



Appeal Decision

Site visit made on 22 April 2022

by James Blackwell LLB (Hons) PgDip

an Inspector appointed by the Secretary of State

Decision date: 12 May 2022

Appeal Ref: APP/V1260/W/21/3287421

7 Station Approach, Poole BH18 8AX

- 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 C Hoskins against the decision of Bournemouth Christchurch and Poole Council.
- The application Ref APP/21/0814/F, dated 18 May 2021, was refused by notice dated 30 September 2021.
- The development proposed is to erect a two-storey rear extension to accommodate extensions to restaurant at ground floor and creation of a new flat at first floor.

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on:
 - the character and appearance of the area, including whether it would preserve or enhance the setting of the Tudor and Golf Links Road Conservation Area;
 - the amenity of neighbouring occupiers, with particular regard to outlook and natural light; and
 - the integrity of Poole Harbour and the Dorset Heathlands.

Reasons

Conservation Area

3. The appeal site comprises a two-storey property located on the eastern side of Station Approach and is occupied at ground floor level by a restaurant. There is a service road to the rear, which runs alongside a parade of commercial properties on Dunyeats Road (The Parade). The Parade sits within the Tudor and Golf Links Conservation Area (CA).
4. The Parade is specifically noted in the CA's Character Appraisal¹ as a positive contributor to the CA. It is characterised by modest 1930s Art-Deco design, and comprises a central bay which is crowned with a pedimented parapet and two end bays with rusticated brick piers and decorative panels of herringbone brickwork. It is cited as a good example of shopfront design in the inter-war period, which gives an important sense of scale at the key junction near Station Approach. Owing to the adjacent service road, the rear of the appeal

¹ Broadstone Conservation Areas: Character Appraisal and Management Plan (2010)

property is readily visible from this part of the CA and therefore contributes to its setting, and more specifically to the setting and significance of The Parade.

5. Whilst a number of the properties along Station Approach have been extended at their rear, these are mostly modest additions which are sympathetic in terms of size and scale to their host properties. Moreover, they generally retain some level of external space to their rear, which means in most cases, they are well-separated from their plot boundaries at the rear. In turn, when viewed from the service road, the properties along Station Approach appear broadly coherent in terms of size and scale, which contributes positively to the character and appearance of the area and to the wider setting of the CA.
6. The proposed development would comprise a two-storey extension across the full width of the property, which would extend out to the very rear of the plot boundary. Given the significant scale of the proposal, it would be a bulky and dominant addition to the appeal property, occupying almost the entire footprint of the plot. This dominant impact would be further exacerbated by the significant height of the proposed pitched roof, the eaves of which would sit higher than those of the roof at the front of the property. Together, these factors mean the extension would appear excessively large and prominent, jarring with the more modest rear extensions to neighbouring properties. This incongruity would be clearly evident at the entrance to the service road, which in turn would detract from the setting of The Parade, and the positive contribution it makes to the character and significance of the CA.
7. For these reasons, the development would harm the character and appearance of the area. Consequently, it would also fail to preserve or enhance the character or appearance of the CA, and thus its significance. Whilst I consider this harm would be less than substantial as it would only affect a small part of the CA, as per the National Planning Policy Framework (2021), great weight must be attributed to any harm to a heritage asset (in this case the CA), irrespective of whether such harm is "less than substantial" or otherwise.
8. Set against this harm, the proposal would contribute a single dwelling to the Council's housing stock. There would also be some modest economic benefits as a result of the proposed expansion to the restaurant and job creation during construction. Whilst I attach modest weight to these combined benefits, they would not be sufficient to outweigh the harm to the CA.
9. The development would therefore conflict with Policies PP27, PP28 and PP30 of the Poole Local Plan (2018) (Local Plan). Together, these policies seek to ensure new development achieves a good standard of design, which reflects and enhances the local pattern of development in terms of height, scale, bulk and mass. They also require development to preserve or enhance Poole's heritage assets and their settings.

Neighbouring Amenity

10. No. 8 Station Approach has a stepped rear elevation, with the northern side of the property extending out further than the elevation which runs alongside the northern flank wall of the appeal property. This creates a tunnel-effect which already detracts from the outlook from its rear windows at first floor level, as well as impeding associated levels of natural light. Owing to the increased bulk, height and length of the proposed extension, the development would exacerbate this tunnel-effect, in turn creating an unacceptable sense of

enclosure which would further detract from the outlook and levels of natural light experienced at this property. This would harm the amenity of its occupiers.

