

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: 29 September 2021

Appeal Ref: APP/V1260/W/20/3264289

Land rear of 236-248 Blandford Road, Poole, BH15 4HR

- 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 Brownsea Builds Ltd against the decision of Bournemouth Christchurch Poole Council .
 - The application Ref APP/20/00516/F, dated 15 May 2015, was refused by notice dated 14 September 2020.
 - The development proposed is 5 x detached units - with landscaping and allocated and unallocated parking. Proposed visibility splays and proposed driveway to dwellings. Land R/O 236-248 Blandford Road.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I have taken the site address from the decision notice as it most accurately conveys its location.
3. 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 therein and I have therefore had regard to the revised Framework without prejudice to either party.

Main Issues

4. The main issues are:
 - the effect of the proposal on the character and appearance of the area;
 - whether or not adequate living conditions would be created for future users; and,
 - the effect of the proposal on the living conditions of the occupants of 9 Woodlands Crescent, with reference to privacy.

Reasons

Character and appearance

5. Paragraph 130 of the Framework, amongst other things, states that decisions should ensure that developments will function well and add to the overall quality of the area and be visually attractive as a result of good architecture, layout and appropriate and effective landscaping.

6. Blandford Road is a long, developed thoroughfare which, together with the area around it, is punctuated by instances of backfill development. These backfill sites can reach high densities and are typically served by long drives which pass between or replace houses. As such, the proposal would reflect the broad pattern of development in the area.
7. The design of the proposed dwellings reflects a quite simple and effective approach, tailored to the challenges of a backfill site. The more contrived elements, the blank flank walls and the pitched roofs to the rear, would be largely hidden. The interesting and generously proportioned detailing within the facades of the houses would provide a well-articulated and active frontage to the row which, although intimate, would not appear cramped.
8. The constrained drive and the parking and turning areas dictate that hardstanding would dominate. However, at my visit I observed the new, neighbouring backfill site containing Nos 230 A-C. This has similarly extensive levels of hardstanding but has reached suitable standards of urban design through well-chosen finishes and the subtle employment of limited planting and lighting. I see no reason why an equally acceptable landscaping scheme for the common areas of the appeal proposal could not be achieved with a condition.
9. However, the access point would be formed upon the modest front areas of Nos 244 and 246. This space would be required to continuously provide adequate visibility for those entering or leaving the site whilst also accommodating bin storage on collection days for the new dwellings, in addition to retained bin storage and parking spaces for Nos 244 and 266. Given its modest size, it is likely that the access point would be a cramped and poorly functioning space in my opinion. Moreover, the drive would be compressed between the flanks of Nos 244 and 246, necessitating blocked up openings and drawing vehicular movements directly adjacent to the ground floor front bay window openings of No 246. This would appear contrived and thus unattractive, and the overall access arrangement would fail to complement the existing houses.
10. This would not compare favourably with the other backfill style developments in the area to which my attention has been drawn¹, which I observed to benefit from more spacious access arrangements and more sympathetic relationships with the housing that they pass by. The appellant has suggested that any identified bin storage issue could potentially be resolved through the use of a private waste contractor. However, no such condition is before me, and I am not persuaded that this is a situation that could be adequately or reasonably secured in perpetuity in this way.
11. The appellant has also highlighted that the area around Blandford Road is pinpointed as a highly sustainable location where high density development, including backfill development, can and should be located to boost housing supply. Even so, this does not diminish the requirement for such high-density development to achieve a suitable standard of design.
12. I therefore conclude on this issue that the proposal would have an unacceptable effect on the character and appearance of the area. It would conflict with the design aims of Policies PP27, PP28 and PP35 of the Poole Local Plan (adopted 2018) (PLP) Policy PQF3 of the Poole Quays Forum Neighbourhood Plan (made 2017) (PQFNP) and the Framework.

¹ At Paragraph 2.5 of the appellant's Statement of Case

Living conditions – future occupants

13. Paragraph 130 of the Framework also requires decisions to ensure that developments use the arrangement of spaces to create attractive, welcoming and distinctive places to live which promote health and well-being, with a high standard of amenity for existing and future users.
14. The dwellings within Plots 2-4 would have modest, north east facing gardens partly enclosed with 1.8m close boarded timber fencing. However, the houses would each have a well hipped roof at the rear, allowing for afternoon and evening sunlight to penetrate their gardens spaces. Given also that these properties would have two bedrooms, with logically comparatively modest demands for the outside space, the arrangement and sizes of the gardens serving Plots 2-4 would be adequate.
15. Plot 5 would contain a three-bedroom house, with a greater demand for outside space. Whilst its grounds would be larger than Plots 2-4, this would be split into two areas, with the south west area very small and confined and of limited usable quality. The main area would be small, enclosed on at least two sides by high fencing, and, given the gable ended north east elevation of the house, would be unlikely to enjoy much access to sunlight into the afternoon and evening. These attributes would lead it to be an uninviting environment unsuited to the likely needs of the logical family unit that would occupy it.
16. Accordingly, I conclude on this issue that the proposal would fail to create acceptable living conditions for future users. It would conflict in this respect with the residential amenity aims of Policy PP27 of the PLP, Policy PQF3 of the PQFNP and the Framework.

Living conditions – existing occupants

17. To the rear of the appeal site stands 9 Woodlands Crescent. Whilst the houses within Plots 2-4 would introduce first floor overlooking over No 9's garden, this would be limited as it would occur via small rooflights and from rooms serving modest study/landing spaces and bathrooms. Overlooking towards the dwelling itself would be highly oblique. The house within Plot 5 would have a reasonably large oriel window at first floor level but would be set back further away from No 9 and would only directly overlook the very upper reaches of the long garden of the neighbouring property.
18. As such, the scheme would have an acceptable effect on the living conditions of the occupants of 9 Woodland Crescent, with reference to privacy. It would accord in this regard with the residential amenity aims of Policy PP27 of the PLP, Policy PQF3 of the PQFNP and the Framework.

Other Matters

19. The Council's third and fourth 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 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 agreement² which accompanies the appeal. Had I been

² Pursuant to the Local Government Act 1972

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

20. The appellant contends that the Council cannot currently demonstrate a 5-year supply of deliverable housing sites, and the Council has not contested this issue, nor the appellant's figure of a 4.63-year supply. I have therefore taken this to be the situation within the context of this appeal. The Council does not dispute that, as a consequence of its Housing Delivery Test results, Paragraph 11d) of the Framework is engaged in any event.
21. The harmful effect of the scheme on the character and appearance of the area and its failure to create adequate living conditions for future users are matters to which I attribute significant weight. On the other hand, the government is seeking to significantly boost the supply of housing and the scheme would contribute to meeting the housing shortfall in the area. In doing so, it would provide a small number of required two-bedroom homes. The site is an accessible and established urban location targeted for higher density housing development. I do not doubt that the scheme would be quickly built out.
22. However, the delivery of housing should not come at the expense of the quality of the area it would serve nor the living conditions of its future users. Given such, and also the modest quantum of housing that would be delivered, the social and economic benefits of the scheme attract moderate weight in the balance. Consequently, 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.
23. It follows that the proposal would conflict with the development plan as a whole and there are no other considerations, including the Framework, which outweigh this conflict.

Conclusion

24. For the reasons outlined above, and taking all other matters raised into account, I conclude that the appeal should be dismissed.

Matthew Jones

INSPECTOR