



Appeal Decision

Site visit made on 7 December 2021

by Helen O'Connor LLB MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 December 2021

Appeal Ref: APP/D1265/W/21/3277154

61 Queens Road, Swanage, Dorset BH19 2EW

- 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 7 Sunridge Close Ltd against the decision of Dorset Council.
 - The application Ref 6/2020/0490, dated 23 October 2020, was refused by notice dated 22 April 2021.
 - The development proposed is described as 'Site severance. Proposed new build single dwelling with associated site work on severed/disused land.'
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on the character and appearance of the area and if harm arises, whether this is outweighed by other material considerations.

Reasons

Character and appearance

3. Queens Road is a principal road in an established residential area. The section nearest the appeal site comprises mostly detached houses set within generous grounds. The spaces between buildings, set back from the road, plentiful tree cover and mature gardens combine to give a pleasant, spacious and verdant character and appearance to the area.
4. 61 Queens Road is a substantial detached house with a notably long sloping rear garden and therefore, reflects these characteristics. Its rear garden adjoins Sunridge Close, an unmade cul-de-sac to the north. Whilst Sunridge Close has some detached housing lining it, it also has several rear gardens backing onto it along its southern side. Combined with the grass verges and planting nearby this gives the Close an informal secondary quality.
5. The appeal site comprises a lower section of the rear garden to No.61. Aside from a low key access onto Sunridge Close and a small scale domestic outbuilding, the prevailing characteristics of the garden land are an absence of built form, its natural topography and greenery. These factors make a positive contribution to the spacious, verdant qualities of the area. Furthermore, in combination with other garden land to the west, it makes a valuable

- contribution to the informal 'lane' character along the southern side of Sunridge Close.
6. The appeal site lies within an identified area of distinctive local character designated in the Swanage Local Plan, June 2017 (SLP). Policy STCD of the SLP describes it as covering cul-de-sacs, lanes and tracks which form spurs from the principal road network, resulting in a mixture of formal highways and informal lanes. It further describes the area as characterised by predominantly detached houses set within generous plots defined by established boundary planting and walls. This is consistent with my observations.
 7. The Swanage Townscape Character Appraisal Supplementary Planning Document, September 2012 (SPD)¹ categorises the area within which the appeal site sits as having a 'low density residential' character type. It goes on to describe the definitive qualities of the area, which include large plots, undulating geography and deep rear gardens. In addition, it specifically mentions infilling or the redevelopment of existing plots at greater densities and loss of vegetation as potential threats to the character of the area.
 8. Policy D of the Purbeck Local Plan Part 1, November 2012 (LP) states that development will be expected to reflect the advice, including appropriate densities, contained in design guidance including townscape character assessments. The Purbeck District Design Guide, Supplementary Planning Document, January 2014 gives an overview of key design principles, which includes local distinctiveness. It states that development should reflect and reinforce locally distinctive characteristics and reinforces the important role of townscape appraisals in understanding the characteristics of Purbeck.
 9. Paragraph 127 of the National Planning Policy Framework (the Framework) stipulates that design policies should be developed with local communities, so they reflect local aspirations and are grounded in an understanding and evaluation of each area's defining characteristics. The suite of local design policies and supplementary planning documents outlined align with this approach and therefore, attract significant weight.
 10. The proposal would introduce a detached dwelling onto land which is largely free from built form. Notwithstanding that the form would utilise the sloping nature of the site, it would result in a building of notable volume, particularly when viewed from Sunridge Close. Its physical presence would erode the verdant spacious qualities and interfere with the impression of the natural topography of the land. The resultant dwelling would be elevated relative to the level of Sunridge Close which would exacerbate the harm.
 11. Although both parties refer to density, the National Design Guide does not specify that density taken in isolation constitutes one of the 10 characteristics of a well-designed place. However, context and identity are. My understanding of the description of 'low density residential' development in the SPD gives value to the respective relationship of formal and informal roads and the generous spacing between buildings which allows a green character to prevail. Therefore, it is these characteristics, rather than a specific measure of density that have had greater bearing on my determination. For the reasons outlined, the composition of built form and reduction in green character would erode these defining qualities.

