



Appeal Decision

Site Visit made on 3 August 2021

by S Harley BSc(Hons) M.Phil MRTPI ARICS

an Inspector appointed by the Secretary of State

Decision date: 16th September 2021

Appeal Ref: APP/V1260/W/20/3256339

19 Blenheim Drive, Christchurch, BH23 4JH

- 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 Stephen & Philippa Hillier against the decision of Bournemouth Christchurch and Poole Council.
 - The application Ref 8/19/1091/FUL, dated 19 July 2019, was refused by notice dated 26 February 2020.
 - The development proposed is remodel and extension from one dwelling into three terraced dwellings.
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Decision

1. The appeal is allowed and planning permission is granted for alterations and extensions to single storey dwelling to form three dwellings at 19 Blenheim Drive, Christchurch, BH23 4JH in accordance with the terms of the application, Ref 8/19/1091/FUL, dated 19 July 2019, and the plans submitted with it, subject to the conditions set out in the attached schedule.

Preliminary Matters

2. The description of development on the decision notice is "Alterations and extensions to single storey dwelling to form three dwellings". This more accurately describes the proposal and I have considered the appeal on this basis.
3. Since the Council determined the planning application the National Planning Policy Framework 2021 (the 2021 Framework) has been published. The main Parties have been given the opportunity to comment on the implications of this.
4. A revised Plan Ref 1452P/100B has been submitted showing the area to the front of the bungalow as predominantly hard surfaced. At the time of my visit the front was hard surfaced. Accordingly I consider no prejudice would occur if I take this plan into account.

Main Issue

5. The proposal is within 5 km of an SSSI which is part of the designated Dorset Heathlands Special Protection Area (SPA) and Ramsar site and of the Dorset Heaths Special Area of Conservation (SAC) (together the Dorset Heathlands). The second reason for refusal on the planning decision notice relates to the potential impact of the proposal on the Dorset Heathlands. A Unilateral Undertaking pursuant to s106 of the Town and Country Planning Act was provided with the appeal and makes provision for a Strategic Access Management and Monitoring Contribution (the SAMM). Taking this into account,

the Council no longer defends the second reason for refusal. Accordingly the main issue for this appeal is the effect of the proposal on the character and appearance of the area.

Reasons

6. The appeal site is in an established residential area comprising a mix of detached, semi-detached, terrace and cluster units, both single and two storey, within a wider estate setting. The principle of residential development in this built up area is acceptable provided other planning policies and material considerations are satisfied.
7. The appeal site comprises a detached, three bedroomed, single storey dwelling in a garden. It is a corner site at the entrance to a short cul-de-sac. The proposal is for extensions on the rear north elevation, which would also project east towards Blenheim Drive, and for alterations to the interior including converting the garage at the west side of the property and dividing the building into three dwellings. The existing pitched roof would be extended over the converted garage.
8. The extension would have a pitched roof with the gable wall facing east towards the main Blenheim Drive with a valley between the two. The result would be an appearance of a shallow inverted W. Such a roof shape would be slightly unusual in this location. However, it would be seen against a back drop of the side gable wall of No 17 Blenheim Drive which, together with the appeal bungalow, already appears as an inverted W roof shape above the tall wall surmounted with vegetation which forms the side boundary of the appeal site. Accordingly I do not consider the proposed built form would be out of keeping with, or harmful to, the established character of the area.
9. The proposal would result in three one bed dwellings. This would be at a greater density than that of the short cul-de-sac where the properties are detached, single and two storey units. However, it would not be significantly different to that of Blenheim Drive overall. I note that Nos 21, 23 and 25 Blenheim Drive, which adjoin the rear of the appeal site, is a row of three joined bungalows of similar overall footprint in a similar sized piece of land. These were built at the same time as the wider estate and may be a little more spacious but that alone does not mean the proposal before me is unacceptable. The proposed gardens would be smaller than the adjoining ones but, as there would be sufficient distance between the buildings, the relationship with the surrounding residential development would be acceptable. Accordingly I consider the proposal would not amount to over development of the site.
10. For the reasons set out above I consider the proposal would not be over development and would not be harmful to the established character and appearance of the area. Accordingly I find no conflict with Policy HE2 of the Christchurch and East Dorset Local Plan – Part 1 Core Strategy 2014 or Policy H12 of the Borough of Christchurch Local Plan 2001 in seeking high quality design that recognises local distinctiveness.

