



Appeal Decision

Site Visit made on 15 September 2021

by M Bale BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 October 2021

Appeal Ref: APP/V1260/W/21/3272547

190-198 Bournemouth Road, Poole BH14 9HZ

- 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 DWP Ltd against Bournemouth Christchurch and Poole Council.
 - The application Ref APP/20/01214/P, is dated 19 October 2020.
 - The development proposed is to demolish building and outbuilding and erect four blocks with a total of 26 flats, with associated access, parking, landscaping, bin and cycle storage.
-

Decision

1. The appeal is dismissed and planning permission to demolish building and outbuilding and erect four blocks with a total of 26 flats, with associated access, parking, landscaping, bin and cycle storage is refused.

Preliminary Matters

2. The proposal is described on the application for as being for 26 flats, although it is clear from the plans and evidence that 28 are proposed. I have determined the appeal on that basis.
3. The appeal relates to an application for outline planning permission. Landscaping is reserved for subsequent consideration. Therefore, I have treated the plans depicting the access, appearance, layout and scale as a firm part of the proposal. I have treated any indications of landscaping as illustrative.
4. During the Council's consideration of the application, various sets of amended plans were produced. Following a correction to refer to 28 flats, another site plan was produced to respond to concerns of the Highway Authority. This included amendments to the ground floor of blocks 1 and 2. These changes were minor and there would be no injustice if I determined the appeal on the basis of those drawings.
5. Subsequently, a further change to the layout was made, removing on-site parking provision. While this was in response to the Council's adoption of revised parking standards, and the Highway Authority and Council have commented upon them, I cannot be certain that local residents are aware. There is no particular evidence of re-advertisement or notification and the appellant indicates that, by the time the appeal was lodged, the plans had not appeared on the Council's website.

6. I am particularly mindful that there was little local interest in the application. It is possible that this indicates acceptance of the plans that were originally advertised. Local residents, content with a scheme, would not necessarily have cause to review the appeal evidence and the revised parking proposals. The amendments to the parking arrangement are significant and I cannot rule out that they may be perceived by some people as causing a different effect on the locality. Significant injustice could, therefore, arise if I were to accept the amended plans, so I have determined the appeal on the basis of the earlier site plan.
7. The Council's putative reasons for refusal relating to highway safety appear to relate to the most recently revised layout as the Highway Authority's early consultation responses did not raise those issues. In light of my approach to the amended plans, I do not consider them to be main issues in my decision.

Main Issues

8. The Council's statement sets out reasons why the application would have been refused. Based upon this, and the other evidence before me, I consider the main issues to be:
 - (a) Whether the development would be safe from flood risk;
 - (b) The effect on the occupiers of Nos. 190 and 198 Bournemouth Road with regard to outlook and availability of light;
 - (c) The effect on the character and appearance of the area;
 - (d) The effect of the layout on the safety of future residents from crime; and
 - (e) The contribution that the proposal could make to housing delivery.

Reasons

Flood risk

9. Part of the site is at risk of surface water flooding. It is said that the risk is low, but there is no substantive evidence as to the likely extent or depth of any flooding, or the effects of climate change. As I cannot determine the extent of required mitigation or the effects that may have on the proposal, this cannot be left to a detailed design secured by conditions after any permission was granted.
10. I, therefore, conclude that future occupiers would not be safe from flooding and the proposal would be contrary to Policy PP38 of the Poole Local Plan 2018 (LP) that seeks to direct development away from areas at risk of flooding.

Living conditions

11. Building 1 would stretch significantly further than the existing building beyond the rear elevation of No.190, close to its garden boundary. While in a high-density urban environment, the proximity of Building 1 to the boundary would cause a significant enclosing and overbearing effect on the outlook from the neighbouring garden.
12. No.198 projects broadly as far back from Bournemouth Road as the proposal so there would be little effect on its relatively short garden. However, it has a window in the ground floor of the rear section that, while set slightly off the

boundary, faces directly towards the site. Given the proximity of the proposal to the boundary and scale of the facing elevation, it would have a significant overbearing effect on the outlook from the internal spaces of No.198 and could cause significant overshadowing, particularly in the latter parts of the day.

