



Appeal Decision

Site Visits made on 15 September 2021 and 17 November 2021

by M Bale BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 November 2021

Appeal Ref: APP/V1260/W/21/3274572

6 Burton Road, Poole BH13 6DU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Westcoast Developments Limited against the decision of Bournemouth Christchurch and Poole Council.
 - The application Ref APP/20/00437/P, dated 16 April 2020, was refused by notice dated 22 April 2021.
 - The development proposed is demolition of existing dwelling and erection of 12 flats comprising a single building together with access, parking and landscaping.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal relates to an application for outline planning permission, with landscaping reserved for later consideration. I have, therefore, treated plans depicting the access, layout, scale and appearance of the development as firm parts of the proposal. I have treated the landscaping details shown on the layout plan as illustrative.
3. Two site visits were carried out. At the first visit the site was viewed from the external areas of No.8 Burton Road and the second visit, the site itself was visited.

Main Issues

4. The main issues are:
 - (i) Whether the developemnt would preserve or enhance the character and appearance of the Branscombe Park and Chine Gardens Conservation Area;
 - (ii) The effect on the setting of No.8 Burton Road;
 - (iii) The effect on the living conditions of the occupiers of No.8 Burton Road, with regard to privacy; and
 - (iv) The potential contribution to housing supply.

Reasons

Conservation area

5. The conservation area was initially laid out following a vision to create a low-density estate of generous plots that would retain a rural feel. Rather than being representative of the countryside, it may be that the aim for a rural feel was more a deliberate attempt to deviate from the higher density patterns elsewhere in the rapidly expanding town. Thus, it would maintain the character and perception of an affluent and prestigious neighbourhood by avoiding densification.
6. These early aims are still clearly evident in the numerous detached dwellings throughout the conservation area, set in in large, landscaped plots dominated by tree planting. They are seen in contrast to the purpose-built flatted blocks outside the conservation area on the opposite side of Burton Road to the site, giving the designation a clearly defined edge. The existing dwelling at the site is unremarkable and a later addition to most. No harm would come to the character and appearance of the area from its removal.
7. The replacement building would be larger but, when viewed from the street, would increase the gaps to the side boundaries with adjoining properties. It would maintain a strong set-back from the road allowing space for supplementary planting to the front. The site levels would be used effectively to provide 4 floors of accommodation at the rear, with 3 at the front. The uppermost floor would be within the roof space. The front elevation would be of domestic scale and have the proportions of a large house that would not be dissimilar in scale to a number of other properties along Burton Road.
8. However, the front elevation would not be seen in two dimensions. Behind it, the building would be deep, emphasised by the projecting rear wing signifying substantial additional building beyond. The side elevations would be articulated, but they would have a large scale and mass, and be fenestrated in a manner typical of the high-density flatted development within. The cycle store against the front boundary and undercroft car park, while mimicking an existing arrangement and avoiding expansive surface level parking, would make it obvious that the development was an intensively occupied building. The indicative landscaping would not adequately screen these features and, whilst illustrative, seems a logical response to facilitate access and servicing of the refuse storage area.
9. The proposal seeks to adopt an 'arts and crafts' style, which may well have been fashionable at the time that the majority of the conservation area was built out. However, architectural style is of little importance to the historic interest of this conservation area, with most buildings representing the prevailing style at their time of construction. The design approach would result in a building of uncharacteristically intensive use in a style that appeared more established and in doing so, would confuse rather than better reveal the historic interest of the area.
10. A key feature of this part of the conservation area is the dominance of landscaping over buildings. The existing site is relatively open to the road compared to some neighbours, but the low height of the building still allows trees to dominate. Larger buildings in the area tend to be set well back behind very substantial tree planting.

