



Appeal Decision

Site visit made on 16 May 2022

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

an Inspector appointed by the Secretary of State

Decision date: 27 May 2022

Appeal Ref: APP/D1265/W/21/3272297

Land to the rear of 105, 107, 109 Lonnen Road, Colehill, Dorset BH21 7AU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by The Owners of 105, 107 and 109 Lonnen Road against the decision of Dorset Council.
 - The application Ref 3/20/1168/OUT, dated 10 July 2020, was refused by notice dated 5 March 2021.
 - The development proposed is erection of 4no. dwellings; alterations to access; formation of parking spaces.
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Decision

1. The appeal is allowed and outline planning permission is granted for erection of 4no. dwellings; alterations to access; formation of parking spaces, at Land to the rear of 105, 107, 109 Lonnen Road, Colehill, Dorset BH21 7AU in accordance with the terms of the application, 3/20/1168/OUT, dated 10 July 2020, subject to the conditions set out in the schedule at the end of this decision.

Procedural Matters

2. The application was made in outline with all matters reserved. The parties however dispute whether the details shown on the plans submitted with the application should be treated as forming part of the development for which the application was made. Here the Planning Practice Guidance (the PPG) states that unless the applicant has indicated that those details are submitted "for illustrative purposes only", or has otherwise indicated that they are not formally part of the application, the local planning authority must treat them as part of the development in respect of which the application is being made. A common approach is for this to be marked on the plans using the phrase suggested. However, this does not preclude the possibility of using a different phrase, or of communicating the status of the plans in some other way.
3. Amongst the submitted plans, the notes on the site plan include the statement that it is 'preliminary only'. This would normally indicate that the plan is not finalised, which is to be expected of an indicative/illustrative plan. The same form of words is not repeated on the floor plans. Nonetheless, the accompanying Design and Access Statement states that the 'design is clearly indicative', and 'at this stage in the process this is the type of dwelling that is considered by the architect to sit best within the plot'. Taken together there can therefore be little doubt that the details submitted were for illustrative purposes only. I shall therefore treat them as such.

4. Notwithstanding the above, given the dimensions of the plot, the location of the access, and the number of dwellings proposed, scope for variation in terms of site layout is limited. Indeed, a plan submitted with the appeal shows no more than a very minor change. Insofar as I have additionally noted above that the design is favoured by the architect, it is reasonable to consider that the plans, including that submitted with the appeal, provide a reasonable indication of the details likely to be submitted at reserved matters stage. I have therefore placed significant weight on these plans in my reasons below, whilst at the same time recognising scope for variation.

Main Issue

5. The main issues are the effects of the development on:
- the character and appearance of the area; and
 - the living conditions of occupants of Eastcote in relation to privacy.

Reasons

Character and appearance

6. The site consists of back garden space to the rear of 3 dwellings. This would be accessed between 105 and 107 Lonnen Road. Together with 109 Lonnen Road these 3 dwellings form part of an established mix of street-fronting bungalows and 2-storey dwellings of suburban character which line the northwest side of the street. Some of these dwellings, including those subject of the appeal, feature long back gardens whose rear boundaries coincide with that of the South East Dorset Green Belt.
7. The decision notice states that the development would be detrimental to the visual amenity of the Green Belt. The Council's finding thus reflects that of an Inspector in relation to a dismissed 2009 appeal (the previous appeal) for a similar scheme of development in the back gardens of Nos 105 and 107.
8. The previous appeal however pre-dates the publication of the National Planning Policy Framework (the Framework) and the PPG. So too does an earlier appeal cited within the decision. The Inspector's assessment was therefore based on then current policy set out within Planning Policy Guidance 2: Green Belts (PPG2). This contained the statement that the visual amenities of the Green Belt should not be injured by proposals for development within or conspicuous from the Green Belt. As openness is an essential characteristic of the Green Belt, that of the site was given particular emphasis within the Inspector's assessment.
9. PPG2 has however since been revoked, and no similar statement now appears within either the Framework or the PPG. Neither otherwise indicates that development on land outside a Green Belt should be restricted on the basis of its relationship with land inside. As the policy context has changed so too has the basis for my assessment. In this regard neither the Framework nor PPG currently provide grounds for me to find that the development would harm the Green Belt.
10. In terms of landscape character more generally, land to the northwest of the site is increasingly rural in character. This reflects its eventual transition to open countryside. Given its topography the site is partially exposed to views

