



Appeal Decision

Site Visit made on 19 August 2021

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

an Inspector appointed by the Secretary of State

Decision date: 11 October 2021

Appeal Ref: APP/V1260/W/21/3273168

49 Abbotsbury Road, Broadstone, Poole BH18 9DB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for outline planning permission
 - The appeal is made by Mr Ed Gorvin, Portus Homes against Bournemouth Christchurch and Poole Council.
 - The application Ref APP/21/00151/P, is dated 28 January 2021.
 - The development proposed is erection of a new dwelling with associated access and parking.
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Decision

1. The appeal is allowed and planning permission is granted for erection of a new dwelling with associated access and parking at 49 Abbotsbury Road, Broadstone, BH18 9DB in accordance with the terms of the application, Ref APP/21/00151/P, dated 28 January 2021, and the plans submitted with it subject to the conditions set out in the attached schedule.

Applications for costs

2. An application for costs was made by Mr Ed Gorvin, Portus Homes against Bournemouth Christchurch and Poole Council. That application is the subject of a separate Decision.

Preliminary Matters

3. The site location varies between documents. It is apparent that Broadstone is on the outskirts of Poole and I have included both in the banner heading above for the avoidance of doubt.
4. The planning application is in outline. Appearance, landscaping and scale are reserved for future consideration but access and layout are for consideration at this stage.
5. The proposal is within 5 km of a Site Of Special Scientific Interest (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). It is also within close proximity to Poole Harbour which is a SPA; a SSSI and Ramsar site.
6. The Council failed to determine the application within the prescribed period but initially indicated that, were it in the position to do so, the application would have been refused for three reasons. Two of the putative reasons for refusal relate to the impact on the Dorset Heathlands and on Poole Harbour. The appellant confirmed on 17 August 2021 that the required mitigation payments

have been paid. On this basis the Council no longer defends the second and third putative reasons for refusal.

7. In July 2021 a revised National Planning Policy Framework (the 2021 Framework) was published. The Parties have had the opportunity to consider the implications of this.

Main Issue

8. Taking the above into account, the main issue for this appeal is the effect of the proposal on the character and appearance of the area.

Reasons

9. The appeal site is located in a built up residential area within reach of facilities, services and bus routes. As identified in the Broadstone Neighbourhood Plan it is in the 'Outer Zone' where three bedroomed properties are supported. There is no objection in principle to an additional dwelling provided planning policies and material considerations are satisfied.
10. The original pattern and grain of development along Abbotsbury Road is that of spacious dwellings having a direct frontage to a highway with long rear gardens. There is a mix of bungalows, chalet bungalows and houses. No 49 is a typical detached house in a relatively large garden in a row of similar dwellings. The houses on the appeal side of Abbotsbury Road are higher than the roadway and their gardens rise up at the rear to properties on High Park Road. The houses/bungalows on the other side are at a lower level than the road. There is a garage to the side of No 49 separated by a narrow path from the neighbouring house No 51.
11. The proposal includes the demolition of the garage and the construction in its place of an access drive to serve one proposed dwelling which would be sited in the rear garden behind the existing house at No 49. Both properties would have useable garden areas albeit smaller than those nearby. I find no conflict with the Broadstone Neighbourhood Plan in this regard. The building would be broadly T shaped. The proposed dwelling would have a relatively large footprint in relation to the plot size. Its rear garden would wrap around the proposed building in an L shape. Due to the shape and size of the proposed building and garden as well as the dominance of the parking and turning areas, I conclude there would be some harm to the spacious character of the area.
12. Elsewhere along Abbotsbury Road residential development in parts of rear gardens has been permitted. These have generally involved the amalgamation of parcels of land which means that more efficient use of land can take place with shared access and turning areas. Generally, from the examples provided, it also seems to me that the proposed and host gardens of the other examples cited seem to be larger, more regular in shape and therefore more spacious so would not set a precedent for the appeal before me.
13. The proposed building would be predominantly obscured from views from Abbotsbury Road. Although it would partially be visible through the gaps between houses it would not be overly prominent in the street scene. Concern has been expressed about the flat roof shown on the sketch plans. However, details of the appearance are reserved for consideration at a later date and are not a matter for this appeal.

14. For the reasons set out above I there would be some harm to the character of the area. Accordingly there is some conflict with Policies PP27 and PP28 of the Poole Local Plan 2018 (the LP) which together, amongst other things, seek patterns of development that reflect or enhance local patterns in terms of layout, siting, building line and built site coverage and useable amenity space although I note Policy PP28 does provide for plot sub-division.

