



Appeal Decision

Site visit made on 3 March 2022

by L J O'Brien BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 September 2022

Appeal Ref: APP/V1260/W/21/3274725

Land rear of 75-77 Good Road, POOLE, BH12 3HW

- 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 77 Good Road Ltd against the decision of Bournemouth Christchurch and Poole Council.
 - The application Ref APP/21/00092/F, dated 20 January 2021, was refused by notice dated 24 March 2021.
 - The development proposed is Construction of two homes accessed from Stacey Close (revised scheme).
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect of the proposal on the character and appearance of the area; and
 - the effect of the proposal on the living conditions of the occupiers of 75 Good Road with particular regard to amenity space and 77 Good Road with particular regard to outlook.

Reasons

3. Good Road is a residential street which slopes down towards the property at No 77. No 75 Good Road is a detached bungalow and No 77 is a detached two-storey building situated on a corner plot at the junction of Good Road and Stacey Close. The appeal site is located to the rear of 75 – 77 Good Road, alongside Stacey Close. The proposal is for the construction of two homes fronting Stacey Close.

Character and appearance

4. The character and appearance of properties along Good Road is diverse with no one discernible building style. The Road includes a mix of detached two-storey houses and single storey bungalows of differing designs.
5. However, plots within the area are broadly fairly generous with clear gaps alongside the dwellings and reasonably sized front and rear garden areas. The existing layout of corner plots in and around the appeal site is such that there is a clear visual break between the rear of the properties on one road and the side of properties along the other. The grain of development in the area leads to a sense of spaciousness.

6. The proposed homes would infill the gap to the rear of 75 – 77 Good Road and would cover almost the full width of their plots. The plot sizes of the two new dwellings and the resultant plots at Nos 75 and 77 would be small, particularly that at No 75. As such, the pattern of development would appear incongruous and would not be consistent with the prevailing grain of the wider area. Furthermore, the remaining garden areas at No 75 and No 77 would be significantly reduced and the visual gap would be removed almost in its entirety thus eroding the sense of openness and spaciousness which characterises the area and corner plots in particular.
7. I acknowledge the existence of other smaller plots within the wider area. However, in my view, many of the smaller plots I identified differ in that the buildings which occupy the plots are smaller and thus do not cover the plot with as high a percentage of built form and therefore retain the sense of spaciousness.
8. I note that in many other respects the proposed dwellings have been designed in such a way so as to ensure that they would sit comfortably within their surroundings. However, these factors are not sufficient to mitigate the harm I have identified above.
9. For these reasons, the proposal would cause harm to the character and appearance of the area and would be contrary to Policy PP27 of the Poole Local Plan, 2018 (LP) which, amongst other things, seeks to promote good standards of design in all new developments and states that development will be permitted provided that it reflects or enhances local patterns of development. The proposal would also conflict with Policy PP28 of the LP which states that residential properties involving plot sub-divisions will only be permitted where there is sufficient land to enable a type, scale and layout of development to be accommodated in a manner which would preserve or enhance the area's residential character.

Living conditions at 75 and 77 Good Road

10. As previously mentioned, the proposal would result in the subdivision of the plots at Nos 75 and 77 Good Road to facilitate the creation of four smaller plots. The resultant plot at No 75 would retain only a very small private garden area. In my view, this area of private amenity space would not be sufficient to meet the needs of the occupiers of a dwelling of the size present at No 75. I note the appellant's view that they consider the garden size appropriate and comparable to others in the area. However, I have been provided with limited specific or compelling evidence in this regard and have reached a different conclusion on the basis of the evidence before me. In any event, the existence of other very small gardens is not in itself an adequate reason to justify permitting another such garden where I consider there would be harm.
11. Furthermore, the two-storey side wall of proposed house one would be only approximately between 8.5m and 8.9m from the rear elevation of No 77 Good Road. At this proximity the proposed dwelling would appear as a visually intrusive and dominant feature in the outlook from the rear habitable rooms and rear garden area of No 77. This lack of separation would result in an oppressive sense of enclosure which would cause harm to the living conditions of the occupiers of No 77 in this regard.

