contribution to the provision of AH. These would be social benefits of moderate weight. The economic benefits of the scheme attract limited weight. These public benefits would not outweigh the harm to the CA.
12. As such, the proposal would not preserve the character or appearance of the CA. It would conflict with the design and heritage aims of Policies PP27 and PP30 of the Poole Local Plan (PLP) (adopted 2018) and the Framework.

European sites

13. The Habitats Regulations require that permission may only be granted after having ascertained that the development will not affect the integrity of European Sites such as the Dorset Heathlands and Poole Harbour.
14. These particular European Sites are protected for the habitats they provide for important rare, vulnerable and migratory bird species as well as unique environments for a variety of other wildlife, flora and fauna. The Dorset Heathlands and Poole Harbour are also important recreational resources and it is likely that occupants of the proposed development would visit them. On this basis, there is no dispute between the main parties that it cannot be ruled out that the proposal, when considered alone or cumulatively with other schemes, would have significant effects on the features of interest of both sites due to increased recreational use. I have no reason to disagree.
15. To mitigate these harmful effects financial contributions would be made via the UU. They would fund Strategic Access Management and Monitoring (SAMM) at the Dorset Heathlands pursuant to the Dorset Heathlands Planning Framework 2020-2025 Supplementary Planning Document and at Poole Harbour pursuant to the Poole Harbour Recreation 2019-2034 Supplementary Planning Document. Both of these documents identify a limited number of projects to which the scheme would be liable to contribute. With this in place, the effects of the proposal would be sufficiently mitigated in each case in my opinion.
16. I therefore find within my Appropriate Assessments that, with the provided mitigation, the proposal would not have adverse effects on the integrity of the Dorset Heathlands and Poole Harbour. It would accord with Policies PP32 and PP39 of the PLP, the provisions of the Habitats Regulations and the Framework insofar as they seek to secure the long-term protection of such sites and mitigate any adverse effects on their integrity.

Planning Balance

17. Planning law and the Framework require proposals to be determined against the development plan unless material considerations indicate otherwise. Given the harm that would arise to the CA, the proposal would conflict with the development plan when read as a whole.
18. Notwithstanding that, the future of WH is not looking positive in any event, owing to the unsatisfactory ownership situation², which has logically directly led to WH's current state of disrepair. I see little likelihood of this situation improving and indeed WH seems much more likely to deteriorate further. I also have no reason to doubt that, if I were to dismiss this appeal, the most attractive development prospect would be the demolition of WH pursuant to the Extant Scheme.
19. Consequently, the current state of WH, its low likelihood of reinvigoration, and the alternative, very real prospect of its demise, are notable considerations in favour of the proposal. They indicate that I should make a decision which is not in accordance with the development plan.

² Set out in the email of Gareth Yeoman dated 22 June 2018

Unilateral Undertaking

20. In addition to the mitigation with regard to the European Sites, the UU would secure an offsite contribution to AH compliant with the terms of Policy PP11 of the PLP. The UU therefore accords with Community Infrastructure Levy Regulation 122 and I can take it into account in my decision

Conditions

21. In the event that I was minded to allow the appeal, the Council requested conditions to be applied, which I have assessed with regard to the tests set out in the Framework and the advice of the Planning Practice Guidance. I have amended them where appropriate for the sake of clarity and precision.
22. In addition to the standard time condition, a condition is needed to define the approved plans in the interest of certainty. In the interests of the character and appearance of the area, pedestrian safety and the protected trees to be retained, it is essential to secure a detailed landscaping scheme, inclusive of lighting details, prior to construction work. However, given that the finish materials are described within the approved plans, it is not necessary to duplicate the requirement for this detail through a separate condition. In the interests of good design and highway safety, it is necessary to ensure the provision of the bin store before first use of the apartment block.
23. To contribute to the management of climate change it is necessary to secure details of the renewable energy sources to be provided. As the existing access, which has adequately safe visibility for this quantum of housing within this residential area, is to be utilised, I see no reason why conditions relating to works to the access or visibility splays are necessary. In the interest of highway safety and in order to promote sustainable transport options, it is essential that the parking and turning areas and the cycle storage facilities are provided prior to the first residential use of the scheme, without any barrier being provided. Given that the underground car park is clearly expressed on the approved plans, I see no clear reason why its formation should be further subject to a document which does not form part of the development plan.
24. Whilst it is important that the scheme meets the needs of the ageing population in accordance with Policy PP12 of the PLP, it is not necessary to duplicate the requirements of the Building Regulations in this regard. In order to manage flood risk, it is necessary, via a single condition, for a scheme for the provision of sustainable urban drainage to be submitted to and approved in writing by the Council before work on the apartment block commences. In the interest of protected species and biodiversity, conditions will ensure delivery and retention of the bat roost and require details of biodiversity enhancement.

Conclusion

25. For these reasons outlined above, and taking all other matters raised into account, I shall allow the appeal.

Matthew Jones

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin no 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 and documents: 1812 51A, 1812 54B, 1812 55B, 1812 56, 1812 57B, 1812 58B, 1812 59A, 1812 60A, 1812 61B, 1812 62, 1812 65A, 1812 66B.
- 3) Prior to the construction of the apartment block hereby approved, details for the hard and soft landscaping of the site shall be submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall include provision for external lighting, landscape planting, the retention and protection of existing trees and other site features, walls, fencing and other means of enclosure and any changes in levels. The approved scheme shall be fully implemented with new planting carried out in the planting season October to March inclusive following occupation of the buildings 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.

The scheme shall be retained for a period of 5 years and any plants 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.

- 4) All works relating to the ground clearance, tree works, demolition and development with implications for trees shall be carried out as specified in the Arboricultural Impact Assessment and Provisional Method Statement dated 6 June 2019 by Treecall Consulting Ltd and shall be supervised by an arboricultural consultant holding a nationally recognised arboricultural qualification.
- 5) The bin store, as indicated on the approved plans, shall be provided prior to first occupation of the apartment block hereby approved and shall be retained thereafter.
- 6) Details of onsite renewable energy sources to meet a minimum of 20% of predicted energy use of the residential development shall be submitted to and approved in writing by the Local Planning Authority and subsequently implemented prior to first residential occupation, and therefore retained.
- 7) The development hereby permitted shall not be brought into use until the turning space, vehicle parking and cycle parking shown on the approved plans have been constructed, and these shall thereafter be retained and kept available for those purposes at all times. The parking shall remain unallocated at all times with no parking space allocated to any individual resident or residential unit except for any parking bay demarcated as Disabled Parking which may be allocated to Registered Disabled Users only. No parking barrier shall be placed to restrict access to the car parking area.
- 8) Prior to the commencement of construction, a scheme for the provision of sustainable urban drainage shall be submitted to, and approved in writing by, the Local Planning Authority. The drainage works shall be implemented in accordance with the approved scheme and thereafter retained.

- 9) The bat roost shown on the approved plans shall be erected/installed as shown on the approved plans prior to the demolition of Wilderton House, protected during demolition and construction and thereafter retained.
- 10) Details of bio-diversity enhancement to be delivered on site shall be submitted to and approved in writing by the Local Planning Authority and implemented prior to the first occupation of the apartment block hereby approved.