Other Matters

15. 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. The proximity of the proposal to the Dorset Heathlands means that the requirements of the Habitat Regulations 1994, in particular Regulations 48 and 49 have to be taken into account. Poole Harbour hosts wetland birds, wetland, intertidal and subtidal habitats, and invertebrate communities which are sensitive to increased nitrogen levels.
16. As the competent authority I need to conduct an Appropriate Assessment in relation to the effect of the development on the Dorset Heathlands and Poole Harbour. 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 and Poole Harbour due to the proximity of urban development and its related effects including recreational pressures, arson, enrichment etc. which could arise from this development. There is also, in combination with other development, a likely significant effect on Poole Harbour in terms of increasing nitrogen levels.
17. The parties have agreed a financial sum in accordance with the Council's Dorset Heathlands Planning Framework Supplementary Planning Document and Poole Harbour Recreation 2019-2024 Supplementary Planning Document 2020 to be put towards a range of infrastructure and non-infrastructure projects. Mitigation in respect of nitrogen is collected via Community Infrastructure Levy in accordance with the Nitrogen Reduction in Poole Harbour Supplementary Planning Document 2017. Natural England is content that financial contributions 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 collection satisfactory, and considers that it does indeed secure the deliverability of the measures. I find no reason to reach different conclusions.
18. Concerns have been raised that there would be insufficient space to accommodate the access. However, the space available is wider than the average car so I see no reason to suppose it would not be useable as an access. The proposals include two on-site parking spaces for each of the host and proposed dwelling. On street parking occurs but at the time of my visit, which I acknowledge was only a point in time, parking spaces were available and there are wider passing places at intervals along the road. The Council raises no objections in relation to highway safety or parking and I have seen no significant evidence to conclude differently.
19. Concern has been raised by neighbours about the potential for loss of privacy. Some degree of overlooking is not unexpected in urban areas and the Council can control the position of windows and doors at the reserved matters stage. The Council considers that any noise and disturbance arising from the use of a

driveway to a single dwelling would be unlikely to be significant or materially harmful. I find no reason to disagree. Concern has also been expressed by neighbours about drainage and the nature of the ground, but these can be resolved at reserved matters stage.

20. The January 2021 Housing Delivery Test indicates 73% delivery of the required homes were delivered over the defined three year period. In accordance with Paragraph 11 of the 2021 Framework the Policies which are most important in determining the application are to be considered as out-of-date.
21. The proposal would deliver an additional home in an accessible location to help boost the supply of housing and there would be economic benefits in terms of employment during construction and extra spend in the local economy. Although these benefits are tempered by the small scale of the proposal, the adverse environmental harm I have identified above would not significantly and demonstrably outweigh the benefits when assessed against the policies in the 2021 Framework taken as a whole. This is a significant material consideration.
22. Neighbours are concerned that the proposal could lead to a reduction in the value of nearby property. However, planning is concerned with land use in the public interest, so that the protection of purely private interests such as the impact of a development on the value of a neighbouring property could not be a material consideration. Nor is it against planning policy for a developer to make a profit. I acknowledge that uncertainty and the prospect of change can be stressful. However, this alone is not a reason to withhold planning permission. I also acknowledge there can be noise and disturbance during construction but this is generally short term and not a reason for refusal.

Conclusion

23. There would be some conflict with Policies PP27 and PP28 of the LP. In this case this conflict is outweighed by the substantial material consideration indicated above. I conclude the appeal should be allowed subject to conditions.

Conditions

24. I have considered the conditions proposed by the Council in relation to the Framework and the national Planning Practice Guidance. As well as the standard conditions specifying the time limits for submission of reserved matters and commencement of development, compliance with the approved plans is necessary to provide certainty.
25. For the convenience and safety of users of the highway parking and turning areas should be kept available. The provision of Electric Vehicle Charging Points and associated infrastructure is necessary in the interests of promoting sustainable forms of transport. A Biodiversity Enhancement Plan is necessary to protect and encourage wildlife in and around the site. Details of measures to provide 10% of the predicted future energy use of each dwelling from on-site renewable sources are necessary to help reduce carbon emissions and reliance on centralised energy supply. Measures to prevent surface water run-off and to ensure satisfactory drainage are necessary in the interests of flood control.

S Harley

INSPECTOR

Schedule of Conditions

- 1) Details of the appearance, landscaping, including details of drainage, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
 - 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission
 - 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
 - 4) The development hereby permitted shall be carried out in accordance with the following approved plans: Location and Site Plan ref: SK1 and Proposed Plan and Section ref: SK3 with the exception of details of appearance which are for consideration under reserved matters.
 - 5) The dwelling hereby permitted shall not be occupied until the access, turning space, and vehicle parking shown on the approved plan have been constructed, and these shall thereafter be retained and kept available for those purposes at all times.
 - 6) Within 3 months of the commencement of the development details of the provision of Electric Vehicle Charging Points and associated infrastructure shall be submitted to the Local Planning Authority for approval in writing. Those details shall be in accordance with the BCP Council Parking Standards SPD (adopted 5th January 2021). The approved details shall be implemented and brought into operation prior to the occupation of any residential unit hereby approved. Thereafter, the Electric Vehicle Charging Points shall be permanently retained available for use at all times.
 - 7) Prior to the commencement of any work on the site, a Biodiversity Enhancement Plan including a timetable for implementation shall be submitted to and approved in writing by the Local Planning Authority. This should cover as a minimum:
 - The number of bat tubes/bricks/tiles that will be put up as enhancements, and that they are located away from direct effect of man-made lighting.
 - Specification of the number of swift nest boxes that will be put up, located in accordance with swift conservation guidance.
 - Details of hedgehog 'friendly' fencing
 - Specification of the species, number and/or area of native shrubs, trees and plants that will be provided within landscaping to provide enhancements.
- The approved Plan shall be implemented in full before the dwelling hereby permitted is first occupied and shall be retained thereafter.
- 8) Prior to first occupation of the building hereby permitted, details of measures to provide 10% of the predicted future energy use of each

dwelling from on-site renewable sources, shall be submitted to and approved in writing by the local planning authority. These measures must then be implemented before the dwelling hereby permitted is first occupied and shall be retained thereafter.

- 9) All ground hard surfaces shall either be made of porous materials, or provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the site. The hard surface shall thereafter be retained as such.

End of Schedule