

Appeal Decision

Site visit made on 8 November 2021

by Robert Parker BSc (Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 December 2021

Appeal Ref: APP/V1260/W/21/3271515

Land to the rear of 18 Amberwood Drive, Walkford, Christchurch BH23 5RU

- 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 Radmore Homes Southern Limited against the decision of Bournemouth, Christchurch and Poole Council.
 - The application Ref 8/20/0811/FUL, dated 16 September 2020, was refused by notice dated 17 February 2021.
 - The development proposed is erect a single storey dwelling.
-

Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Radmore Homes Southern Limited against Bournemouth, Christchurch and Poole Council. This application is the subject of a separate decision.

Procedural Matter

3. Subsequent to the Council issuing its decision, a revised National Planning Policy Framework ('the Framework') was published. The parties have had an opportunity to comment on the implications for the appeal.

Main Issues

4. The main issues are:
 - a) the effect of the proposal on the character and appearance of the area;
 - b) the effect on highway and pedestrian safety; and
 - c) whether the scheme makes adequate provision for surface water drainage.

Reasons

Character and appearance

5. Amberwood Drive and the streets leading off it are predominantly characterised by modern detached bungalows. There is some variation in plot size but the pattern of development is regimented, with consistent plot widths and strong building lines. Most properties are set back from the road behind modest driveways and front gardens.

6. The site forms part of the back garden to 18 Amberwood Drive. It is accessed via a private drive which is sandwiched between the rear garden boundaries to properties in Amberwood Drive and Amberwood Gardens. The drive is flanked by dense hedges and there are a number of trees that are the subject of a tree preservation order along the route. The drive opens out at its southern end with a long narrow section of grass verge and terminates with a pair of recently constructed bungalows.
7. The proposal would sever the generous rear garden of No 18, leaving the donor property with a much shorter garden. This would have the effect of disrupting the regular pattern of development on Amberwood Drive and diminishing the spacious character within the rear gardens. The new plot would be much smaller than the majority of those surrounding, with a higher building to plot ratio.
8. The proposed bungalow would not have a defined front garden and it would project slightly into the access drive towards the grass verge opposite. The appellant concedes that this area would not comprise residential curtilage but contends that it would have a visual and functional relationship to the rest of the plot. I disagree. The landscaped area reads as amenity space.
9. As I have explained above, recent development has already taken place in the vicinity in the form of two bungalows at the southern end of the access drive. However, these replaced an older dwelling which formed part of the historic context of the area. The new bungalows align with properties on the south side of Amberwood Gardens and are thus reflective of the established urban grain.
10. I acknowledge that the proposed dwelling would not be visible from public vantage points. However, the site layout would be discordant with the prevailing pattern of development and the scheme would appear cramped and visually incongruous when viewed from surrounding properties and gardens. This is sufficient reason to find the proposal unacceptable.
11. The appellant contends that the proposal has addressed concerns of a previous Inspector who dismissed an appeal¹ in relation to a scheme of three dwellings, one of which would have been located on the site. Compared to that scheme, the bungalow footprint would be smaller and the garden larger. These adjustments represent minor improvements, but they do not make the proposal acceptable.
12. I conclude that the proposal would cause material harm to the character and appearance of the area. There is conflict with Policy HE2 of the Christchurch and East Dorset Local Plan, Part 1 – Core Strategy (2014) (CS) and Policy H12 of the Borough of Christchurch Local Plan (2001). These policies are consistent with the Framework in seeking good design which is sympathetic to local character.

Highway and pedestrian safety

13. Access to the new dwelling would be via a private road leading off Amberwood Drive. This route is single vehicle width and roughly 150 m long. The Council is concerned that the lack of passing bays would lead to conflicts between vehicles and safety issues for pedestrians, the latter being exacerbated by the lack of lighting. The curved alignment of the access restricts forward visibility and there is potential for vehicles to meet head-on. However, such occurrences are infrequent and the construction of a modest 2-bed bungalow on the appeal site

¹ APP/E1210/W/17/3179380

is unlikely to generate significant additional traffic. Moreover, vehicle speeds along the access are very low and therefore the risk of collision is negligible.