Other Matters

11. The Dorset Heathlands host protected priority habitats and species including Dartford warblers, nightjars, woodlark, hen harrier, merlin, sand lizards and smooth snakes as well as other typical species of lowland heathland, wetlands

and dunes. They cover an extensive area of South East Dorset fragmented by urban development, forestry, agriculture and other land uses. The proximity of the proposal to the Dorset Heathlands means that determination of the application should be undertaken with regard to the requirements of the Habitat Regulations 1994, in particular Regulations 48 and 49.

12. It is necessary for me, as the competent authority, to conduct an Appropriate Assessment in relation to the effect of the development on its integrity. The evidence before me is clear that the proposal, particularly when combined with other development in the area, would have a significant effect on the Dorset Heathlands due to the proximity of urban development and its related effects including recreational pressures, arson, enrichment etc. which could arise from this development.
13. However, the parties have agreed a financial sum in accordance with the Council's Dorset Heathlands Planning Framework Supplementary Planning Document to be put towards a range of infrastructure and non-infrastructure projects. Natural England is content that financial contributions towards the SAMM through a legal agreement, are sufficient to avoid an adverse impact on the integrity of the European Sites and relevant features. Natural England also confirms that it finds the method of collecting the proposed SAMM satisfactory, and considers that it does indeed secure the deliverability of the measures. I find no reason to reach different conclusions.
14. Residents have expressed concerns about the amount of on street parking. The Council raises no objections in respect of parking, highway safety, lack of rear access to the middle property or pollution. I find no compelling reason to come to any different conclusions especially as the area to the front of the property is predominantly hard surfaced and could accommodate several cars as well as space for bins.
15. Third parties suggest that family housing is more in demand than one bed dwellings. Be that as it may, the Council cannot demonstrate a five year supply of deliverable housing land and the proposal would add to the local supply of housing in an accessible location.
16. Third Parties are concerned that allowing the proposal would create a precedent for other properties within the cul-de-sac to put forward similar proposals. However, from what I have seen the other properties in the cul-de-sac have a different disposition to the appeal site. Moreover, each application and appeal must be determined on its own planning merits and a generalised concern of this nature does not justify withholding permission in this case.
17. Some noise and disruption can occur between gardens and this is not unexpected in residential areas. Whilst the gardens may be smaller than the existing the Council raises no objections in this respect or in respect of loss of privacy. I find no reason to reach different conclusions to the Council.

Conditions

18. I have considered the Council's suggested conditions and where appropriate amended the wording to align with the National Planning Policy Framework and the Planning Practice Guidance. As well as the standard condition specifying the time limits for the commencement of development compliance with the approved plans is necessary to provide certainty. Materials for external

surfaces should match those of the existing building in the interests of the appearance of the area.

19. As recommended by the Highway Authority a condition requiring parking to be provided is necessary in the interests of securing off street parking. I have altered the wording to reflect the revised plan submitted with the appeal. It is necessary to approve a management plan for the construction period to minimise disruption for local residents. To be effective this must be in place before development begins.
20. The Council has proposed the removal of permitted development rights for roof alterations. However, the guidance is clear that permitted development rights should not be removed unless there is are special circumstances to justify doing so. I have seen no evidence of such special circumstances and so I have not attached such a condition.

Conclusion

21. I have found no conflict with the development plan and no material considerations indicate that the decision should be otherwise than in accordance with it. The appeal should succeed.

S Harley

INSPECTOR

Schedule of 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: 1452P100b; 1452P/101; 1452P/104; and 1452P/105.
- 3) The materials including finishes to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
- 4) Prior to the commencement of development a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. This plan shall include: car parking provision for contractors, details of materials storage areas and site hoarding. The approved Plan shall be implemented during the construction period.
- 5) No dwelling hereby approved shall be occupied until the parking area shown on Drawing Number 1452P/100b, including the removal of the planter as indicated on the plan, has been constructed. Thereafter, this area, must be permanently maintained, kept free from obstruction and available for parking and access in association with the dwellings hereby permitted.

End of Schedule