11. Whilst the impact of the proposed extension would be felt less acutely at no. 6, the increased bulk, depth and height of the extension, which would project out far beyond the rear elevation to no. 6, would still have an overbearing impact on this property, which would again be to the detriment of the amenity of its occupiers.
12. The development would therefore conflict with Policy PP27 of the Local Plan, which seeks to ensure new development would not result in a harmful impact upon the amenity of local residents. This includes any potential for an overbearing or oppressive impact on neighbouring occupiers, as well as any impact on levels of sunlight and daylight.

Poole Harbour and Dorset Heathlands

13. The appeal site is in close proximity to the Poole Harbour Special Protection Area (SPA), Site of Special Scientific Interest (SSSI) and Ramsar Site (collectively referred to as "Poole Harbour"). Poole Harbour was designated to ensure adequate protection of a number of rare, vulnerable and migratory birds, as well as their associated habitats. The appeal site is also within 5km of the Dorset Heathlands SPA, Special Area of Conservation, SSSI and Ramsar Site (collectively referred to as the Dorset Heathlands). The Dorset Heathlands are an extensive network of lowland heath within south-east Dorset, which are recognised for their national and international importance for nature conservation.
14. The proposed development has the potential to lead to increased recreational use of both Poole Harbour and the Dorset Heathlands, owing to the proposed additional residential unit. In combination with other similar small-scale development, this means the proposal could result in increased disturbance to the protected habitats and species found in these protected areas, owing to the corresponding increase in visitor numbers. As a result, it is not possible to rule out likely significant effects on Poole Harbour or the Dorset Heathlands.
15. Whilst the appellant has indicated a willingness to pay the required financial contributions towards mitigation, no such payments have been made, nor is there a section 106 agreement before me to secure the necessary payments towards mitigation. Nonetheless, as I am dismissing the appeal on other grounds, ultimately this would not have changed the outcome of the decision.
16. In the absence of appropriate mitigation, significant adverse effects on the integrity of both Poole Harbour and the Dorset Heathlands cannot be ruled out. On this basis, the proposal would conflict with Policies PP32 and PP39 of the Local Plan, which seek to protect these protected sites.

Other Matters

17. The Council cannot demonstrate a five-year supply of deliverable housing land, which means its policies relating to delivery of housing are out of date. This means paragraph 11(d)(ii) of the Framework (the "tilted balance") is engaged. Nonetheless, paragraph 219 of the Framework is clear that due weight should still be given to existing policies according to their degree of consistency with the Framework.

18. Paragraph 130 of the Framework is explicit that new development should function well and add to the overall quality of an area. It highlights that development should be visually attractive and sympathetic to local character and surrounding built environment, as well as ensuring a high standard of local amenity for its future users. The Framework also places great emphasis on the conservation of heritage assets, which in this case includes the setting of the CA. The content of the Framework therefore reflects the overriding design, character, amenity and heritage principles of the Local Plan in terms of new residential development. Even accounting for the Framework's objective of boosting the supply of housing and the Council's housing land supply position, the conflict between the proposal and the relevant policies of the Local Plan should therefore be attributed significant weight in this appeal.
19. As mentioned above, the proposal would contribute to the Council's housing stock. Whilst any increase is desirable, the net addition of one dwelling would only be a modest contribution in this instance. Similarly, the economic benefits arising from job creation and the expansion of the restaurant would only be modest. Consequently, the adverse impacts of the development in terms of harm to the character and appearance of the area, the setting of the CA and to local amenity would significantly and demonstrably outweigh its benefits when assessed against the policies in the Framework taken as a whole. As a result, the presumption in favour of sustainable development does not apply in this instance.
20. Whilst the rear of the appeal property is in a state of disrepair, visual improvements could still be made to the site irrespective of whether the development were permitted. Similarly, whilst I note the need for additional restaurant floorspace, there is no substantive evidence before me to demonstrate that this could not be achieved through an alternative design, with a less harmful impact.

Conclusion

21. The proposal would conflict with the development plan as a whole and there are no other considerations, including the provisions of the Framework, which would outweigh this finding. Therefore, for the reasons given, the appeal should be dismissed.

James Blackwell

INSPECTOR