



Appeal Decision

Site visit made on 4 July 2022

by James Blackwell LLB (Hons) PgDip

an Inspector appointed by the Secretary of State

Decision date: 19 July 2022

Appeal Ref: APP/V1260/W/21/3282869

18 Harbour View Road, Poole BH14 0PE

- 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 M Aldridge against the decision of Bournemouth Christchurch and Poole Council.
 - The application Ref APP/20/01147/F, dated 29 September 2020, was refused by notice dated 13 May 2021.
 - The development proposed is to demolish existing buildings and erect 3 detached houses with integral garages and parking.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since determination of the planning application, the 2019 iteration of the National Planning Policy Framework (Framework) has been superseded. I am satisfied that the updates to the Framework do not materially affect its content insofar as it is relevant to the main issues of this appeal. I have therefore determined this appeal with regard to the current version, published in July 2021.

Main Issues

3. The main issues are the effect of the proposed development on:
 - the character and appearance of the area, with particular regard to the loss of protected trees; and
 - the integrity of Poole Harbour and the Dorset Heathlands.

Reasons

Character and Appearance

4. The appeal site comprises a detached two-storey dwelling, which sits within a spacious corner plot to the north-east of a right-angled bend in Harbour View Road. The road is residential in nature, and is largely made up of detached dwellings of mixed size, design and spacing. The street scene benefits from a strong degree of verdancy owing to the prevalence of trees and hedgerow. The appeal site itself is particularly well vegetated, with trees lining its western, southern and eastern boundaries, all of which are protected by an Area Tree

Preservation Order¹ (ATPO). Many of these trees are tall and mature, with vast canopy spreads over the appeal site. In turn, the rich verdancy of the appeal site makes a very important contribution to the attractive quality and character of the road.

5. The proposed development would necessitate the removal of a number of trees and groups of trees within the appeal site. These would include the loss of a tall Liquidambar at the existing entrance to the site, as well as a collection of Thuja in a similar location. Along the eastern boundary, an additional tall and mature Liquidambar would be removed, together with a group of Beech hedgerow. A Purple Leafed Plum would also be lost in this same location. Elsewhere on the site, numerous smaller fruit trees would be felled to accommodate the new houses.
6. Whilst not all of these tree removals would be readily noticeable from public vantage points, the loss of both Liquidambar would be felt keenly from the road, given their substantial height and canopy spread. Irrespective of the age and quality of these trees, their cumulative loss would significantly detract from the prevailing verdancy of the appeal site. Unfortunately, I do not consider that the proposed re-planting would sufficiently compensate for this impact.
7. Works would also be needed to the mature Beech tree which sits towards the entrance of the appeal site (labelled T2), in order to create a 2-metre separation between the tree and unit 1 of the development. Given this Beech tree is in such a prominent location, its substantial canopy makes a valuable contribution to the verdancy of the wider street scene. In turn, any substantive lopping or pruning of this tree would further compound the impact arising from the loss of other trees within the site.
8. Irrespective of whether the proposed new dwellings would meet requisite daylight and sunlight standards, unit 1 would be located close to both the Beech (T2) and the large Cedar (T8) in its garden. As a result, substantial parts of this dwelling would invariably be heavily shaded by the vast canopies of these trees at certain times of the year. In turn, there is an inherent risk of amenity and/or safety issues arising in future. Notwithstanding the protected status of these trees, such risks could lead to pressure to fell or substantially prune them in future, which would again severely undermine the verdancy of the appeal site.
9. In terms of layout, I am satisfied that the spacing of the new dwellings would be broadly comparable to many other neighbouring dwellings along the road, and would therefore be in-keeping. The new dwellings would also achieve a high-quality design, which would integrate effectively with the wider street scene. Nonetheless, these are neutral factors, and not benefits that would weigh in favour of the proposal.
10. For these reasons, I consider that the cumulative loss of existing trees would significantly harm the verdant character and appearance of the area. This harm would be further compounded by the potential future risk to other prominent trees within the appeal site. The development would therefore conflict with Policy PP27 of the Poole Local Plan (2018) (Local Plan), which says development should respond properly to the natural features of the site. It also says development should not result in the loss of trees that make a significant

¹ St Peter's Road Area Tree Preservation Order, 19 September 1989

contribution, either individually or cumulatively to the character and local climate of an area.

11. I find no conflict with Policy PP28, which says plot severance should only be allowed where the scale, massing and spacing between buildings would be in-keeping with neighbouring buildings and the established pattern of the street.

Poole Harbour and Dorset Heathlands

12. 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.
13. 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 units. 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 each of these protected areas. As a result, it is not possible to rule out likely significant effects on Poole Harbour nor the Dorset Heathlands.
14. Nonetheless, The Poole Harbour Recreation Supplementary Planning Document (2019-2024) and The Dorset Heathlands Planning Framework (2020 – 2025) each set out measures to help mitigate against the potential effects from new housing. This mitigation is achieved through financial contributions towards Strategic Access Management and Monitoring (SAMM), in respect of both Poole Harbour and the Dorset Heathlands. The primary objective of SAMM is to raise awareness of relevant issues, through the employment of project coordinators and wardens to manage visitor pressures on the respective protected areas, and to monitor the effects of new development.
15. Whilst the appellant has indicated that the necessary contributions have been paid, I have not seen any evidence of payment, nor has the Council confirmed receipt. Whilst confirmation could have been sought from both parties as part of this appeal, as I am dismissing the appeal on other grounds, ultimately this would not have changed the outcome of the decision. I therefore do not intend to discuss the matter further.

Other Matters

16. The Council cannot demonstrate a five-year supply of deliverable housing land and has failed to meet the Housing Delivery Test, which means its policies relating to delivery of housing are out of date. Paragraph 11(d)(ii) of the Framework (the "tilted balance") is therefore 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.
17. 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. Paragraph 131 of the Framework also highlights the importance of trees to the character and quality of the urban environment, and is explicit that existing trees should be retained wherever possible. The content of the Framework therefore reflects the overriding design and character principles of the Local Plan in terms of new residential development and the retention of existing trees. 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.

18. Whilst any increase to the Council's housing stock is desirable, the net addition of two dwellings would only be a modest contribution in this instance. Consequently, I consider that the adverse impacts of the development in terms of harm to the character and appearance of the area 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.

Conclusion

19. 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