



Appeal Decision

Site visit made on 3 May 2022

by Mr A Spencer-Peet BSc(Hons) PGDip.LP Solicitor (Non Practising)

an Inspector appointed by the Secretary of State

Decision date: 06 May 2022

Appeal Ref: APP/V1260/W/21/3287667

75 Uppleby Road, Poole, BH12 3DD

- 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 75 Uppleby Road Ltd against the decision of Bournemouth Christchurch and Poole Council.
 - The application Ref APP/21/01192/F, dated 9 August 2021, was refused by notice dated 27 October 2021.
 - The development proposed is a full planning application to erect two storey side and rear extension, raise ridge height, construct rear dormer and conversion of dwelling from dwelling house (Use Class C3) to 13 bedroom HMO (Sui Generis).
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Decision

1. The appeal is dismissed.

Main Issues

2. Although Bournemouth Christchurch and Poole Council (the Council) has given three reasons for refusal on the decision notice, having reviewed the evidence and submissions I have considered it appropriate to identify two main issues.
3. The main issues in this appeal are:
 - The effect of the proposed development on the character and appearance of the host building and the surrounding area,
 - The effect of the proposed development on protected habitats.

Reasons

Character and Appearance

4. The appeal site comprises a two storey detached dwelling with associated external amenity area and substantially scaled outbuilding to the rear, located within a residential area. Near to the site, dwellings exhibit some variety in terms of styles, designs and predominately comprises a mixture of detached and semi-detached, single and two storey dwellings.
5. Policy PP27 of the Poole Local Plan (November 2018) (the Local Plan) concerns design and, amongst other matters, supports development provided that it reflects or enhances local patterns of development and neighbouring buildings in terms of height and scale, bulk and massing including that of the roof, and visual impact.
6. The Council have put it to me that the position of the proposed bin store to serve the development and which would be located to the front of the property,

would adversely affect the street scene. In this respect, whilst I acknowledge the Council's concerns, it appears from the submitted plans, and based on observations made on my visit, that there would be sufficient space to the front of the appeal building to provide a suitable bin store, the design and position of which could be subject to a planning condition requiring that details be approved in writing by the Council. I therefore find no harm in that regard.

7. The appeal scheme would result in a substantial increase in mass, bulk and height of the appeal building. It is noted that the development proposed has been amended to reduce the bulk and mass of the rear element of the proposed extension. In that regard, the proposed extension would reflect the scale of other extensions to the rear of dwellings located close to the site and, given that views from within the street scene to the rear of the appeal building would be largely screened by neighbouring dwellings, would result in no harm to the character and appearance of the host building or to the surrounding area in that respect.
8. Notwithstanding the above, the appeal scheme also proposes a significant increase in the overall height of the appeal building. It is acknowledged that the roof at the existing dwelling has a lower ridge line height than that at its immediate neighbours. However, the proposed development would result in a building which would substantially exceed the roof ridge heights of neighbouring dwellings. In that respect, the appeal scheme would dominate its neighbours and would, in my view, result in a building that would be a conspicuous, discordant feature in the street scene, thereby adversely affecting the character and appearance of the surrounding area.
9. Whilst the harm that would be caused to the character and appearance of the area by the appeal proposal would be relatively limited, affecting only its immediate surroundings, the scheme would not enhance or reflect local patterns of development and neighbouring buildings in terms of height and, consequently, would conflict with the provisions of Policy PP27 of the Local Plan.

Protected Habitats

10. Policies PP32 and PP39 of the Local Plan set out, amongst other things, that development will only be permitted where it would not lead to an adverse effect, either alone or in-combination, upon the integrity of European Sites. Policy PP32 of the Local Plan indicates that the Dorset Heathland European Sites¹ and Poole Harbour European Sites² could be affected through recreational impacts.
11. The appeal site is located within 5 kilometres of the Dorset Heathlands European sites, which host protected priority habitats and species. Qualifying features include Dartford Warbler, Nightjar, Woodlark, Hen Harrier and Merlin as well as other typical species of lowland heathland, wetlands and dunes. Their conservation objectives include ensuring the integrity of the sites is maintained, and that the sites contribute to achieving the favourable conservation status of their qualifying features.
12. The Dorset Heathlands Planning Framework 2020-2025 Supplementary Planning Document (the DHPF), indicates that the associated increases in

¹ Dorset Heathlands Special Protection Area and Ramsar site, and the Dorset Heaths Special Area of Conservation

² Poole Harbour Special Protection Area and Ramsar site

population, in combination with other development, are likely to place increased pressure upon the protected heathland, including through increases in wild fires, damaging recreational uses, the introduction of incompatible plants and animals, loss of vegetation and soil erosion, and disturbance by humans and their pets.

