



Appeal Decision

Site visit made on 28 September 2022

by G Roberts BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th October 2022

Appeal Ref: APP/D1265/D/22/3302340

Cress View, Lulworth Road, Wool, Dorset, BH20 6BU

- 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 Tidman against the decision of Dorset Council.
 - The application Ref. 6/2021/0301, dated 14 May 2021, was refused by notice dated 12 April 2022.
 - The development proposed is create a parking area front of property. Build supporting wall rear of area and to sides.
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Decision

1. The appeal is allowed and planning permission is granted to create a parking area front of property. Build supporting wall rear of area and to sides at Cress View, Lulworth Road, Wool, Dorset, BH20 6BU, in accordance with the terms of the application, Ref. 6/2021/0301 dated 14 May 2021, and the plans submitted with it and subject to the conditions listed below.
 - 1) The development hereby permitted shall begin before the expiration of three years from the date of this permission.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location plan (Appendix A); and Proposed plan dated May 2021 (Appendix C).
 - 3) Prior to the commencement of development a landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall include details of the finish of the retaining walls and details of planting of native hedging along the top of the retaining wall including species, numbers and size of plants. The approved landscaping scheme shall be completed in its entirety prior to the first use of the new parking space unless an alternative timetable is first approved by the Local Planning Authority. Any plants found damaged, dead or dying in the first 5 years shall be replaced.
 - 4) Prior to the first use of the parking space hereby permitted, it shall be fully surfaced with concrete and drainage must be installed which avoids surface water run off onto the adjacent public highway.

Procedural Matters

2. In section H of the Appeal Form reference is made to a cost application being submitted where the Appellant would be seeking a reimbursement of the application fee due to its alleged early determination. However, I have not

been provided with any separate costs application and this is not a matter that I can, therefore, consider further.

3. The Appellant complained to the Council over the processing of the application, its alleged early determination and reason for refusal. In their reply, dated 10 June 2022, the Council stated that although the application process was subject to delays it did not consider that it had behaved inappropriately in determining the application when requested information was not forthcoming and that the disagreement over the reason for refusal was a matter that the Appellant could contest on appeal. In view of this and as the Council's letter also confirmed, if the Appellant remains dissatisfied with the Council's response to the complaint this is a matter to be taken up with the Local Government & Social Care Ombudsman. It is not a matter that I can address or comment on in the context of an appeal that has been submitted under section 78 of the Town and Country Planning Act 1990.

Main Issue

4. The main issue is the effect of the appeal proposal on the character and appearance of the surrounding area.

Reasons

5. The appeal site is located on the eastern side of Lulworth Road and the southern outskirts of the village of Wool. The appeal site comprises a detached bungalow with gardens to the front and rear, with the host property itself sited in an elevated position above Lulworth Road. To the north and south are similar detached bungalows, also in elevated positions, and combined they form a ribbon of development that extends south from the core of the village (to the north). The western (opposite) side of Lulworth Road, leading up to the village core, is undeveloped with mature hedging and trees providing a firm boundary to the road beyond which are open fields.
6. Within the area of ribbon development south of the appeal site the frontages to the bungalows are open and include a mixture of parking spaces and garages with direct access onto Lulworth Road. This area includes Tregantle, to the south of the appeal site, where a car parking space has recently been constructed on its frontage. Although part of the embankment in front of the appeal site has also been removed to enable a car to park, as shown on the Appellants photographs, beyond this the grassed embankment/hedging which fronts onto Lulworth Road extends north to the edge of the village and the junction of the road with Macville Avenue. The latter runs south, parallel to Lulworth Road, providing access to the bungalows located to the north of the appeal site, whose residents are able to park their cars either in front of or to the side of their individual properties.
7. As I also observed on my site visit, due to a slight bend in Lulworth Road and the hedging/trees either side of the road, the appeal site is not visible from the junction with Macville Avenue or the village core. Indeed, combined with the long distance that separates the appeal site from the village core, there are no physical or functional links between the two. Moreover, the fact that the appeal site fronts onto and is accessed from Lulworth Road distinguishes it from the bungalows to the north, which are accessed from Macville Avenue. For these reasons, the appeal site has a much stronger association, visually, physically and functionally with the ribbon development located to its south.

