
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/V1260/W/21/3287277

Land to the rear of 9 Western Road, Poole BH13 7BE

- 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 Mrs S Davies against the decision of BCP Council.
 - The application Ref APP/21/00771/F, dated 14 May 2021, was refused by notice dated 26 August 2021.
 - The development proposed is described as sever plot and construct a detached dwelling with associated parking.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the development would preserve or enhance the character or appearance of Branksome Park Conservation Area (the Conservation Area), including protected trees.

Reasons

3. 9 Western Road 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. Insofar as it is relevant to this appeal, the significance of the Conservation Area derives from its spacious C19th layout and landscaping, which is characterised by deep street fronting plots, heavy tree cover, and large detached dwellings. Though No 9 and most of the dwellings adjacent are modern, and thus lacking the historic interest of dwellings found elsewhere in the Conservation Area, their layout and landscaping generally conform with the broader historic pattern.
5. No 9 is indeed a large, detached dwelling which stands on a deep plot containing tall trees. Those in the rear half of the back garden and spaces adjoining contain a mix of coniferous and deciduous species covered by a woodland Tree Preservation Order (TPO). As the trees within the area designated draw collective value as woodland rather than as specimens, their quality is unsurprisingly mixed. Those falling within the back garden of No 9 are also somewhat sparser than might normally be expected of woodland, and set within a lawn, thus suggesting change since the TPO was made. The group

nonetheless continues to contain species typical of the C19th landscaping of the broader Conservation Area, and together with other trees their canopies form an attractive backdrop to No 9 which is visible from Western Road. The trees thus make a positive contribution to the character, appearance, and significance of the Conservation Area at large.

6. The development would require splitting the plot, felling several trees within the woodland group, and cutting back some of those retained. The loss of trees, as too the thinning of the canopy, would be perceptible from Western Road, from which the backdrop would appear diminished in depth, thickness, and quality. It would also be clearly perceptible from within the plot on which No 9 stands, and that adjoining to the north. Whether or not a suitable foundation could be constructed, the fact that a dwelling would stand in place of several trees, very close to those retained, and within the area designated as woodland, would inevitably compromise both the character and potential future function of the latter. This could not be fully or realistically mitigated by planting trees in the limited space around the edges of the plot. The positive contribution that trees on site make to the Conservation Area at large would thus be diminished, with likely adverse ongoing long-term effects.
7. Insofar as the surrounding trees would be cut back to enable the development, I have every reason to believe that they would continue to be cut back in the future. Pressure could well arise for heavier pruning, thinning out or felling given both the close proximity of trees to the dwelling, and given that, aside from a compact space on the north side of the dwelling, the majority of the plot would be dominated by trees. Though gutters could be subject of simple shielding, resulting likely adverse effects in relation to light and perceived risk could generate pressure for further change. This could arise even if the dwelling was reinforced to resist a tree falling on its roof, as it is unlikely that future occupants would wish to entertain such an event, and no such protection would exist within external spaces. Though remaining trees would still be protected by the TPO and by their presence within the Conservation Area, pressure for future change would be hard to resist if the living conditions or safety of future occupants was adversely affected. Likely more so if the integrity of the TPO, and broader value of the woodland had already been seriously undermined by constructing a house within a large part of its area.
8. The plot would be unusually located to the rear of street fronting dwellings, and much smaller than is typical of the historic pattern within the broader Conservation Area. This would be true whether or not sporadic examples of other plots of atypical size or character can be identified elsewhere. In this case the compactness of the space within which the dwelling would stand would not be directly offset by the space occupied by the access given that the two spaces would be clearly distinct. Compactness would otherwise be further emphasised by trees, and by the close proximity of the proposed dwelling to the boundary with No 9.
9. It is likely that glimpses of the proposed dwelling would be available from Western Road, from which its proximity to the rear of No 9 would be perceived. Aside from this, the atypically compact nature of the development would not be readily appreciated from within the public realm. Nonetheless, a Conservation Area is ultimately a sum of both its public and private parts. In this regard the atypical nature of the layout would be apparent from surrounding spaces including adjoining plots within the Conservation Area, as also to anyone

visiting the dwelling itself. With such views the development would appear incongruous.

10. Two past appeals involving sites elsewhere in the Conservation Area have been cited. Though each similarly involved plot severance and trees, the circumstances, including plot location and layout, were not identical, and thus the extent of direct comparison is limited. Whilst I thus acknowledge the findings of the Inspectors in those cases, they do not alter my own findings above.
11. My findings thus indicate that the development would fail to preserve or enhance the character or appearance of the Conservation Area, including the positive contribution made to it by protected trees. The modest harm caused to the significance of the Conservation Area as a whole 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.
12. The development would provide an additional dwelling, helping to meet the general need for new housing, and to address a shortfall in the Council's demonstrable 5-year supply of deliverable housing sites (5 YHLS). This shortfall is placed at 4.1 years by the appellant. The development of small sites makes an important contribution to housing supply, and in the context of a shortfall this is a consideration which attracts significant weight. Even so, the scale of the social and economic benefits generated by the provision of a single dwelling would be very limited. I therefore find that the public benefits of the scheme would be insufficient to outweigh the harm that it would cause to the significance of the Conservation Area.
13. 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 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; 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; and supporting guidance provided with the Branksome Park Conservation Area Character Appraisal and Management Plan Supplementary Planning Guidance 2006

Other Matters

14. In view of the Council's 5YHLS position the appellant has highlighted the 'tilted balance' set out within paragraph 11 of the Framework. However, given that my findings above provide a clear reason for refusing permission, the tilted balance is not applicable.
15. Planning permission was partly refused on the basis that the scheme would fail to avoid or mitigate likely significant effects on the integrity of the several European sites as a result of increased recreational pressure. These were listed as the Dorset Heaths Special Area of Conservation, the Dorset Heathlands Special Protection Area (SPA) and Ramsar site, and the Poole Harbour SPA and Ramsar sites. The appellant has subsequently provided Unilateral Undertaking

to secure contributions towards mitigation in line with local strategy. 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 examine this matter in further detail. However, as I am dismissing the appeal for other reasons, further consideration is not required.

Conclusion

16. For the reasons set out above the development would give rise to unacceptable harm, and would conflict with the development plan. There are no other considerations which alter or outweigh these findings. I therefore conclude that the appeal should be dismissed.

Benjamin Webb

INSPECTOR