11. While the new building would be set away from the boundaries at the front, the lower ground floor would extend closer to the boundary at the rear, being subterranean at the front. As such, there would be limited opportunity for additional landscaping around the building and it is not clear whether the existing planting here could be retained. The depth of the building would obscure views from the highway to trees at the rear of the site, when viewed across the low side wing/garage of the adjoining No.8. While landscaping is a reserved matter, there is no substantive evidence that effective planting, that would ultimately dominate the site, could be provided.
12. Although the conservation area is large, the development would weaken the clearly defined edge as higher density development would encroach into it. I, therefore, find that the proposal would harm the character and appearance of the conservation area and cause less than substantial harm to its significance. In doing so, it would conflict with those aims of Policies PP27, PP28 and PP30 of the Poole Local Plan 2018 that seek to ensure that development reflects or enhances local patterns of development, preserves or enhance the historic significance of heritage assets, and better reveal the significance and value of the site within the street scene and wider setting of conservation areas.

Setting of No.8 Burton Road

13. No.8 is a locally listed building, identified for its architectural interest. It has a particularly grand principal elevation, side on to the road, that would retain gravitas whether or not the proposal were built. The set back of the proposal from the road frontage, would avoid domination in these views, such that it would have little effect on the roadside setting of No.8.
14. However, No.8 is a grand house in substantial landscaped grounds. A large patio terrace to the side, being the rear relative to the road elevation, stepping down to its extensive gardens is also part of the setting. The proposal would be visible above the boundary and single storey part of No.8 closest to the site.
15. Although stepped away from the boundary at the rear, the side flank elevation would be long and of institutional character in its detailing. This would undermine the secluded nature of the grounds and grand appearance of the house within an affluent suburb. There would, therefore, be less than substantial harm to the setting of this non-designated heritage asset, contrary to those aims of LP Policy PP30 to preserve the historic or architectural interest of heritage assets and their settings.

Living conditions

16. No.8 has few windows facing the appeal site. However, the patio terrace extends broadly across the width of the building. The terrace and garden are currently very private and there are no readily visible buildings beyond the site boundaries. Side bedroom windows of unit 7 would face across the garage/single storey rear wing of No.8 and would afford some views towards the terrace causing a harmful loss of privacy.
17. Obscure glazing could not be insisted upon as this would cause oppressive living conditions within the proposed development. Directional glazing has also been suggested, but it is not clear what form this would take and whether it would have an effect on the appearance of the building. I could not, therefore, use a planning condition to secure it. The balcony to unit 8 would lead to

further overlooking and, whilst privacy screens could be installed along its side elevation, this would increase the bulk of the building and could have an imposing and overbearing effect on No.8.

18. I, therefore, find that there would be harm to the living conditions of the occupiers of No.8. Such would conflict with those aims of LP Policy PP27 that seek to avoid harmful impacts on amenity for local residents.

Housing supply

19. The proposal would result in an additional 11 homes within an existing urban area. Given that housing delivery targets in Poole are not currently being met, the benefits associated with this are of substantial weight.

Planning balance

20. The character and appearance of the conservation area would not be preserved or enhanced and less than substantial harm would be caused to its significance. The conservation of heritage assets is a matter of considerable importance and I must give great weight to it. Against this, the benefits associated with the supply of housing are of substantial weight. It may be important to maximise the delivery of homes within an established urban area, particularly given the housing delivery situation, but to do so here would undermine the essence of the designated asset. The benefits, therefore, do not outweigh the harm to the conservation area.
21. Paragraph 11(d) of the National Planning Policy Framework (the Framework) falls to be considered. However, as the public benefits do not outweigh the harm to the designated heritage asset, policies of the Framework that protect areas or assets of particular importance, provide a clear reason for refusing the development proposed. Therefore, the presumption in favour of sustainable development outlined at Framework Paragraph 11 does not apply.
22. There is also harm to the setting of the adjoining non-designated heritage asset, No.8 Burton Road, and to the living conditions of its occupants. These give rise to a conflict with the development plan read as a whole. For the above reasons, material considerations do not indicate a decision otherwise than in accordance with it.

Other matter

23. I note the payment of contributions seeking to address alleged effects on Habitats sites. However, in light of my Decision on the appeal overall, such effects will not arise.

Conclusion

24. I, therefore, find that the appeal should be dismissed.

M Bale

INSPECTOR