
Appeal Decision

Site visit made on 8 June 2021

by J P Longmuir BA (Hons) DipUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 October 2021

Appeal Ref: APP/V1260/W/21/3268878

4 Canford Crescent, Poole BH13 7NB

- 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 on behalf of Mrs M J Albany-Ward against Bournemouth Christchurch Poole Council.
 - The application Ref APP/19/01575/P is dated 19 December 2019.
 - The development proposed is outline application for demolition of the existing dwelling and erection of a block of 5 apartments with associated access and parking.
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Decision

1. The appeal is dismissed and planning permission for demolition of the existing dwelling and erection of a block of 5 apartments with associated access and parking is refused.

Procedural Matter

2. The application was submitted in outline with access, scale and layout for consideration, whereas appearance and landscaping are reserved matters. I have therefore considered the submitted elevations as indicative only.

Main Issues

3. The main issues are:

- the effect of the proposal on the character and appearance of the area and;
- the effect of the proposal on the living conditions of No 2 and No 6 Canford Crescent

Reasons

The effects on character and appearance

4. Canford Crescent is part of an extensive residential area on the outskirts of Poole. It is characterised by tall trees and houses set back from the road behind front gardens. The street is indeed a notable crescent shape whereby the houses follow that road pattern.
 5. The Canford Crescent houses are generally one or two storeys with pitched roofs. The immediate neighbouring buildings to the appeal site are a bungalow and a one and half storey dwelling.
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6. The appeal site includes a two-storey hipped roof dwelling, which has a symmetrical appearance including double bay fronted windows and chimneys. The Council date it as circa 1930. The house is conspicuous over a low frontage hedge and to the rear several trees tower over the house.
7. The submitted Design and Access Statement notes that permission was granted in 1955 for sub-division of the house into two flats. Whilst that permission was implemented, it has been a single dwelling for at least 20 years.
8. The proposal involves the demolition of the existing house and its replacement with flats on a similar footprint in a similar siting. Whilst the application is in outline, the scale is not a reserved matter and the flats would be three storeys with a flat roof.
9. The proposed building would be significantly higher than the immediate neighbours and the overall Crescent. Moreover, the proposed flat roof would appear very assertive, which would attract undue attention. The proposal would appear out of keeping with neighbouring dwellings and the rest of the Crescent, which are characterised by two storey dwellings with pitched roofs: it would spoil the coherency of the Crescent. The scale would also be overly dominant which would harm the balance between the muted appearance of the buildings and the verdant front gardens.
10. I have been made aware of other appeal decisions. The 10 Cranford Crescent case dates back to 2006 and the Inspector at paragraph 9 describes the replacement as a mainly two-storey building with accommodation also contained within the roof space and did not find the siting prominent. In the Lilliput Road case the Inspector noted the presence of larger buildings including flats. These sites and proposals do not appear to be wholly comparable to this particular appeal site and proposal and do not lead me to a different conclusion.
11. I therefore conclude that the proposal would harm the character and appearance of the area.
12. Policy PP27 of the Poole Local Plan (LP) requires that height, scale, materials and detailing reflect or enhance the local pattern of development. LP policy PP28 in part, specifically relates to flats, highlighting the need for the height and roof profile to be in keeping with the established pattern of the street. Paragraph 130 of the National Planning Policy Framework (the Framework) requires design to be sympathetic to the local character and similarly paragraph 126 promotes high quality, beautiful and sustainable buildings. The proposal would be in conflict with these policies.

The effects on the living conditions of the occupants of No 2 and No 6

13. The footprint of the flats would extend further to the rear compared with the existing building and well beyond the rear elevation of No 2 the neighbouring dwelling. The flats would also be sited close to the common boundary and broadly to the south-west.
14. The roof height of the flats would be higher and have higher walling compared to the existing building. Daylighting would be impaired, and shadowing would also result at times when the garden would be likely to be used most. A perception of overbearing enclosure would also result.

15. The proposal would intensify the residential use of the site and the principal entrance to the flats would be to the side facing the neighbouring dwelling, No 6, and its rear garden. This would result in significant movements in/out of the flats by residents and their visitors which at times would be likely to cause disturbance impairing the quiet enjoyment of the residents of No 6.
16. I therefore conclude that the proposal would impair the living conditions of the occupants of No 2 and No 6.
17. Policy PP27 of the LP requires avoidance of impact of sunlight, daylight, privacy and overbearing enclosure. Paragraph 92 of the Framework seeks to promote living standards. The proposal would be in conflict with the above policies.

Planning Balance

18. The Council confirms that it is not meeting its housing land requirement and paragraph 11(d) of the Framework applies. The Council's statement refers to a shortfall of 499 dwellings over the current local plan period.
19. Paragraph 8 of the Framework gives the planning system three overarching objectives: economic, social and environmental. The proposal would have economic benefits in the construction process, and the occupants would be well located to use local services and facilities. The four new dwellings would also make a contribution towards housing land supply. The Design and Access statement indicates the construction would be energy and resource efficient. However, this benefit would be offset by the demolition and loss of the existing building. The impact on the living conditions of the neighbouring occupants would be contrary to the social objective. Similarly, the impact on the character of the area would be contrary to the environmental objective.
20. The proposal contravenes paragraphs 8, 92, 126 and 130 of the Framework which seek to safeguard character and appearance and living standards. The land supply shortfall questions the development plan housing policies, but the general thrust of policies PP27 and PP28, which require protection of the character of the area and living conditions, is still an appropriate strategy.
21. In overall balance, I therefore conclude that the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
22. The site lies within the zone of influence of both the Dorset Heathlands SPA, Ramsar and SAC and Poole Harbour SPA, SSSI and Ramsar. Both areas are noted for various scarce species and distinctive habitat, which are protected under The Conservation of Habitats and Species Regulations 2017. A unilateral undertaking has been provided to make a financial contribution to the management plans which seek to remedy the impact of development. Had I been minded otherwise an appropriate assessment would have been necessary.

Conclusion

23. I therefore conclude that the appeal should be dismissed.

John Longmuir

INSPECTOR