8. The appeal proposal involves cutting into the embankment to create a parking space enclosed on its rear and sides by a 1.5 high metre retaining wall. This would require the relocation of an existing lamppost and the removal of an existing hedge, which the Appellant indicates would be replaced.
9. The Council contend that the proposed structure and removal of the hedgerow would result in a visually discordant feature in the streetscene. The Council contend that the hedgerow to be removed is 'historic', but based on the evidence before me and my observations on site, I am not convinced that this is the case. The hedge at the front of the appeal site, which would be removed, appears to be the result of more recent and mixed planting, including laurel bushes. I also note that the Appellant states that this hedge was planted by the previous owner. Even though the Council has provided links to historic mapping, there is no substantive evidence before me to support the Council's contention that the hedge to be removed is 'historic' or that it is of any particular value and importance.
10. Even so, the extent of hedging to be removed would, in my view, be modest. Whilst I accept that its loss would change the appearance of this part of the road, when viewed in the context of the parking areas to the south and in particular that recently created at Tregantle, I am satisfied that the harm to the landscape and character of this part of the road would not be so significant as to justify the refusal of planning permission. The appeal proposal would replace the existing untidy parking space that has been created on the road frontage. There is also no reason as to why a high quality finish, to include a replacement hedge, could not be secured through the approval of a landscaping scheme (controlled by condition), which at the same time ensured that the proposal integrated well with the parking area to Tregantle, albeit the proposal would appear to be on a smaller scale to the latter.
11. Furthermore, the majority of the of the embankment and hedging on the eastern side of Lulworth Road, running north of the appeal site, would remain and thus the soft natural appearance of the road as it leads into the village core would largely be preserved and would continue to contribute to the character and appearance of the approach into the village.
12. In relation to the Wool Conservation Area (WCA), paragraphs 189 – 202 (inclusive) of the National Planning Policy Framework (July 2021) (Framework) set out the considerations and assessment required when determining the potential impact of new development on heritage assets. Although the Council's reason for refusal is not clear in this respect, I have assumed that their concern relates to the impact of the proposal on the setting of the WCA. Even so, the WCA is located some distance to the north of the appeal site, with its southern boundary, where it crosses Lulworth Road, located north of the first bungalow in Macville Avenue. As I confirmed earlier, there are no visual, functional or physical links between this part of the village and the appeal site. Whilst I accept that the short stretch of Lulworth Road, immediately to the south of the WCA, could be viewed as part of its setting, as I confirmed above, this part of the road and its soft natural appearance would remain unaffected by the appeal proposal.
13. The above findings are supported by the WCA Appraisal, published in February 2012. The Appraisal refers to the ribbon development, which includes the appeal site, but only in the context of confirming that this development does

not form part of the historic form of the village and is not intrusive. Also, other than reference to grass highway verges at the southern extent of the WCA (High Street), which the Appraisal states softens the visual approach and exit to the village, it is notable that there is, in fact, no commentary or reference on the 'Conservation Area Quality' plan to the importance or value of the embankment/hedging, that lies to the south, to the setting of the WCA.

14. For the above reasons, the appeal proposal would not, in my view, result in significant harm to the character and appearance of the area or to the rural approach or setting of the WCA. These findings are supported by the October 2015 approval for the parking area at Tregantle (ref. 6/2015/0521). The Delegated Report for that application found that although the proposal involved the removal of an extensive area of front garden/embankment, as no specific designation applied to the site, it was not in an Area of Outstanding Natural Beauty and as other properties to the south had similar hardstanding areas, the development would not have a significant visual impact on the area and was considered likely to conserve the character of the area. The planning circumstances and policy approach that led to that approval have not changed materially since then.
15. Accordingly, I find that the appeal proposal would accord with the aims and objectives of policy D and policy LHH of the Purbeck Local Plan Part 1 (November 2012) and the corresponding policies of the Framework. The Council's reason for refusal alleges that the proposal would be contrary to paragraph 56 of the Framework, which must be an error as this relates to conditions. I have assumed this reference, as in the accompanying Delegated Report, should have been to parts a), b) and c) of paragraph 130 to the Framework, but, even so, for the reasons set out above, I am satisfied that the appeal proposal would also be compliant with that paragraph.

Conditions

16. The Council has suggested various conditions which I have considered against the advice in the Framework and the Planning Practice Guidance chapter on the use of planning conditions. A condition requiring compliance with the submitted plans is necessary and reasonable to reflect the details included within the application. I am also satisfied that conditions requiring the approval of a landscaping scheme and for the parking space to be surfaced and drained to avoid surface water run off onto the highway, are also necessary and reasonable to secure a high quality layout and finish, and in the interests of highway safety.

Conclusion

17. For the reasons given above and having taken all the matters raised into account, I conclude that the appeal should be allowed.

G Roberts

INSPECTOR