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## Appeal Decision

Site visit made on 3 February 2022

**by David Wyborn BSc(Hons) MPhil MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 22 February 2022**

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**Appeal Ref: APP/V1260/W/21/3281421**

**Former Hoardings Site , Fairmile Road, Christchurch BH23 2LA.**

- 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 Mr M Meeks against the decision of Bournemouth Christchurch and Poole Council.
  - The application Ref 8/21/0227/FUL, dated 18 February 2021, was refused by notice dated 2 July 2021.
  - The development proposed is the erection of 5 x 3-bedroom houses with access from Mill Road.
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### Decision

1. The appeal is dismissed.

### Preliminary Matter

2. The application has been accompanied by a Unilateral Undertaking. This commits a financial contribution to Strategic Access Management and Monitoring to seek to mitigate the effects of the additional residents resulting from the proposed housing on the Dorset Heathlands Special Protection Area and Dorset Heaths Special Area of Conservation and Ramsar site. I will return to this matter later.

### Background and Main Issues

3. The Council refused the application for two reasons and I have carefully read the planning report that explains the background to the reasons for refusal. I am also conscious of the email from the case officer to the appellant which said that the only issue is the size of the rear gardens. This is covered by the second reason for refusal.
4. However, it seems to me that the planning report and the first reason for refusal are written so as to be wider than to be exclusively related to the proposed garden sizes. The planning report raises concern with the size of the rear gardens in the section on character and visual amenities. However, this section of the report goes on to explain that, in summary and in the view of the Council, the layout of the various elements of the site would result in a cramped appearance which would fail to reflect the established character and the pattern of development in the area. These concerns are covered by the first reason for refusal.
5. In the light of this background, I consider that the main issues should reflect the two reasons for refusal and accordingly, the main issues are:
  - the effect of the proposal on the character and appearance of the area, and

- whether or not the scheme would create satisfactory living conditions for future occupiers, with particular regard to the provision of external amenity space.

## **Reasons**

### *Character and appearance*

6. The site lies at the corner of Fairmile Road and Mill Road. The land is mainly open and grassed and it is understood that it was previously a site for the display of advertising hoardings. The land is located within the built-up area, generally surrounded by housing, although with some business development in the wider area. The road to the frontage is fairly busy and leads to the centre of Christchurch to the broadly south east.
7. The existing buildings, in proximity to the appeal site, in Fairmile Road are mainly detached and semi-detached houses set back from the footway edge. Opposite the site there are two terraces of houses clad in brick and which are closer to the footway.
8. When approaching from the broadly north west along Fairmile Road, 1 Mill Road partially screens the site and the houses further along this side of the main road provide a built context and backdrop. Because the side wall of 1 Mill Road is reasonably close to the footway, the proposed side elevation of Plot 1 would not appear as unduly prominent or out of place within this street scene view. Furthermore, Mill Road itself would provide some space to the side of Plot 1, and with the frontage aligned with the side wall of 1 Mill Road, the proposed terrace would appear as an acceptable addition to the street scene when approaching along the main road from this direction.
9. The terrace, when viewed from the area close to the junction with Mill Road and in front of the site, would broadly mirror the terraces on the other side of the road and again from these locations the scheme would have a satisfactory appearance.
10. However, when approaching the site along Fairmile Road from the broadly south east, the set back of the semi-detached dwellings and 59 Fairmile Road mean that this side of the road, including the appeal site, has a more open and spacious feel. The front elevation of 1 Mill Road appears as a focal point in the background and because it faces Mill Road and not Fairmile Road it has a different relationship and effect within this street view.
11. The proposed housing layout would have, relative to the site area, a fairly wide vehicular access drive at the rear. In conjunction with the need to provide garden areas and incorporate the depth of a parking space, this would lead to the layout of the terrace being positioned forward, reasonably close to Fairmile Road. This would result in the end of the terrace, and in particular the front of Plot 5, being materially forward of the front elevation of No 59. With the set back of the other semi-detached dwellings in this run, much of the side elevation of Plot 5 would be apparent in the street scene.
12. Even though the side elevation would have a hipped roof and some detailing in its design, in this forward position the visible section of the side elevation would have an overly prominent and jarring relationship in the context of the more set back position of No 59 and the other properties in this run of buildings. This section of the side elevation would draw the eye, not be

experienced as a harmonious addition in the street scene and not provide a satisfactory transition between properties. This harm could not be ameliorated or softened by planting or other changes including because of the limited space to the boundary.