12. I note that arrangements on site at 37 – 39 Good Road appear to be similar, however, I have not been provided with full and complete information regarding this scheme. It would also appear that the permission granted for this scheme was approved prior to the adoption of the most recent Local Plan and was, therefore, determined in a different policy context. In any event, the existence of other examples is not sufficient reason to justify permitting further development which would, in my view, be detrimental to neighbouring residential amenity.
13. Consequently, the proposal would cause harm to the living conditions of the occupiers of 75 Good Road with particular regard to amenity space and 77 Good Road with particular regard to outlook. The proposal would, therefore, be at odds with Policy PP27 of the LP which states that development will be permitted provided that it would not result in a harmful impact upon amenity for both local residents and future occupiers and that it provides satisfactory external amenity space for both new and any existing occupiers.

Protected Sites

14. The application site is within the vicinity (within 5 km and beyond 400m) of Dorset Heathlands which is identified as a European Protected Site for the special interest of its heathland habitats and associated plant and animal species. The site is also close to the Poole Harbour Special Protection Area and Ramsar site. The Conservation of Habitats and Species Regulations 2017 (the Habitats Regulations) requires the decision maker to undertake an Appropriate Assessment (AA) where there are likely significant effects from the proposal, either alone or in combination with other plans or projects. This responsibility falls to me in the context of this appeal.
15. The proposed development would introduce two additional residential units to the area. In my view, the additional residential units which would be provided in this instance would indeed be likely to lead to additional recreational visits and an intensification of the use of the protected sites. For this reason, the proposal would be likely, alone and in combination with other plans and projects in the area, to have a significant effect on the Dorset Heathlands and Poole Harbour.
16. However, such developments can be made acceptable in planning terms through the use of suitable mitigation measures. In this case, mitigation measures have been identified and the appellant has provided an executed Unilateral Undertaking (UU) which would secure a contribution towards their implementation. I have had regard to the UU in reaching my decision.

Other Matters and Planning Balance

17. Whilst the appellant makes reference to the existence of a number of other properties which could be considered similar each case must be determined on its individual merits and the circumstances in each case are likely to be different. For example, different layouts and conditions on site. Furthermore, many of these cases also appear to have been determined within a different policy context and pre-date the November 2018 Poole Local Plan.
18. I acknowledge that the current scheme has been altered from the previous proposal with the aim of overcoming the concerns which were raised. However, as set out above, in my view the alterations are not sufficient to mitigate the

identified harm. I also note that the proposed houses would exceed the nationally described space standards and would provide a high quality standard of living in this regard.

19. I acknowledge that the dwellings would be in a location well served by existing facilities and infrastructure. I also recognise that the proposal would provide some, limited, benefits for example by providing two new dwellings. I also acknowledge the economic benefits of engaging local professionals, trades and suppliers and the ongoing benefit of the occupiers of the proposed dwellings utilising local facilities. These benefits are, however, limited by the small scale of the proposal and must be considered in that context.
20. I have found harm to the character and appearance of the area and to the living conditions of the occupiers of neighbouring dwellings. I give this harm substantial weight.
21. At the time of writing the Officer's Report sets out that the January 2021 Housing Delivery Test shows that the total number of homes delivered in Poole compared to those required over a defined three year period was 73% and, therefore, below the 75% threshold set by the Government. Though I have not been provided with a more recent position on this matter, even if a presumption exists in favour of granting planning permission the adverse impacts would significantly and demonstrably outweigh the limited benefits of the scheme.
22. If I had come to a different conclusion, it would have been necessary for me to undertake an AA and give further consideration to the likely effectiveness of mitigation measures associated with the protected sites. In so doing I would also have had regard to the provisions of the UU in order to be certain that the integrity of the protected sites would not be adversely affected. However, as I am dismissing the appeal for other reasons, this has not been necessary.

Conclusion

23. The proposed development would fail to accord with the development plan and the adverse impacts would significantly and demonstrably outweigh the benefits. Therefore, for the reasons given above I conclude that the appeal should fail.

L J O'Brien
INSPECTOR