13. I, therefore, find that the proposal would harm the living conditions of the occupiers of neighbouring residential properties. Such would be contrary to the aims of LP Policy PP27 to avoid a harmful impact on the amenity of neighbouring occupiers.

Character and appearance

14. Bournemouth Road is a busy thoroughfare lined with buildings. There are many, predominantly two-storey, individual residential dwellings but these are interspersed with larger blocks associated with communal living arrangements. A number of larger, bulky buildings are visible from around the front of the appeal site, so the immediate locality cannot be considered separately to these.
15. The larger buildings have, by and large, respected key design features of the overall area, notably through the use of pitched roofs, and architectural devices picking up on the articulation and rhythm of the numerous bay windows in the locality. The proposal would similarly have an articulated façade and projecting gables, albeit interpreted and framed with skeletal balcony structures.
16. In terms of its scale, the proposal would be similar to many of the other taller and bulkier buildings around the area that frequently sit alongside other smaller scale buildings. Thus, there is no obvious consistency of roofline between the surrounding individual buildings, and the proposal would not appear overly dominant or intrusive, despite the greater depth and higher eaves than those directly adjoining the site.
17. To the rear, two further blocks would take a different architectural form. Set away from the street frontage, they would not be particularly visible and their deviation from the general style would have little effect on the overall character and appearance of the area. There is little other development to the rear of the frontage buildings nearby, certainly on the scale proposed, but that area is dominated by the railway line and development here would have little effect on the thoroughfare character of Bournemouth Road.
18. Although the density of development at the site itself would be significantly higher than those individual dwellings around it, I, therefore, find that the proposal would not harm the character and appearance of the area and there would be no conflict with LP Policies PP27 and PP28 that require development to reflect local patterns, and be in keeping with neighbouring buildings.

Safety

19. The primary accesses to Buildings 3 and 4, and their respective bin and cycle stores, would not be well overlooked. This is poor from a crime prevention perspective. However, ultimately, the Police Crime Prevention Officer and Design Advisor has not objected to the proposal, so there is no substantive evidence that the development would be inherently unsafe. Therefore, I attach only limited weight to this matter.

Housing delivery

20. The appellant alleges that the Council can only demonstrate a 4.5 year supply of housing. Moreover, Poole has been unable to meet the targets of the Housing Delivery Test. In this context, regardless of the supply situation, I attach substantial weight to the benefits associated with the delivery of the significant number of homes proposed.

Other matter

21. A planning obligation has been provided relating to mitigation in respect of protected habitats sites. Whether or not sufficient mitigation would be provided, it would, at best, be neutral in the planning balance.

Planning balance

22. While the proposal would not harm the character and appearance of the area, there would be conflict with the development plan read as a whole, due to flood risk and effect on the living conditions of neighbouring occupiers.

23. The Housing Delivery situation means that Paragraph 11(d) of the National Planning Policy Framework (the Framework) falls to be considered. The Framework is clear that development should be directed away from areas at risk of flooding from all sources and, where this is not possible, should be made safe.

24. My findings in respect of the first main issue indicate that the Framework policies relating to flood risk, that are amongst those that protect areas or assets of particular importance, provide a clear reason for refusing the development proposed. The proposal does not, therefore, benefit from the presumption in favour of sustainable development set out at Framework Paragraph 11.

25. Regardless of the above, I have attached substantial weight to the benefits associated with the delivery of more homes. However, due to the nature of harms identified, this is insufficient to indicate a decision otherwise than in accordance with the development plan.

Conclusion

26. I, therefore, conclude that the appeal should be dismissed.

M Bale

INSPECTOR