
Appeal Decision

Site Visit made on 27 July 2021

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

an Inspector appointed by the Secretary of State

Decision date: 15 September 2021

Appeal Ref: APP/D1265/W/20/3265628

20 Churchill Close and land rear of 21 and 22 Churchill Close, Sturminster Marshall, Wimborne, BH21 4BQ

- 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 Harlequin Homes (Mr M Wingfield) against the decision of Dorset Council.
 - The application Ref 3/20/0478/FUL, dated 5 March 2020, was refused by notice dated 16 October 2020.
 - The development proposed is the demolition of the existing store link, sever land and erect 4 x 3 bedroom detached dwellings with associated access and parking.
-

Decision

1. The appeal is allowed and planning permission is granted for the demolition of the existing store link, sever land and erect 4 x 3 bedroom detached dwellings with associated access and parking at 20 Churchill Close and the land rear of 21 and 22 Churchill Close, Sturminster Marshall, Wimborne, BH21 4BQ, in accordance with the terms of the application Ref 3/20/0478/FUL, dated 5 March 2020, subject to the following conditions:
 - 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: 9175-200 Rev H; 9175-201 Rev B; 9175-202 Rev B; 9175-203 Rev E; 9175-204 Rev A and 19070-BT3 (Tree Protection Plan).
 - 3) Prior to their use in the dwelling, samples or details of the external materials and finishes to be used for the dwellings hereby permitted shall be submitted to and approved in writing by the Local Planning Authority.
 - 4) The dwellings hereby permitted must not be occupied unless and 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 have been carried out as approved before the dwellings are occupied. Such details shall include any existing/proposed means of enclosure; species, planting density and planting size of new planting; and a landscaping maintenance plan.
 - 5) The detailed biodiversity mitigation, compensation and enhancement/net gain strategy set out within the approved Biodiversity Plan certified by the Dorset Council Natural Environment Team on 29/4/19 must be strictly adhered to during the carrying out of the development. The development hereby approved must not be first brought into use unless

and until the mitigation, compensation and enhancement/net gain measures detailed in the approved biodiversity plan have been completed in full. Thereafter, the approved mitigation, compensation and enhancement/net gain measures must be permanently maintained and retained in accordance with the approved details.

- 6) Before the development is occupied the first 5.00 metres of the vehicle access, measured from the rear edge of the highway must be laid out and constructed to a specification first submitted to and approved in writing by the Local Planning Authority.
- 7) Before the development hereby approved is occupied the turning and parking shown on Drawing Number 9178-200 Rev H must be constructed. Thereafter, these areas must be permanently maintained, kept free from obstruction and available for parking and turning of vehicles as per the approved details.
- 8) Prior to the construction of the dwelling hereby permitted, a scheme shall be submitted to and agreed by the Council to demonstrate that the development would use technologies to reduce carbon dioxide emissions by incorporating:
 - i) Energy efficiency measures (such as low power consumption fixed lighting, high levels of insulation, energy efficient heating systems)
 - ii) Reduction in water usage (for example by using low-flow taps, water butts, surface water storage tanks)
 - iii) Use of renewable materials
 - iv) Minimisation of waste, pollution and surface water runoff to incorporate sustainable urban drainage schemes
 - v) The use of on-site renewable energy where appropriate

Main Issues

2. The main issues are the effect of the development on the character and appearance of the area, and the effects on the living conditions of neighbours and future occupiers.

Reasons

Character and Appearance

3. Churchill Close is characterised by two storey houses, arranged as either semi-detached or short linked terraces, around a large open space area. The houses are generally set in spacious plots, behind front gardens.
4. The proposal is for four houses in a 'backland' position, to the rear of Nos 20, 21 and 22 Churchill Close. For the four houses proposed, the site is constrained in size and therefore would result in new plots of much lesser size than some existing plots in the area. However, there are some similar sized plots in the wider area and also some which appear in 'backland' positions. Furthermore, each plot would provide an adequately sized rear garden and parking provision, which does not, therefore, indicate a cramped form of development or an overly built-up layout.
5. There would also be clear gaps between the proposed detached dwellings. I acknowledge the depth of the proposed houses being greater than many of the existing dwellings fronting Churchill Close, but this would not be particularly

evident within the street scene and would not result in an overdevelopment of the plots.

