
Appeal Decision

Site visit made on 7 June 2022

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

an Inspector appointed by the Secretary of State

Decision date: 15 June 2022

Appeal Ref: APP/D1265/W/21/3285679

9 Station Road, Alderholt SP6 3RB

- 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 Jefford against the decision of Dorset Council.
 - The application Ref 3/20/2129/FUL, dated 3 November 2020, was refused by notice dated 30 April 2021.
 - The development proposed is conversion of existing annex to separate dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I have used the Council's description of the proposed development in the banner heading above as it is more precise than that provided on the application form.

Main Issues

3. The main issues are:
 - the effect of the development on the integrity of European sites; and
 - the character and appearance of the area.

Reasons

European sites

4. The site is located within the hydrological catchment of the River Avon Special Area of Conservation (SAC), and the Avon Valley Special Protection Area (SPA), and Ramsar sites (together the wetland sites). The site lies within 5km of the Dorset Heathlands SPA, and the Dorset Heaths SAC and Ramsar sites (together the heathland sites). The above European sites overlap a number of Sites of Special Scientific Interest designated for similar reasons.
5. Where available, the conservation objectives of the European sites generally seek to maintain or restore their integrity, including that of their qualifying features. In this regard new residential development has the potential to have an adverse effect on the integrity of the wetland sites through increased discharge of nutrients in wastewater, and of the heathland sites through increased recreational use. The adverse impacts are generally associated with

the increase in population that new residential development supports, and thus arise both alone and in-combination.

6. The development in question would involve the formation of a dwelling from an existing annexe. This would be extended to facilitate the change. The development would not therefore entail a wholly new residential use of the site. Moreover, planning permission has previously been granted for an identical scheme of extension, albeit without severance to form a separate dwelling.
7. The existing annexe provides very compact accommodation which appears to be suited for use by a single person. It has however been reportedly occupied by 2 persons in the past. The larger size of the proposed dwelling would more comfortably accommodate 2 persons, as would the annexe if extended in the same way. Within each scenario the building has the potential to support the same number of occupants, albeit permanent occupation by 2 persons would appear most likely in the case of a separate dwelling.
8. At present the annexe contains only basic facilities. Facilities are therefore necessarily shared with the main dwelling to which the annexe is clearly ancillary. This would change were the annexe to become a separate dwelling. The approved scheme of extension could presumably also provide scope for the annexe to become self-contained. In each case an associated increase in the discharge of wastewater could be expected such as through use of a separate washing machine.
9. The approved scheme of extension clearly exists as 'fallback'. Nonetheless, I have been provided with no firm evidence that it would be implemented were the appeal to be dismissed. The 2 schemes would provide different forms of accommodation which involve different living arrangements, and here the appellant's stated desire is to create a separate dwelling rather than an enlarged annexe. As such, implementation of the approved scheme appears unlikely. I therefore place little weight on the effects to which the approved scheme might give rise and cannot otherwise be certain that they would identically mirror those of a separate dwelling.
10. Consequently, and in the absence of any detailed analysis of the above matters by either party, I cannot rule out the possibility of likely significant effects on the integrity of the wetland sites due to increased discharge of nutrients in wastewater, and of the heathland sites through increased recreational activity. Each would be contrary to the conservation objectives outlined above. An Appropriate Assessment (AA) is therefore required. Natural England (NE) has raised an objection to the scheme on both grounds.
11. No strategic solution currently exists to mitigate the discharge of nutrients in wastewater. It is therefore necessary for residential developments to demonstrate nutrient neutrality in relation to the additional effects to which they would give rise. The appellant has however failed to provide the required phosphorous budget, or any other evidence. I cannot therefore be satisfied that the development either would or could achieve nutrient neutrality, or that likely significant effects on the integrity of the wetland sites would not arise were the appeal to be allowed.
12. In relation to the heathland sites, the Dorset Heathlands Planning Framework 2020-2025 Supplementary Planning Framework (DHPF) sets out how mitigation of individual residential developments can be achieved through funding of

infrastructure projects and strategic access management and monitoring measures via the Community Infrastructure Levy (CIL). The DHPF however also sets out a threshold of around 50 dwellings above which the provision of a Suitable Alternative Natural Greenspace (SANG) is required. In this regard NE's concern arises solely in relation to effects in-combination with other proposed and approved developments within the area, which would breach the threshold if all were approved and implemented.

13. The Council has however provided confirmation that it refused one of the applications taken into account by NE. That being so, and as matters stand, the threshold would not be breached. Given that an in-combination effect can thus be excluded, mitigation could be achieved through payment of CIL.
14. In view of my findings in relation to the wetland sites, it is necessary to consider whether alternative solutions which would have a lesser effect exist. Here it may well be that properly evidenced and secured mitigation would address the likely significant effects outlined above. Allowing the appeal would therefore be contrary to the Conservation of Habitats and Species Regulations 2017 (as amended).
15. For the reasons outlined above, I conclude that the development would have a likely adverse effect on the integrity of the wetland sites. It would therefore conflict with Policy ME1 of the Christchurch and East Dorset Local Plan Part 1 – Core Strategy 2014 (the CS) which seeks out the aim to protect, maintain and enhance the condition of all types of nature conservation sites.

Character and appearance

16. Having previously approved an identical scheme of extension, the Council's concerns are limited to the size of the plot that would be created and the effect that this would have on perception of the dwelling.
17. The plot would be smaller than appears typical both within the surrounding area, and in relation to the terrace of which the main dwelling forms part. There is nonetheless some variation, and no overall sense of consistency between residential developments within the broader streetscene. Clear scope therefore exists for further variation.
18. If boundary treatments were to be maintained as at present, views into the plot would be very limited, and no strong public perception of its size would exist. Were views to become available, the development would clearly appear compact. However, a very similar effect could arise through simple subdivision of the existing garden. Moreover, and notwithstanding my finding that the approved scheme is unlikely to be implemented, this would also apply in that case. For these reasons, and in view of my findings above, the development would not appear incongruous within the streetscene.
19. For the reasons set out above the development would not have an unacceptable effect on the character and appearance of the area. The development would therefore comply with Policy HE2 of the CS which seeks to secure development compatible with its surroundings.

Other Matters

20. The appellant states that the development would provide a 'starter home'. However, insofar this is a type of affordable housing specifically defined in

statute, the development would clearly not provide such a dwelling. The dwelling would otherwise be smaller than others within the immediate vicinity and thus its value would presumably be less. Whether or not this would, in time, help to address any particular issue locally is unclear as no evidence has been provided. In any case, the provision of a small market dwelling would not provide benefits capable of outweighing the identified likely adverse effect of the development on the integrity of the wetland sites.

Conclusion

21. For the reasons set out above the effects of the development in relation to the wetland sites 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.

Benjamin Webb

INSPECTOR