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## Appeal Decision

Site visit made on 3 August 2022

**by M Shrigley BSc (Hons) MPlan MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 02 September 2022**

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**Appeal Ref: APP/V1260/W/22/3294572**

**Farley Lodge, 103-105, Bournemouth Road, Poole BH14 9HR**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant prior approval.
  - The appeal is made by MSI Ltd against the decision of Bournemouth, Christchurch and Poole Council.
  - The application Ref APP/21/01334/PA, dated 1 September 2021, was refused by notice dated 13 December 2021.
  - The development proposed is for proposed alterations to both apartment blocks to construct a fourth & fifth floor of accommodation on each building to create 6 additional apartments in each block (twelve in total), and associated landscaping work.
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### Decision

1. The appeal is dismissed.

### Procedural Matters

2. The main parties to the appeal indicate that the proposed development is able to meet the limitations specified by Class A of Part 20 of Schedule 2 of the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2015, as amended.
3. Nonetheless, where any development under Class A is proposed, it is permitted subject to the condition that before beginning the development, the developer must apply to the local planning authority for prior approval of the authority as to the matters listed in Condition A.2. Accordingly, the dispute before me solely centres on Condition A.2 (1) (e) dealing with the prior approval of the external appearance of the building(s), which was considered by the Council as required and was subsequently refused. There is no disagreement between the main parties that prior approval is required.
4. Given the prescriptions of the GPDO already establish the principle for new residential development which is permitted, I have taken into account the content of the development plan policies and National Planning Policy Framework (the Framework) referred to by the main parties only insofar as they are material considerations.

### Main Issue

5. The main issue is the impact of the proposed development on the external appearance of the two buildings to be altered.

## **Reasons**

6. At my site visit I could see that the appeal buildings subject to the proposed development are both three storeys with wide main road facing facades. They are located close to a cross junction and a church (which is grade II listed). The existing width to height ratios of both buildings are noticeably well proportioned as a positive aspect of their design, relative to trees and neighbouring two storey buildings in the immediate vicinity. Both host buildings also exhibit uniform fenestration detailing as a further noticeable characteristic.
7. Whilst matching external facing materials would be utilised, the additional storeys proposed would unduly distort the existing well designed proportions of the two buildings by way of increased height, bulk and mass. The changes would appear overly dominant and imposing.
8. There is little in the way of elevation detailing proposed which would alleviate the visually imposing nature of the appeal development. The changes owing to their scale and appearance would fail to respect the existing height and width ratios of the existing host buildings, in a prominent roadside location close to a junction opposite a listed building.
9. Moreover, the absence of windows or other elevation relief on some of the proposed elevations would not be a sensitively applied design change. A substantial part of the rear and side (east) proposed elevations of block A and the side (west) elevation of block B shown on the appeal plans feature tall windowless blank wall facades. Those elements would amplify the inappropriateness of the overall resultant mass of the buildings. As would the asymmetry of some of the new windows proposed.
10. I appreciate that prior approval has already been granted for 6 additional dwellings under application reference number APP/21/00251/PA. However, the additional increased building heights of the appeal scheme now proposed would not be inconsequential. The changes would have a much greater visual impact.
11. I also realise there is a variety of building designs and sizes evident in the wider area. Including taller residential buildings further afield along Bournemouth Road, referred to by the appellant. Nevertheless, those other developments are some distance away and have different contextual features associated to their respective individual designs.
12. The appeal buildings under consideration are already quite large relative to other nearby two storey residential buildings they are the closest to, and the proximity of the cross road junction would magnify the visual prominence and impact of the changes in dispute.
13. Thus, I find that the development would cause substantial harm to the external appearance of the appeal buildings. The proposal would also conflict with Policy PP27 of the Poole Local Plan which encourages good design principles as well as the content of Paragraph 130 of the Framework replicating those aims.

## **Other Matters**

14. The appellant cites the absence of a 5 year housing land supply in the Council's administrative area, the boost to housing provision and the broad sustainability credentials of the location as reasons to support the scheme. I agree those considerations are tangible benefits.

15. However, the acknowledged economic and social benefits of further boosting supply in accessible locations does not overcome the level of visual harm I have identified when gauging the proposal against the specific prior approval provisions of the GPDO, relating to the external appearance of the buildings.
16. In any event, the development plan design policy most relevant to the outcome of the application appealed is not out of date. It accords with the content of the Framework for achieving good design outcomes.
17. Furthermore, the appeal site is evidenced as having likely significant effects upon the nearby Dorset Heathlands and Poole Harbour Special Protection Areas (SPAs) and Ramsar site which is of international importance.
18. SPAs and Ramsar Sites fall under the definition of European sites protected by the Conservation of Habitats and Species Regulations 2017, as amended. Consequently, as the competent authority, I am required to undertake an appropriate assessment, to test if the project proposal could significantly harm the designated features of a European site.
19. I agree that an increase in new residential development in this location is likely to cause significant air and nutrient impacts arising from domestic car use and increased levels of nitrogen which have the potential to cause detriment to the conservation objectives and integrity of the European sites referred to.
20. In response, the Council has formulated and adopted a range of mitigation strategies via: the Dorset Heathlands Planning Framework 2020-2025 Supplementary Planning Document (SPD); the Poole Harbour Recreation SPD 2019-2024; the Dorset Heathlands Interim Air Quality Strategy 2020-25; the Dorset Heathlands Interim Air Quality Strategy 2017 SPD; and the Poole Community Infrastructure Levy Charging Schedule 2019 aiming to support the protection of designated habitats in line with conservation objectives.
21. Those strategies seek to secure financial contributions from new residential development in order to deliver nitrogen offsetting, education, management and monitoring measures which deal with all of the conservation concerns triggered.
22. I have no reason to believe the delivery of the mitigation strategies detailed would not be successful in safeguarding the integrity of the European sites from harm. That said, whilst a draft head of terms document has been submitted, there is no completed obligation before me.
23. Therefore, the scheme would fail to provide adequate ecological mitigation for the designated sites, if it was allowed. But that is of little consequence to my overall decision as I have found the overall impact on the external appearance of the buildings to be unacceptable in any event.

## **Conclusion**

24. For the reasons set out above the appeal does not succeed.

*M Shrigley*

INSPECTOR