across open country from Colehill Road further towards the northwest. The opportunity for such views is however limited by the lack of a footway along the relevant section of Colehill Road, and the degree of exposure is reduced by well-established boundary vegetation along both the road and the backs of plots. The view is furthermore set against a foreground of residential development at Eastcote, including the somewhat domesticated open space which surrounds it. Other dwellings along Lonnen Road are also visible. Whilst the current absence of housing on the site is apparent, the site is readily perceived as occupying a developed context distinct from the open countryside.

11. In terms of the more immediate setting of the site, the development of garden space would result in an inevitable change of character. However, whilst this would be apparent relative to undeveloped garden spaces to either side, the general siting of the proposed dwellings would not be at odds with the broader pattern along the same side of Lonnen Road. Indeed, a considerable amount of development has already occurred within space to the rear of the street frontage in both directions, with housing present at both Wood View towards the northeast, and at Lonnen Wood Close towards the southwest. The proposed development would be similarly located. Though the means of access would differ, and the layout would appear denser, in both regards the developments at Wood View and Lonnen Wood Close differ each from the other. Given the lack of established consistency, scope exists for further variation.
12. I find therefore that clear potential exists for the successful assimilation of the proposed development without any unacceptable adverse effects on landscape character, and the more immediate developed context of the site.
13. For the reasons outlined above I conclude that the development would have an acceptable effect on the character and appearance of the area. It would not therefore conflict with Policy HE3 of the Christchurch and East Dorset Local Plan Part 1 – Core Strategy 2014 (the CS) which seeks to secure development that protects the landscape character of the area, and Policy HE2 of the CS which seeks to secure development compatible with its surroundings.

Living Conditions

14. The proposed dwellings would be built into falling ground. All would be capable of having elevated views over land towards the northwest, and the indicative designs show a layout and glazing design intended to take advantage of this.
15. Eastcote stands on lower ground close to the north corner of the site. A single ground floor window in what appears to be its rear elevation is visible at low level from within the site. It is unclear what type of room the window serves, however its visibility and outlook is curtailed by boundary vegetation and the sloping ground opposite. Some other openings at higher level within a side elevation are only obliquely visible, again largely screened by vegetation. The latter includes holly suggesting only modest change to the view in winter. This vegetation could presumably be trimmed back. Either way, the potential for and existence of such views from within the gardens of the proposed dwellings, and from that of Unit 4 in particular, would see little change.
16. A separation distance of around 21 metres could be achieved between Eastcote and Unit 4. This is a commonly cited minimum gap within urban/suburban environments based on buildings of similar height and level ground. In this case therefore it is not wholly applicable. Such a gap would nonetheless

provide reasonable separation when also taking into account relative orientation, the angle of view, and the nature of existing intervisibility between the site and windows at Eastcote. The reserved matters otherwise provide clear scope to further address the matter within the context of boundary treatments and detailed design if necessary. My findings above however indicate that the installation of obscure glazing across the northwest elevation of Unit 4 would not be necessary.

17. Given that the proposed dwellings could all achieve a principal northwest outlook, any unacceptable window to window overlooking between the proposed dwellings and dwellings facing Lonnen Road could be avoided.
18. For the reasons outlined above I conclude that the development would have an acceptable effect in relation to the living conditions of occupants of Eastcote in relation to privacy. It would again not therefore conflict with Policy HE2 of the CS insofar as this requires compatibility with nearby properties including in terms of amenity.

