
Appeal Decision

Site visit made on 28 February 2022

by Benjamin Webb BA(Hons) MA MA MSc PGDip(UD) MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 16 March 2022

Appeal Ref: APP/V1260/W/21/3278433

14 Ridgeway, Poole BH18 8EA

- 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 A Bradshaw against the decision of BCP Council.
 - The application Ref APP/20/01455/F, dated 9 December 2020, was refused by notice dated 19 May 2021.
 - The development proposed is described as erection of a house.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether the development would preserve or enhance the character or appearance of Ridgeway and Broadstone Park Conservation Area (the Conservation Area), including the contribution made to it by a non-designated heritage asset and protected trees; and
 - whether the development would provide acceptable living conditions for future occupants in relation to the provision of outdoor amenity space.

Reasons

Conservation Area

3. 14 Ridgeway is located within the Conservation Area, which is a designated heritage asset. Whilst statute sets out the desirability of preserving or enhancing the character or appearance of conservation areas, paragraph 199 of the National Planning Policy Framework (the Framework) makes clear that great weight should be given to the conservation of designated heritage assets.
4. The Conservation Area covers Broadstone Park, together with adjoining housing of broadly contemporary date. Insofar as it is relevant to this appeal, the significance of the Conservation Area resides the predominantly C19th-early C20th layout, buildings and spaces that it contains. This includes a good collection of large high status dwellings set within spacious plots of varied size which contain mature landscaping.
5. No 14 is one such large dwelling, which appears well preserved externally. Dated to the early C20th, its design incorporates a number of attractive features typical of Edwardian style, including a corner tower, oriel and bay

windows. Though subject of recent subdivision, the plot retains a deep frontage on Ridgeway with mature planting, which forms the spacious setting within which the dwelling is viewed from the street. As such, No 14 makes a strongly positive contribution to the significance of the Conservation Area. Insofar as the above attributes also demonstrate that No 14 holds a degree of historic and architectural significance in itself, it is a non-designated heritage asset. This is further reflected in its identification by the Council as a 'local heritage asset'.

6. The scheme would see a large flat roofed dwelling of modern design built towards the front of the plot. The position would reflect that of some other dwellings along Ridgeway which are built closer to the street frontage than No 14. However, such dwellings are not built in tandem, and the design would otherwise be sharply at odds with the prevailing architectural character of the Conservation Area. Given that the dwelling would be clearly visible from the street, its design would be appreciably incongruous. It would be made more so by its juxtaposition with No 14, and the visual competition to which its positioning would give rise. This, and the related loss of historic frontage presence and spaciousness, would greatly harm both the significance of No 14, and its appreciation. This would in turn harm the contribution that No 14 makes to the significance of the Conservation Area as a whole.
7. Even if existing boundary vegetation was increased by additional planting, this would not hide the proposed building. Nor would it alter the adverse effects on No 14 and the character of the Conservation Area. The use of timber cladding and a sedum roof would itself make little difference to the visibility of the dwelling, whose stark rectilinear mass would remain clearly apparent. Neither feature would otherwise cause the dwelling to appear any less at odds with its context, or therefore make the development any more acceptable.
8. Two dwellings recently built within the subdivided southern part of the garden of No 14 are also of modern design (the previous development). Glimpses of these buildings are available from Charborough Road, and their roofs are visible from within the plot. However, though they directly compromise the historic setting of No 14, and are inconsistent with the historic character of the Conservation Area at large, their overall public visibility is substantially less than would or could be the case in relation to the proposed dwelling. The ability to directly perceive the juxtaposition of their design with that of No 14 is also very limited, as too is any physical competition. The effects of the proposed development would therefore differ. That being so, the previous development does not form a basis to consider that the proposed development should be considered acceptable.
9. The Conservation Area contains some other far more visible flat roofed buildings of modern origin, together with some unsympathetic flat roofed extensions of C19th buildings. Insofar as these detract from the character, appearance and significance of the Conservation Area, they lend little support for the proposed design.
10. The parties dispute whether or not the plot formed would be of appropriate size relative to other plots. Whilst variation is such that there is no standard plot size, the matter is ultimately of little consequence, as it makes no difference to the harm identified above.
11. As noted above, the site also contains a number of visually prominent mature trees. These are protected both by their presence within the Conservation Area

and by Tree Preservation Order. These trees collectively make an attractive, positive contribution to the historic character of the plot, the street scene and to the Conservation Area at large. Though the proposed dwelling could be constructed without adverse effect on roots, the canopies of the trees would dominate the plot on which the proposed dwelling would stand, including its outdoor amenity space. Resulting likely adverse effects in relation to light, as well as general nuisance and perceived risk could well generate pressure to prune or fell the trees. These would be hard to resist if the living conditions of future occupants were adversely affected. Uncertainty would therefore exist in relation to the long term future of the trees, as too the continuity of the positive contribution that they make to the Conservation Area.

