
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/21/3279936

60 Langdon Road, Poole BH14 9EH

- 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 Regal Homes Ltd against the decision of BCP Council.
 - The application Ref APP/21/00417/F, dated 12 March 2021, was refused by notice dated 7 July 2021.
 - The development proposed is described as demolish existing buildings and erect 1 pair of semi-detached houses with parking.
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Decision

1. The appeal is allowed and planning permission is granted for: demolish existing buildings and erect 1 pair of semi-detached houses with parking, at 60 Langdon Road, Poole BH14 9EH, in accordance with the terms of the application, Ref APP/21/00417/F, dated 12 March 2021, subject to the conditions set out in the schedule at the end of this decision.

Procedural Matters

2. An application for costs was made by Regal Homes Ltd against BCP Council. This application is the subject of a separate Decision.

Main Issue

3. The main issue is the effect of the development on the character and appearance of the area.

Reasons

4. 60 Langdon Road is a bungalow which stands towards the eastern end of Langdon Road. Towards the west of the site Langdon Road is characterised by a regular layout of closely spaced 2-storey detached dwellings and bungalows, whereas towards the east the plot pattern is less regular and building types are mixed. The latter includes blocks of flats and semi-detached dwellings. Further variation is set to arise given the Council's approval for subdivision of the plot on which No 60 stands for tandem development. The latter could occur in conjunction with the development subject of this appeal.
5. The appeal scheme would see the existing bungalow replaced by a pair of semi-detached dwellings. The proposed building form would reflect that of existing 2-storey detached dwellings towards the west of the site. To the casual observer it would not be apparent that the plot contained 2 dwellings. The impression would be reinforced by the open frontage. Upon closer inspection

the illusion would be eroded by the presence of 2 points of entry and features such as house numbers. However, this would not be sufficient to cause the proposed building to appear outwardly incongruous, particularly when taking into account the mixed nature of development at the eastern end of the street.

6. The back gardens would be smaller and narrower than is typical towards the west of the site. However, the difference in back garden size would not be generally perceived. This is because the close spacing of existing development towards the west largely prevents views toward the back gardens, and because the proposed gardens themselves would not be open to public view. Even private views of the proposed plots would be very limited, and mostly from the adjacent flats.
7. The proposed development would be denser than is typical towards the west of the site. However, insofar as the Council's concern relates solely to the relationship of the development with its setting, my findings above indicate that this would not be harmful.
8. For the reasons outlined above I conclude that the development would not have an unacceptable effect on the character and appearance of the area. it would therefore comply with Policy PP27 of the Poole Local Plan 2018 (the LP) which seeks to secure development that 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.

Other Matters

9. Considered alone and in combination with other plans and projects, the development would have a likely significant effect on the integrity of the Dorset Heathlands Special Protection Area (SPA), the Dorset Heaths Special Area of Conservation (SAC), and Ramsar site, and the Dorset Heaths (Purbeck and Wareham) and Studland Dunes SAC, as a result of increased recreational pressure; and on the Poole Harbour SPA, and Ramsar sites, both as a result of increased recreational pressure, and increased discharge of nutrients within waste water. These effects, and the need for mitigation, have been confirmed in relation to the qualifying features and conservation objectives of the European sites in question, within an Appropriate Assessment (AA) undertaken by the Council. I am content to rely on this for the purposes of the appeal.
10. The Council's mitigation strategy is set out within the Nitrogen Reduction in Poole Harbour Supplementary Planning Document (SPD) 2017, The Dorset Heathlands Planning Framework 2020-2025 SPD, and the Poole Harbour Recreation 2019-2024 SPD. Insofar as these strategies have been produced in cooperation with Natural England, and embody its advice in relation to mitigation, I have not sought further comment. Mitigation would consist of infrastructure projects funded through the Community Infrastructure Levy (CIL), and strategic access management and monitoring measures (SAMM) funded by financial contributions.
11. Whilst the development would be liable to pay CIL, the failure to secure contributions towards SAMM provided two reasons for refusal of planning permission. The required payment, secured within an agreement under Section 111 of the Local Government Act 1972, was however subsequently made to the

Council. This therefore allows me to reach a conclusion that the development would have no adverse effect on the integrity of habitats sites.