13. The appeal site is also located within the zone of influence of the Poole Harbour European sites which are designated for their internationally important populations of regularly occurring species and migratory species. Particular features of interest include Common Shelduck, Pied Avocet, Blacktailed Godwit, Mediterranean Gull, Common Tern, Little Egret, Eurasian Spoonbill, and Sandwich Tern. There is also an internationally important assemblage of waterfowl including Dunlin, Redshank and Brent Goose, as well as supporting habitats for seagrass, shallow inshore waters including coastal lagoons, intertidal sediments, saltmarsh, and reedbeds.
14. The DHPF and the Poole Harbour Recreation 2019-2024 Supplementary Planning Document set out that mitigation measures can be achieved through the delivery of Heathland Infrastructure Projects and Poole Harbour Infrastructure Projects, paid for through the Community Infrastructure Levy, and Strategic Access Management and Monitoring Measures.
15. Within the submitted statement of case, the Appellant has put it to me that the impacts of the proposal on the protected habitats would be resolved by way of a financial contribution to be secured by unilateral undertaking. However, as at the date of my site visit and at the date of the determination of this appeal, no suitable or enforceable planning obligation has been provided by the Appellant that would secure such mitigation. I have no evidence to confirm that the necessary financial contributions have been made to the Council and, given the advice contained within the Planning Practice Guidance, it would not be appropriate to secure such a planning obligation by means of a planning condition.
16. Therefore, in the absence of a suitable mechanism that secures the required mitigation, I conclude that the development would have a significant adverse impact on the designated European sites. It would therefore conflict with Policies PP32 and PP39 of the Local Plan, which require development to avoid having an adverse effect upon the integrity, either alone or in combination, directly or indirectly, on nationally, European and internationally important sites. Given that conclusion, it has not been necessary for me to consider the impact of the proposed development on Poole Harbour with regards to nutrient neutrality.

Other Matters

17. Interested parties raise several additional objections to the proposal including potential impact on living conditions of existing and future residents, highway safety, parking provision, flooding and drainage. These are all important matters and I have taken into account all of the evidence before me. However, given my findings in relation to the main issues above, these are not matters that have been critical to my decision.

Planning Balance and Conclusion

18. The Appellant has put it to me that the Council is currently unable to demonstrate a five year housing land supply. The Council has not provided any statement or evidence to dispute that contention. Paragraph 11(d) of the National Planning Policy Framework (the Framework) states that in such circumstances permission should be granted unless the application of policies in the Framework that protect assets of particular importance provide a clear reason for refusing the development. Pursuant to footnote 7, this includes habitats sites such as the Special Protection Areas and the Special Areas of Conservation identified above in the second main issue. Having regard to footnote 7 and paragraph 180 of the Framework, there exists a clear reason to refuse the proposal and the presumption in favour of sustainable development does not apply.
19. The appeal proposal would provide a greater choice and mix of housing in a location which has convenient access to a wide range of services and facilities to include access to wider transport links. The proposed development would provide limited economic benefits in terms of employment opportunities during construction and through the spend of future residents within local businesses. Cumulatively I attach moderate weight to those considerations in the determination of this appeal.
20. Nonetheless, considering the international importance of the protected habitats identified above, and my responsibilities as competent authority in that regard, these benefits do not outweigh the harm that I have identified. Consequently, for the reasons given above, and taking into account all matters raised, I find that the proposal would conflict with the development plan when read as a whole. There are no other considerations, including the Framework, that outweigh the conflict.
21. For the reasons given above I conclude that the appeal should be dismissed.

Mr A Spencer-Peet

INSPECTOR