12. In view of my findings above, the development would fail to preserve or enhance the character or appearance of the Conservation Area as a whole, including the contribution made to it by a non-designated heritage asset and protected trees. The harm caused to the significance of the Conservation Area would be less than substantial. Such harm attracts considerable importance and weight. In accordance with paragraph 202 of the Framework it is necessary to weigh this harm against the public benefits of the scheme.
13. The principal consideration advanced in favour of the scheme is that it would provide an additional dwelling within a sustainable location, and that it would be of a type specifically sought within the locality. This would help to meet objectives set out within the development plan, and to meet a general need for new housing. In this regard the development of small sites can make an important contribution to housing supply, particularly within environmentally constrained urban areas. The scale of social and economic benefits generated by the provision of a single dwelling would nonetheless be small. Consequently, these benefits together attract limited weight.
14. The appellant additionally claims that the development would make use of brownfield land. However, as the site is a residential garden within a built-up area it falls outside the relevant definition provided within the Framework. The development would not therefore provide such a benefit.
15. As I have attached limited weight to the public benefits of the scheme, the harm caused would not be outweighed.
16. For the reasons outlined above I conclude that the development would fail to preserve or enhance the character or appearance of the Conservation Area, including the contribution made to it by a non-designated heritage asset and protected trees. It would therefore conflict with Policy PP30 of the Poole Local Plan 2018 (the LP), which expects development to preserve or enhance Poole's heritage assets; Policy PP27 of the LP, insofar as this seeks to secure development whose design reflects or enhances local patterns of development and neighbouring buildings; and Policy PP28 of the LP insofar as this seeks to restrict residential development involving plot severances where this would fail to preserve or enhance the area's residential character.

Living Conditions

17. Insofar as the Council's concerns relate to the effects of surrounding mature trees on the useability of outdoor amenity space, I have found above that an adverse effect in relation to light, as well as general nuisance and perceived risk would be likely to arise. Though incoming occupants would clearly be

aware of the trees when purchasing the house, the long-term implications of living with them would become apparent only over time. In this regard the dominance of trees over and within the proposed plot would greatly constrain the quality and use of the proposed outdoor amenity space. This would have an adverse effect on the living conditions of future occupants.

18. The Council's concerns otherwise relate to overlooking of amenity space from first floor windows at No 14. However, the windows in question do not provide a principal source of outlook, and it appears that any direct views from them could be simply screened given differences in ground levels. The privacy of the proposed amenity space would not therefore be unacceptable. This would not however alter the existence of the adverse effects outlined above.
19. For the reasons outlined above I conclude that the development would provide a poor standard of outdoor amenity space, with resulting adverse effects on the living conditions of future occupants. The development would therefore again conflict with PP27 of the LP insofar as this requires development to provide satisfactory external amenity space.

Other Matters

20. At the time the application was determined the Council's Housing Delivery Test (HDT) result fell below the 75% threshold which triggers the 'tilted balance' set out within paragraph 11 of the Framework. Whilst the most recent HDT results are higher, even had the result stayed the same, my findings in relation to the Conservation Area above, and the application of Footnote 7 of the Framework, would have meant that the tilted balance was not applicable.
21. In assessing the scheme, the Council identified that the development would have a likely significant effect on the integrity of the Dorset Heathlands Special Protection Area (SPA), and the Poole Harbour SPA and Ramsar sites. It stated that in line with local strategy this could be mitigated through payment of the Community Infrastructure Levy and a financial contribution. The contribution was subsequently paid and secured within an agreement under Section 111 of the Local Government Act 1972. Had I been minded to allow the appeal and the circumstances existed in which planning permission could be granted, it would have been necessary for me to seek further information and to examine this matter in further detail. However, as I am dismissing the appeal for other reasons, no further consideration is necessary.

Conclusion

22. The effects of the development in relation to the Conservation Area, including the contribution made to it by a non-designated heritage asset and protected trees, would be unacceptable, giving rise to conflict with the development plan. Additional conflict would also arise in relation to amenity space. There are no other considerations which alter or outweigh these findings. Therefore, for the reasons set out above, I conclude that the appeal should be dismissed.

Benjamin Webb

INSPECTOR