



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: 23 September 2021

Appeal Ref: APP/V1260/W/20/3264275

556 and Land Rear of 554-560 Blandford Road, Poole BH16 5EG

- 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 Homer Developments Ltd against the decision of Bournemouth Christchurch and Poole Council.
 - The application Ref APP/19/01513/F, dated 17 December 2019, was refused by notice dated 2 June 2020.
 - The development proposed is sever land from 554, 558 and 560, demolish 556, and erect 5 No 2 bed and 4 No 3 bed houses with parking (9 units in total).
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Since the appeal was submitted the Government has published a new National Planning Policy Framework (the Framework). The main parties have had the opportunity to provide comments on the revisions and I have therefore had regard to the new Framework without prejudice to the main parties.
3. The appeal is accompanied by revised plan Ref 9189/400 Rev D which clarifies site access visibility and alters the proposed shared parking area. As it would make only modest changes to the layout of the scheme, and mindful of the principles established under *Wheatcroft*¹, I had regard to the revised plan in my decision without prejudice to any party. The Council has stated that the revised plan would address the fifth reason for refusal given within the decision notice and I have not therefore had further regard to it in my assessment.

Main Issues

4. On this basis, I consider the main issues to be:
 - the effect of the proposal on the living conditions of the occupants of 558 Blandford Road with reference to noise; and,
 - the effect of the proposal on the character and appearance of the area.

Reasons

Living conditions

5. Blandford Road is a long, developed thoroughfare which connects Upton, Hamworthy and Poole. The site is on its east side and is formed of part of the

¹ *Bernard Wheatcroft Ltd v Secretary of State for the Environment and Another* (1980)

rear gardens of Nos 554 and 558 and the whole of properties Nos 556 and 560. As these houses are set within a row together, their rear gardens currently benefit from high levels of tranquillity, broken only by modest vehicular access to the rear of No 560, to the workshop at the rear of No 558 and the small group of garages serving Allens Road housing on land to the east.

6. Paragraph 130 of the Framework, amongst other things, states that decisions should ensure that developments use the arrangement of streets and spaces to create attractive, welcoming and distinctive places to live which promote health and well-being, with a high standard of amenity for existing users.
7. The access road would run the length of No 558's north boundary and parking and turning spaces would sit across its rear boundary and partly to the north and south. This means that these common areas would effectively wrap around No 558's rear garden. Vehicles and pedestrians looking to enter any of the seven houses beyond the site's Blandford Road frontage would come within close proximity to No 558 with resultant noise effects. With this quantum of housing and such an intimate layout, this is likely to be a disruptive situation with noise events recurrent across the day. This would lead to an unacceptable reduction in the current levels of tranquillity for the occupants of No 558.
8. It is suggested that noise effects could be mitigated by fencing and planting. However, to what extent this would be achieved has not been demonstrated and the frequency of noise events would not be reduced in any case. Blandford Road contains examples of backfill development. However, none of the sites referenced² appear to render comparable effects on residents of an existing neighbouring property. The most analogous is in relation to 642 Blandford Road, but the approved layout plan at that site shows No 642 with residential garden on both sides and buffered from the access road by an area of verge. These matters therefore attract limited weight in favour of the scheme.
9. Consequently, I conclude on this issue that the proposal would have an unacceptable effect on the living conditions of the occupants of 558 Blandford Road with reference to noise. It would conflict with the residential amenity aims of Policies PP27 and PP28 of the Poole Local Plan (adopted 2018) (PLP) and the Framework.

Character and appearance

10. The character of Blandford Road derives from its linear housing occasionally beset by high density backfill development, such as that at the aforementioned sites and nearby Olivia Close. Notwithstanding the effects of the proposal on residents within No 558, the location and density of the proposed houses and their relationships to one another and to housing within adjoining sites would conform to the prevailing pattern of development across Blandford Road.
11. Lawns and planting would be the predominant landscaping features across the layout. Whilst the parking area would largely comprise hardstanding, a carefully chosen surface finish to this area, coupled with the limited proposed soft landscaping, would adequately prevent a cramped or harsh environment for future users. Whilst I recognise the submissions with regard to the oak tree, I am not aware that it benefits from a Tree Preservation Order and I also note that it is highly visually separated from the public realm. Consequently, I do

² Refs APP/6/2015/0720 and APP/14/00869/P

not consider it to maintain significant public amenity value and its loss as an indirect consequence of the proposal would be acceptable.

12. Accordingly, the proposal would have an acceptable effect on the character and appearance of the area. It would accord with the design and landscape aims of Policies PP27 and PP28 of the PLP and the Framework.

Other Considerations

13. Part of the site has extant permission for redevelopment³ (the Fallback Position). The Fallback Position would be less harmful to No 558 as it would contain a lower amount of housing and a more modest access and parking arrangement less exposed to No 558's garden and perimeter. Whilst the impact of the Fallback Position on No 556 would also be deleterious, it would not be as intense as the harm that would arise to No 558 in this case, given the lower quantum of housing that would be delivered. As such, the Fallback Position does not weigh in favour of the scheme in these regards.

Other Matters

14. The Council's third reason for refusal concerns the presence of sewer infrastructure within the appeal site, without reference to any local or national planning policy. Whilst it may be that the presence of the infrastructure would be a matter of importance to the development of the scheme, I do not consider it to constitute a reason to withhold the granting of planning permission. The evidence before me suggests that resolution of this matter is in hand in any event. It has not therefore been determinative in my assessment.
15. The sixth and seventh reasons for refusal relate respectively to the potential effects of the proposal on the integrity of the Dorset Heathland Special Area of Protection and the Dorset Heaths Special Area of Conservation and the Poole Harbour Special Protection Area. There is no dispute that, through increased recreation, the scheme would, together with other projects, harm the integrity of these sites. It is also agreed between the main parties that this harm could be mitigated pursuant to the S111 agreement⁴ which accompanies the appeal. Had I been minded to allow the appeal, it would have been necessary for me to consider this matter within Appropriate Assessments. However, as I am dismissing the appeal for other reasons, I have not taken it further.

Planning Balance

16. The harm to the living conditions of the occupants of No 558 attracts significant weight and outweighs the modest social and economic benefits which would arise through the provision of eight additional dwellings in this location. The appellant has also referred to environmental benefits, but these have not been identified.
17. The appellant's reference to the wording of Paragraph 11d)ii of the Framework suggests an assertion that the Council cannot currently demonstrate a five-year supply of deliverable housing sites. Even if I were to conclude there is a shortfall in the five-year housing land supply, 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.

³ Under Ref APP/18/01239/P

⁴ Pursuant to the Local Government Act 1972

Conclusion

18. Consequently, the proposal would conflict with the development plan as a whole and there are no other considerations, including the Framework, which outweigh this conflict. I therefore conclude that the appeal should be dismissed.

Matthew Jones

INSPECTOR