6. The proposed access drive would span much of the gap between the existing houses fronting Churchill Close. The proposed layout plan does indicate some landscaped strips either side of the access. Although the extent of this landscaping is limited, it would help to soften the visual impact of this access within the street scene. Furthermore, from the access there would be views of some of the landscaping to the front of the proposed dwellings and possibly views through the garden foliage towards the rear of the plots. For this relatively small development the proposed landscaping is sufficient.
7. There is clearly a need for an access drive and parking provision to serve the proposed dwellings, but this would not result in an excessive amount of hardstanding, with space still being available for landscaping around the hardstanding areas for example.
8. The design of the dwellings and their layout differs from many of the other dwellings in the area, but there is some variety within this part of the village and so I would regard this aspect of the proposal as appropriate. Indeed, within this context the proposed development could appear suitably attractive, with the tree loss being mainly lower quality trees of little amenity value.
9. For these reasons, the proposal would not be harmful to the character and appearance of the area and would therefore be in accordance with Policy HE2 of the Christchurch and East Dorset Core Strategy, which requires development to be of high quality and be compatible with or improve the site's surroundings. Furthermore, the proposal is in accordance with the National Planning Policy Framework on issues of design and appearance.

Living Conditions

10. Having been to the site and considered the site context, there is the potential for overlooking impact, particularly between Plot 3 and the rear conservatory at 21 Churchill Close. The appellant proposes a high hedge to mitigate such impacts, though over time it may be difficult to maintain the hedge at a necessary height. The appellant has also proposed a raised sill-level for the first floor window in Plot 3, which would mitigate any overlooking potential. This level of mitigation would be sufficient to overcome any potential harm to the living conditions of those at No 21. Furthermore, the separation distances are such that the living conditions of other dwelling occupants in the area are also sufficiently safeguarded.
11. The high level window in the front of the Plot 3 dwelling would diminish the quality of outlook from this window to an extent, but it would still allow light and some level of outlook to a satisfactory degree. I would regard that the living conditions of future occupiers would be to a sufficient standard.
12. In considering living conditions, the proposal is in accordance with Policy HE2 of the Christchurch and East Dorset Core Strategy, which requires development to consider the relationship to nearby properties.

Other Matters

13. The site is close to the Corfe Mullen Pastures Site of Special Scientific Interest, which is also part of the Dorset Heathlands Special Protection Area (SPA) and

Dorset Heaths Special Area of Conservation (SAC) and Ramsar. There would be an increase in dwellings in the area as a result of the proposed development, which could lead to additional recreational pressures on these sensitive locations.

14. Natural England's advice to the Council was that the proposal will have a 'Likely Significant Effect' on the International wildlife sites arising from the increase in residential units (a net increase of four units) and related pressures from recreational access. However, NE had no objections subject to mitigation being secured.
15. The Council collects Heathland mitigation payments via the Community Infrastructure Levy (CIL), which would secure the necessary contribution in accordance with the Dorset Heathlands Planning Framework 2020 - 2025 Supplementary Planning Document (SPD). The SPD strategy sets out potential mitigation through Heathland Infrastructure Projects (HIPs) and Strategic Access Management and Monitoring (SAMM). This SPD also sets out how the payments would be used to achieve the mitigation such as through wardening, raising awareness and monitoring the effectiveness of the strategy.
16. I am satisfied that the contribution complies with the Community Infrastructure Levy Regulations 2010 (as amended) and that this mitigation would mean that there would be no harm to the protected sites and areas as a result of the proposed development.
17. Consequently, the proposed development would not adversely affect the Dorset Heathland and would not conflict with the National Planning Policy Framework (the Framework) or Core Strategy Policy ME2 in this regard.
18. With regards to parking provision, the proposal includes this, including visitor parking, with there being no objection from the Highway Authority on this issue. The parking provision for these dwellings, set within the village, would be sufficient. Any overspill onto the highway should be infrequent and minimal, if at all. I have no substantive evidence before me that the proposed development would obstruct emergency services vehicles. Furthermore, from my observations on site, as an access proposed onto the highway, even with vehicles parked on this highway, there should be sufficient visibility, taking into account this is a relatively minor residential road and its likely levels of traffic.
19. I have no substantive evidence that there is not the sewer capacity for the proposed housing. There has been no objection from Wessex Water on this issue.

Conditions

20. I have considered the conditions put forward by the Council against the requirements of the Planning Practice Guidance (PPG) and the Framework. The conditions I have included from the recommended list have been subject to some alterations to improve clarity and ensure consistency with the Framework and PPG.
21. I have attached the standard time limit condition and a plans condition as this provides certainty.
22. Conditions relating to landscaping and materials are imposed for reasons of visual amenity.

- 23. In the interests of highway safety and parking provision, conditions are required to provide details of the access and also that parking and turning provision is as per the submitted plans.
- 24. In the interests of biodiversity, the proposed developments should be in accordance with the approved biodiversity plan. Furthermore, measures to reduce carbon dioxide emissions from the development are required by development.
- 25. I have not imposed a condition that requires windows/rooflights to the first floor front elevation of Plot 3 to be above a certain level as this is already shown on the submitted plans.

Conclusion

- 26. For the reasons given above I conclude that the appeal should be allowed subject to the conditions above.

Mr S Rennie

INSPECTOR