¹ Section 04.13

12. In addition, the concerns raised by the Council and in representations that the proposal would set a precedent for similar residential development to the west are more than generalised. This is because, as the appellant points out, in some regards the proposed dwelling would otherwise take cues from the height, conventional appearance, materials and set back seen in existing development to the east. As such, it would appear to continue a building line in a westwards direction along the southern side of Sunridge Close. Such an argument could be readily used to support similar development in the rear gardens of 57 and 59 Queens Road. Reference is made to a similar planning application² at No.59 having been resisted in the past. Hence, the proposal would be likely to increase pressure for similar development nearby, which cumulatively would undermine the green character of the area.
13. In reaching my determination I have had regard to the comparative figures³ provided by the appellant. Rather than a conventional density calculation, this primarily appears to show the built coverage within individual plots. However, the appellant has used the proposed first floor area rather than the larger ground floor footprint in his calculations, which reduces the weight I have given to them. In any event, it does not lead me to a different conclusion regarding the likely harm to the defining characteristics of the area that I have identified as these comprise more than plot coverage. Furthermore, whilst the proposed front boundary wall and hedgerow adjacent to Sunridge Close would assist in shielding the impact to an extent, they would not overcome my concerns entirely.
14. My attention is drawn to two properties that have recently obtained planning permission. The closest example at 9 Manor Road is not shown to be within the defined area of distinctive local character and consequently, is of little relevance. I am not provided with the full details of the development at 68 Queens Road which inhibits a meaningful comparison with the scheme before me. However, I observed that it does not appear to involve a plot with a deep rear garden, nor would it obviously affect a 'lane' to the same extent. Furthermore, as it is a considerable distance from the appeal site, it would be difficult to see both sites in contiguous views. Given these differences, it carries limited weight in favour of the proposal.
15. I have also taken account of the representation made in support of the proposal which in addition to general references to development in the wider area cites extensions and alterations that have taken place in Sunridge Close. Those in greater proximity to the appeal site are of more relevance. However, the examples in Sunridge Close concern existing properties rather than the introduction of a new dwelling and so are not directly comparable to the proposal before me. In any event, I have determined the proposal on its own merits.
16. Accordingly, I find that the proposal would adversely affect locally distinctive characteristics identified as valuable to the local community, and consequently would result in unacceptable harm to the character and appearance of the area. Therefore, it would be contrary to policy D of the LP which, amongst other things, expects development to positively integrate with its surroundings and reflect the good practice advice contained in design guidance including townscape character assessments. In addition, it would run counter to policy

² Reference 6/2001/0419, Council's Planning Report

³ Paragraph 7.2, Appellant's Appeal Statement

STCD of the SLP which identifies that the appeal site falls within an area of distinctive local character where new development should protect and enhance local characteristics.

Planning balance and conclusion

17. The Housing Delivery Test 2020 for the Purbeck Local Plan area was 74%⁴. In these circumstances footnote 8 of paragraph 11 of the Framework deems that the policies which are most important for determining the application are out-of-date. There is little before me to show that the Framework policies in footnote 7 provide a clear reason for refusing the proposal. Consequently, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
18. The proposal would provide an additional dwelling in a reasonably accessible location which would assist in boosting the supply of housing in the area. Recognition is given to the important contribution small sites can make to meeting housing requirements in paragraph 69 of the Framework and in particular that they can often be delivered relatively quickly.
19. General support is given to making efficient use of land in the Framework, particularly where there is an existing or anticipated shortage of land for meeting identified housing needs, although that is not necessarily shown here, where the principal concern relates to delivery. Moreover, such support is not unqualified and amongst other things, paragraph 124 states that account should be taken of the desirability of maintaining an area's prevailing character and setting including residential gardens. This tempers the weight attributed to the more efficient use of the land in this case.
20. Nevertheless, there would be economic benefits associated with the construction and activity of future occupants. Even so, the extent of the benefits accruing from a single dwelling would be limited. Therefore, overall, I attribute limited weight to the cumulative benefits.
21. Reference is made to the proposal meeting policy requirements in other respects, including accessibility, the promotion of sustainable transport, biodiversity and flood risk. Be that as it may, policy compliance in relation to these other issues would be required in any event. Therefore, they are neutral factors in the overall balance rather than benefits of the proposal.
22. Balanced against this is the permanent harm that would result to locally distinctive characteristics that have been identified by the local community as important to the sense of place. The Framework stipulates that good design is a key aspect of sustainable development and furthermore, the creation of high quality places is fundamental to what the planning and development process should achieve⁵. Therefore, the conflict with the design policies and advice referred to above which are consistent with the Framework in this regard, attracts significant weight.
23. Consequently, I find that the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits when assessed against

⁴ Council's Planning Report & paragraph 8.9 Appellant's Appeal Statement

⁵ Paragraph 126 NPPF

the policies in the Framework taken as a whole. As a result, the presumption in favour of sustainable development does not apply.

24. Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise⁶. There are no other considerations, including the provisions of the Framework, which outweigh this finding. Therefore, for the reasons given above I conclude that the appeal should be dismissed.

Helen O'Connor

Inspector

⁶ Section 38(6) Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990.