Other Matters

19. The site lies within 5km of the Dorset Heathlands Special Protection Area, and the Dorset Heaths Special Area of Conservation and Ramsar sites (the habitats sites). Considered alone and in combination with other plans or projects the development would have a likely significant effect on the integrity of the habitats sites due to the increased population that the additional dwellings would support, and the associated generation of recreational activity. An Appropriate Assessment (AA) is therefore required, and one was indeed produced by the Council when assessing the scheme. I am content to adopt this for the purposes of the appeal.
20. The Council's AA references the Dorset Heathlands Planning Framework 2020-2025 (DHPF). This was produced with the cooperation of Natural England, whose endorsement is noted within the AA. The DHPF sets out the basis for the designation of the habitats sites, identifies threats to their integrity, and sets out the Council's mitigation strategy. The latter consists of infrastructure projects and strategic access management and monitoring measures funded through the Community Infrastructure Levy (CIL). The Council has confirmed that the development would be liable to pay CIL, and thus that it would directly contribute towards the mitigation measures set out in the DHPF. That being so, I am able to conclude that the development would have no adverse effect on the integrity of the habitats sites.
21. A range of additional concerns not identified as grounds for objection by the Council have been raised by interested parties. These include highway safety, parking, access by emergency services, drainage and flooding, and air and noise pollution. As noted by the Council, the Highways Authority has not objected to the scheme, the building regulations would address matters such as fire safety, and drainage could be addressed by condition. Insofar as the vehicles accessing the site would inevitably generate some noise and emissions, I have been provided with no reason to believe that either would be excessive. I have otherwise established above that associated changes in character would not be unacceptable considered within context.

Conditions

22. Conditions 1-3 are standard conditions relating to approval of the reserved matters, and setting the time period for commencement. As the scheme is wholly in outline a plans condition is not required.
23. Condition 4 requires the provision of finished floor levels in relation to the reserved matter of scale. This is in view of the site's topographical character, and to assist accurate assessment of the relationship between the development and its setting.
24. Condition 5 requires the provision of a surface water drainage scheme. This is to ensure the proper drainage of the site, again taking its sloping topography into account. There is no requirement for an additional condition requiring details of soakaways.
25. Condition 6 requires submission of a Tree Protection Plan and Arboricultural Method Statement. This is to ensure that any potential adverse impacts of the final scheme design can be properly managed. A separate condition relating to the location of services is unnecessary as this should be addressed in relation to the above.
26. Condition 7 secures the implementation of biodiversity mitigation and enhancement works, thus helping to secure a net positive overall effect.
27. I have not imposed a suggested condition requiring vegetation along the rear boundary of the site to be 'retained' at a height of 2 metres. This is because the height of existing vegetation is mixed, and it is unclear what necessary purpose clipping it to a consistent height would serve. Insofar as the suggested condition also covers planting, this falls within the scope of the reserved matter of landscaping.
28. In the same way I have not imposed other suggested conditions which fall within the scope of one or other of the reserved matters, or where conditions could be properly imposed in clearance of the latter as necessary. This applies to boundary treatments, bin stores, the layout of the site access, turning and parking space, and samples of materials.

Conclusion

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

Benjamin Webb

INSPECTOR

Schedule of Conditions

- 1) Details of the access, appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.

- 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 4) Details submitted in relation to the reserved matter of scale shall include the finished floor levels above ordnance datum, of all buildings forming part of the development hereby permitted, in relation to existing ground levels.
- 5) Prior to or in relation to the first of the reserved matters a scheme of surface water drainage shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include a timetable for its implementation and a strategy for future management and maintenance. The approved scheme shall then be implemented in accordance with the approved timetable, and shall thereafter be managed and maintained in accordance with the approved strategy.
- 6) The development hereby permitted shall not commence until a Tree Protection Plan (TPP) and Arboricultural Method Statement (AMS) in accordance with BS5837:2012 Trees in Relation to Design, Demolition and Construction Recommendations have been submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved AMS and TPP.
- 7) The development hereby permitted shall be carried out in accordance with the mitigation measures detailed in the Biodiversity Plan Version 3, signed by the Council on 17 February 2021, and all enhancement measures outlined within it shall be fully implemented prior to the first occupation of the approved dwellings.