13. There appears to be generally insufficient space to accommodate the necessary access, parking and gardens towards the rear sections of the site and also for the housing to present an acceptable relationship with the adjoining properties to the broadly south east of the site along Fairmile Road. As a consequence, the development would appear cramped and would thereby not be sympathetic to the character and pattern of development in this area.
14. I have carefully considered all the submissions in support of the scheme, including those at the appeal stage with the photographic analysis of the area. At my site visit I looked carefully at the layout of buildings and, in particular, the relationship of the terraces and the adjoining dwellings on the other side of the road. However, while these relationships have some similarity I do not consider that they are as jarring as would be the relationship between the end of the proposed terrace and No 59. Consequently, the other relationships between buildings within the street scene do not lead me to a different conclusion on the harm that would be caused by the appeal proposal.
15. Because of the visual harm that I have found, the scheme would not comply with the National Planning Policy Framework (the Framework) policy requirements that decisions should ensure that developments add to the overall quality of the area, are visually attractive as a result of good layout and are sympathetic to local character.
16. For the reasons explained above, and in the way that I have identified, I conclude that the proposal would harm the character and appearance of the area. As a consequence, the development would conflict with Policies HE2 and HE3 of the Christchurch and East Dorset Local Plan – Part 1 - Core Strategy (2014) (the Core Strategy) and saved Policy H12 of the Christchurch Local Plan (2001) (the Local Plan) which seek, amongst other things, that development is compatible with and improves its surroundings having regard to matters such as layout and relationship to nearby properties.

#### *Living conditions*

17. The Council has drawn attention to Policy LN1 of the Core Strategy and the wording that all new housing will be required to be built to meet minimum living space standards for both internal and external areas. The policy explains that further consideration will be given to bespoke standards in a Supplementary Planning Document, if justified by new evidence, and in the meantime the Council will use Housing Quality Indicators in relation to matters including private open space. My attention has not been drawn to any Supplementary Planning Document and the planning report refers to the advice in the publication Building for Life 12 and seeks to explain why the scheme is deficient in terms of garden space. However, this latter document is not part of the development plan, it is said not to include garden sizes and the appellant has explained that it has been superseded. Consequently, any aid that this information provides to the appeal considerations is minimal.
18. In support of the scheme, the appellant has set out a range of arguments that seek to demonstrate that the garden spaces would function well and be

suitable for the accommodation. I have noted the various garden sizes for the properties that the appellant has set out in the submissions.

19. The National Design Guide does not prescribe set sizes for external spaces and explains that all private and shared external spaces should be of high quality, convenient and function well. The Guide explains that well-designed private and shared spaces should be fit for purpose and incorporate planting wherever possible. Furthermore, it advises that the appropriate size, shape and position for an external amenity space can be defined by considering, among other factors, how the amenity space will be used, what for and by whom.
20. In the general area, there are some properties nearby with small gardens. However, the majority have reasonable sized external, private amenity spaces and these spaces seem fairly typical for this type of built up area, which is outside a town centre.
21. With the appeal proposal, all the dwellings would have three bedrooms although I acknowledge the evidence from the local estate agent that the third bedroom could very well be used as a home office and that the likely purchasers could be young professionals seeking a starter home or those who are family planning. However, the circumstances of occupants can change through time and the three bedrooms could well be used by a family with children in the future.
22. Examining the layout, the front gardens would be small, open to public view and near the road and therefore not especially useable as an amenity area. I have also carefully considered the layout options for the rear gardens which show each garden could accommodate a patio with some furniture, border planting and an area of grass. I appreciate that the Framework expects Local Planning Authorities to look to deliver a range of housing to meet the needs of different groups in the community, and this could include houses with smaller gardens.
23. I have also taken into account the example of the courtyard gardens at the Old Sorting Office in Christchurch which has been submitted in support of the present proposal. The information indicates that these gardens are generally small and mainly hard surfaced and while I have limited details it appears that the site is a town centre one where the planning circumstances may well be different to the present appeal site and its more suburban surroundings. I am not satisfied that this example is especially comparable to the present site, and its type of location and particular constraints, and therefore I attach this other example limited weight.
24. Drawing all this and the other submitted evidence together, there is no clear and defined standard for external amenity space that forms part of the development plan. It is therefore a matter of judgement to assess in each case, including having regard to the matters I have highlighted above. The area to the immediate rear of each dwelling would be divided and used as a vehicle parking space and as a garden space. The garden areas would be private and convenient but they would be reasonably narrow and likely to be confined by boundary fencing. Even with the various garden sizes, there would be reasonably limited opportunities for planting and it would appear that the areas would provide a fairly restricted space that, in all likelihood, would have a limited outlook. While the spaces may be suitable to be used by a young child for play they would not generally be suitable for older children and the open

play spaces which are locally available, such as the area at the end of Mill Road, would not appear to provide an immediate and convenient alternative.