14. Contrary to the assertions of the Transport Development Management Officer (TDMO), there is sufficient width at the entrance onto Amberwood Drive to enable a car to pass another without having to reverse onto the highway. The TDMO makes reference to a pair of passing bays which were proposed under the previous scheme, on the grass verges nearest to the proposed dwelling. The land for these bays lies within the red line of the appeal site and as such they could be secured by means of a negatively worded condition.
15. Policy KT11 of the CS is consistent with the Framework in prioritising pedestrian movements and seeking to ensure that safe and suitable access to the site can be achieved for all users. To this end, there is an opportunity to improve the access for pedestrians. The presence of protected trees limits opportunities to construct passing bays, but extensive removal of trees and vegetation is not necessary. There would be scope to create pedestrian refuges and install low key bollard lighting. These measures, which could be secured by condition, would ensure compliance with the development plan.
16. Paragraph 110 of the Framework states that development should only be refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. The proposal would not meet this threshold and it is therefore acceptable in highway terms, subject to appropriate conditions being imposed.

Surface water drainage

17. Government online mapping indicates that there is an area of land to the side and rear of 18 Amberwood Drive at low risk of surface water flooding. However, this area is very small and does not extend into the appeal site itself. The appellant has supplied a plan showing details of a Sustainable Drainage System (SUDS) based on roof water discharging to a cellular soakaway. There is no evidence to demonstrate that such a solution would be ineffective, or that it would increase the risk of flooding elsewhere. I am content that a pre-commencement condition could be attached to any permission requiring further details to be submitted for approval by the relevant SUDS approval body. This would ensure compliance with CS Policy ME6 insofar as this seeks to manage flood risk.

Other Matters

18. The appellant has indicated a willingness to enter into a unilateral undertaking to secure a contribution towards Strategic Access Management and Monitoring. This would mitigate the adverse impact of the development on the integrity of European Sites in line with the Dorset Heathlands Planning Framework. No planning obligation is before me. However, as I am dismissing the appeal for other reasons, the decision does not turn on this matter.
19. Residents are concerned that the removal of trees and vegetation alongside the drive has adversely impacted on the character and appearance of the area. Although these works may have been regrettable, I have seen no substantive evidence to indicate that they contravened the tree preservation order. This is not a matter which has had any significant bearing on my decision.
20. I have taken into account all other concerns raised by local residents, including in relation to noise from use of the access, loss of privacy and damage to

habitats. However, based on the information before me and my site visit, I do not consider that these matters constitute reasons to dismiss the appeal.

Planning Balance and Conclusion

21. The Council concedes that it is unable to demonstrate a 5 year supply of deliverable housing sites. The current supply is calculated to be 3.98 years and this is common ground between the parties. Paragraph 11 d) of the Framework states that where the requisite land supply cannot be demonstrated permission should be granted unless: i. the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed or ii. 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. The proposal does not affect areas or assets of particular importance and therefore it is the second limb which applies in this case.
22. The proposal would make use of a windfall site to deliver a new 2-bed home in an accessible location. It would make a very modest contribution to remedying the Council's housing shortfall. The scheme would provide a minor boost to the economy during construction and thereafter through additional consumer spending. Against those benefits I must balance the harms. The scheme would conflict with the development plan in respect of the character and appearance of the area and this adverse environmental impact would significantly and demonstrably outweigh the social and economic benefits of housing delivery. Consequently, the proposal does not constitute sustainable development.
23. The proposal conflicts with the development plan taken as a whole and there are no material considerations of such strength or significance as to justify a decision otherwise than in accordance with the development plan. For the reasons given above I conclude that the appeal should be dismissed.

Robert Parker

INSPECTOR