
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/21/3285356

1 Halewood Way, Christchurch BH23 2JU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Mark Clifton of Summit Land and Developments Ltd against BCP Council.
 - The application Ref 8/21/0636/FUL, is dated 16 June 2021.
 - The development proposed is described as demolition of existing garage and construction of a three bedroom chalet style property with parking and private amenity space.
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Decision

1. The appeal is dismissed, and planning permission is refused.

Procedural Matters

2. The appeal is made against the Council's failure to determine the application in the required time. The Council has however provided an officer report and draft reasons for refusal which I have taken into account in defining the main issue and assessing the scheme below.

Main Issue

3. The main issue is whether the development would preserve the settings of listed buildings adjacent to the site.

Reasons

4. The site is partly enclosed by and otherwise stands immediately adjacent to a group of Grade II listed buildings. Here Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) (the Act) sets out the duty to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. Paragraph 199 of the National Planning Policy Framework (the Framework) further states that great weight should be given to the conservation of designated heritage assets.
5. The listed buildings in question are a group comprising a cemetery lodge, the adjoining splayed boundary walls, and 2 mortuary chapels. Insofar as it is relevant to this appeal the special interest and significance of the listed buildings resides in their common C19th date, their distinctive architectural design, sequential composition, and the important role this plays in defining the

entrance to the cemetery. This is appreciated upon approaching and entering the cemetery from Jumpers Road, from which the group forms a key gateway feature within the broader streetscene.

6. 1 Halewood Road is a relatively modern semi-detached dwelling whose close proximity to the group detracts from appreciation of both its composition and visual presence within the streetscene. Aside from the attached single storey garage the site currently provides a buffer of reasonably open space, allowing views of each of the chapels on the approach from Jumpers Road. The importance of this gap is accentuated by the fact that the cemetery wall partly encloses the space, and the lodge abuts it.
7. The proposed chalet bungalow would stand within the gap. It would therefore directly encroach on the spatial and visual setting of the group, further detracting from appreciation of their composition and presence within the streetscene. The adverse effect would be increased by the attempt to echo aspects of the lodge's design within that of the dwelling, and by obstruction of views through to the chapels from Jumpers Road. Boundary treatments and landscaping could at least partially screen the dwelling. However, this would not mitigate the adverse effects identified. Insofar as the development would thus detract from appreciation of the significance of the listed buildings, their settings would not be preserved, contrary to the expectations of the Act. My findings thus broadly reflect those of an Inspector who dismissed a 2003 appeal on the same site in relation to construction of an attached 2-storey dwelling.
8. The appellant has provided a Certificate of Lawfulness of a Proposed Use or Development (CLOPUD) which confirms that a single storey extension can be built on the site. This would cover the same footprint as the proposed dwelling together with the space between. The certificate was issued in May 2005 and refers to the superseded Town and Country Planning (General Permitted Development) Order 1995. As the Council has not questioned its continued validity it presumably remains valid.
9. It is claimed that the extension would be built if the appeal was dismissed. In this regard, though the CLOPUD and appeal schemes differ, the physical presence of an extension would give rise to adverse effects at least partially similar to those I have identified above. Nonetheless, I have been provided with no firm evidence that construction of the extension would actually occur. The fact that 17 years have elapsed since the CLOPUD was issued otherwise raises reasonable doubt, as does the fact that the development would be of a wholly different type to that for which planning permission has been sought. Given the above I have little reason to believe that the extension would be built were I to dismiss the appeal, and so attach very little weight to the potential.
10. A 2004 appeal relating to the site additionally confirmed that an outbuilding, modifications to the access, hard standing, and a fence or wall with gates would be lawful. This reflected an earlier CLOPUD granted by the Council in 2003. Despite the long period which has elapsed since, these works are again presented as fallback. Once again evidence is lacking, and the development in any case bears little in common with the appeal scheme. Even when considered in combination with the extension, the effects would differ. As such I attach little weight to the potential for these works.
11. I have been supplied with a copy of pre-application advice. However, this relates to a proposed detached 2-storey dwelling, rather than the scheme

subject of this appeal. The proposal clearly received no support. Nowhere else within the advice is it indicated that support would be given for a chalet bungalow instead. Whilst pre-application advice is not binding, to the extent that it is relevant, in this instance its contents do not alter my findings above.

12. I therefore find that the scheme would cause less than substantial harm to the significance of the listed buildings through a failure to conserve their settings. Such harm attracts considerable importance and weight. In accordance with paragraph 202 of the Framework, it is necessary to balance this harm against any public benefits that the scheme would deliver.
13. The scheme would provide an additional dwelling within an established residential area, thus both making a general contribution to the local housing supply, and helping to address a shortfall in the Council's demonstrable 5-year supply of deliverable housing sites. I have not been provided with any indication of what the shortfall is. However, whilst helping to meet the demand for new housing is a consideration which attracts significant weight in the face of a shortfall, the scale of the social and economic benefits generated by the provision of a single dwelling would be limited whatever that shortfall might be. The public benefits delivered by the scheme would thus be insufficient to outweigh the harm that it would cause.
14. For the reasons outlined above I conclude that the development would fail to preserve the settings of listed buildings adjacent to the site. It would therefore conflict with saved Policy BE15 of the Borough of Christchurch Local Plan 2001 (the LP) which supports this objective, saved Policy BE16 of the LP which further seeks to maintain views of important buildings, and Policy HE1 of the Christchurch and East Dorset Local Plan Part 1 – Core Strategy 2014, which generally seeks to protect and enhance heritage assets and their settings.

Other Matters

15. The Council has identified that the development would have a likely significant effect on the integrity of the Dorset Heathlands Special Protection Area (SPA) and Ramsar sites, and the Dorset Heathlands SAC. It states that this could be fully mitigated through payment of a financial contribution in line with local strategy set out within the Dorset Heathlands Planning Framework 2020-2025. The appellant has accordingly provided a planning obligation, but only in draft form. 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. As I am dismissing the appeal for other reasons, no further consideration is required.

Conclusion

16. For the reasons set out above the effect of the development would be unacceptable, giving rise to 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, and that planning permission should be refused.

Benjamin Webb

INSPECTOR