25. While some residents may wish for a small garden, once permitted the houses would be in place for many years with a variety of occupants, some of which could be families with children. Taking all these matters together, the size of the spaces, even if well laid out, would in my view be too small and confined for those occupants of each dwelling to consider them as high quality and for the spaces to function well for the lifetime of the development. In this respect, the provision of the external amenity space for each unit would not meet with the Framework policy that decisions should create places that have a high standard of amenity for existing and future users.
26. In the light of the above analysis, I conclude that the scheme would not create satisfactory living conditions for future occupiers of the units because the external amenity spaces would not be satisfactory. Accordingly, the proposal would not comply with Policies HE2 and LN1 of the Core Strategy and saved Policy H12 of the Local Plan which seek, notably in this case, that the design of development must be of high quality.

### **Other Matters**

27. I have taken into account the representations from local residents, both in support and opposing the scheme. The support explaining that the development would optimise the use of the site and provide much needed family housing to the area is noted. The concern with the loss of the green space is understood but the land is not protected, does not have public access and the Council do not object to its development as a matter of principle. There appears to be no policy or planning reason to come to a different view. The scheme would meet with the parking standards applicable to the area and the Highway Authority has not raised objection. On the basis of the information before me I have found no reason to disagree.
28. The Unilateral Undertaking and associated payments under the Community Infrastructure Levy would, in all likelihood, deliver the mitigation necessary to address the impact of the additional residents on the nearby habitats sites. Consequently, the scheme, either alone or in combination with other projects, would not be likely to have a significant and adverse effect on the integrity of the habitats sites. However, given my overall conclusion I have not had to consider this matter further and undertake an appropriate assessment.

### **Planning Balance and Conclusion**

29. The appeal proposal would harm the character and appearance of the area and would not create satisfactory living conditions for future occupiers and thereby would be contrary to the identified planning policies. As a consequence, the scheme would conflict with the development plan when considered as a whole.
30. It is accepted by the main parties, that the Council is unable to demonstrate a 5 year supply of deliverable housing land. The information in the planning report is that a supply of only 3.98 years can be shown, which would be a fairly significant shortfall. In these circumstances, the presumption in favour of sustainable development as set out in paragraph 11d of the Framework is engaged. This indicates that planning 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.

31. In terms of the benefits of the scheme, the proposal would assist with the Government's objective to significantly boost the supply of housing and five modern houses would be provided in a location with good access to services, facilities and public transport. Furthermore the scheme would deliver housing on a windfall site, making effective use of this previously developed land and could be delivered by a small builder adding to the overall mix and offer of housing in the area. There would be economic and social benefits to the area during construction and in subsequent occupation. The site could be developed relatively quickly and therefore add to the housing stock in the near future, thereby helping to meet the supply needs of the area. The scheme could be implemented so that there was a net gain to biodiversity on the site. However, while all these benefits of the scheme would be worthwhile and attract Framework support, given that only five dwellings are proposed, the cumulative benefits merit moderate weight in favour of the scheme.
32. The principle of residential development on the site is agreed and therefore the policies of the development plan which set the strategy and delivery of housing across the plan area are not materially affecting the development of the site. The harm that I have identified arises principally from the layout, and effectively concerns the overdevelopment of the land with the resulting adverse impact on the character and appearance of the area and on the future living conditions of occupants. These are important matters and, as a consequence, there would be conflict with the identified planning policies. These policies are generally consistent with the policy requirements of the Framework which seek the creation of high quality, beautiful and sustainable buildings and places. In these circumstances, I attribute substantial weight to the scheme's conflict with the policies of the development plan and with the development plan as a whole.
33. Bringing all these matters together, the proposal would cause harm for the reasons explained and I attribute this harm substantial weight. The benefits of the scheme are matters to which I attribute moderate weight. In these circumstances, I consider that the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole. As a consequence, the proposal would not constitute sustainable development and this weighs heavily against the scheme.
34. For the reasons given above, there are no material considerations that indicate the proposal should be determined otherwise than in accordance with the development plan. I therefore conclude that the appeal should be dismissed.

*David Wyborn*

INSPECTOR