Conditions

12. I have imposed conditions setting out the time limit for commencement of the development and specifying the approved plans, for sake of certainty.
13. Conditions 3 and 4 are imposed in relation to bats. The requirement set out in Condition 3 for development to be carried out in accordance with the recommendations of the Bat Survey Report will help to ensure no adverse effect. The requirement to install features to support roosting set out in Condition 4 will help to deliver biodiversity enhancement. In order for the latter to be properly enforceable these details require the Council's approval.
14. Condition 5 requires provision of a scheme of hard landscaping including details of surface water drainage to ensure no generation of runoff. Again, in order for this to be properly enforceable the scheme requires the Council's approval.
15. Condition 6 requires the installation of electric vehicle charging points. This is in the interests of encouraging sustainable modes of travel.
16. Condition 7 requires the provision of parking spaces and cycle sheds. This is in order to ensure that the development caters for the parking demand that it will generate, and to encourage use of more sustainable means of travel.
17. Condition 8 requires construction of the access, visibility splays and maintenance of the latter thereafter, in the interests of highway safety. I have not imposed a further requested condition requiring works to provide the access crossing as this is a matter covered by separate legislation.
18. Condition 9 secures the provision of measures which enable 10% of future energy needs to be met by on-site renewables. This requirement is set out in Policy PP37 of the LP and will help the development to achieve a high level of sustainability.
19. There is no need for a condition requiring use of the materials shown on the plans as the use of anything else would breach the plans condition. Similarly, there is no necessity to require the provision of obscure glazing to bathroom windows as this is again shown on the plans, and its use in relation to bathrooms is otherwise normal practice. There is no additional or separate need to place any restriction on the way in which bathroom windows would open. This is because no meaningful views capable of eroding neighbour privacy would exist or would otherwise be likely to arise.
20. A restriction of permitted development rights covering addition of first floor windows and dormers has also been requested. However, whilst neither appears likely, the Council has not explained how or why this would harm the character or appearance of the area or neighbour privacy. Paragraph 54 of the National Planning Policy Framework states that planning conditions should not be used to restrict national permitted development rights unless there is clear justification to do so. In its absence, I have not imposed the condition.
21. Lastly, I have not imposed a condition requiring details of driveway lighting as I have been provided with no reason to believe that its absence would give rise to a highway and pedestrian safety risk.

Conclusion

22. For the reasons set out above I conclude that the appeal should be allowed.

Benjamin Webb

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) Unless modified in compliance with the conditions below the development hereby permitted shall be carried out in accordance with the following approved plans: 9113/300 Rev. D; 9113/301 Rev. C; 9113/302 Rev. A.
- 3) The development hereby permitted shall be carried out in accordance with the recommendations of the Bat Survey Report Ref BSR.60.LR.P dated 14/06/21.
- 4) Construction of the dwellings hereby permitted shall not proceed above slab level until details of the type and location of in-built features to support roosting by bats have been submitted to and approved in writing by the Local Planning Authority. The features shall then be built-in to the dwellings in accordance with the approved details and retained thereafter.
- 5) Construction of the dwellings hereby permitted shall not proceed above slab level until a scheme of hard landscaping, including details of the way in which hard surfaces will be drained, has been submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved scheme.
- 6) Construction of the dwellings hereby permitted shall not proceed above slab level until details of the on-site provision of electric vehicle charging points for use by each dwelling have been submitted to and approved in writing by the Local Planning Authority. The charging points shall then be installed in accordance with the approved details prior to the first occupation of the dwellings.
- 7) The dwellings hereby permitted shall not be occupied until the cycle sheds and parking spaces shown on the approved plans have been constructed and made available for the storage of cycles and parking respectively. The cycle sheds and parking spaces and shall thereafter be retained and kept available for these uses at all times.
- 8) The dwellings hereby permitted shall not be occupied until the site access and visibility splays have been constructed in accordance with the details shown on the approved plans. The visibility splays shall at all times thereafter be kept clear of obstructions above 0.6 metres in height measured above the level of the adjacent highway.
- 9) Details of measures to provide 10% of the predicted future energy use of the dwellings hereby permitted from on-site renewable sources shall be submitted to and approved in writing by the local planning authority. These measures shall be implemented prior to the first occupation of the dwellings and shall be retained thereafter.