



Appeal Decision

Site visit made on 27 September 2022

by Rachel Hall BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 November 2022

Appeal Ref: APP/V1260/W/22/3296545

12 Hillbourne Road, Poole BH17 7JB

- 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 Stensel against the decision of Bournemouth Christchurch and Poole Council.
 - The application Ref APP/21/01817/F, dated 16 December 2021, was refused by notice dated 25 February 2022.
 - The development proposed is demolish the garage, sever land and erect a detached 1 bedroom bungalow with off street car parking.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal site lies within 5km of a Site of Special Scientific Interest (SSSI) which is also part of the Dorset Heathlands Special Protection Area (SPA) and Ramsar Site, and the Dorset Heaths Special Area of Conservation (SAC). The appeal site is also described as being in close proximity to Poole Harbour SPA, SSSI and Ramsar site. The appellant has submitted a unilateral undertaking which is intended to provide mitigation for the impacts of the development on those designated sites. The Council has confirmed their acceptance of the undertaking and therefore considers that the second and third reasons for refusal have been overcome. Consequently I return to this in Other Matters below rather than addressing it as a main issue.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the surrounding area.

Reasons

4. Hillbourne Road (the Road) comprises predominantly two-storey, semi-detached houses that appear to have been constructed at a similar time, to a similar typology. Houses front on to the road. They are positioned to a consistent building line and separated from the road by modest front gardens and drives, some of which are laid entirely to hardstanding for vehicle parking. Small modifications to the original house design are apparent along the Road. For example some houses have added a front porch and there is some variation in the position of garages. However there remains a pleasing consistency in the overall form and scale of the houses, their materials, as well as in their layout and visibility from the Road.

5. Existing houses have reasonably generous rear gardens providing a welcome sense of space behind the houses. A footpath runs along the rear boundary of the site on slightly higher ground. From that path, there is visibility of the rear elevation of No 12 and its garden, along with some other rear gardens in the vicinity. From there, despite the presence of some single storey rear garden buildings, the tranquil character of those gardens is appreciable. Therefore, the uniformity of design, scale and position of houses relative to the Road, together with the sense of spaciousness and quiet residential gardens, are defining positive features of the character and appearance of the area.
6. The proposed dwelling would be positioned behind No 12 without its own frontage onto the Road. Its visibility from the Road would consequently be relatively limited. However from immediately outside No 12, on entering the site, and from the footpath to the rear, its position would appear at odds with the prevailing pattern of development. There is variation in house design and scale in the wider area, including some single storey bungalows. However, the scale and design of the proposal would appear entirely out of keeping with the highly consistent two storey semi-detached properties here.
7. A higher density of development and smaller plot sizes are visible on other roads, including on Twin Oaks Close and Edwina Drive. However those appear as discreet developments with their own consistent pattern of development. Whereas the proposal would be a marked change to the pattern and density of development on the Road. The cramped and incongruous layout, tight up to the rear and one side boundary, would also be visible from first floor windows of No 12 and neighbouring houses. In my view the cumulative experience from multiple private vantage points amounts to a legitimate matter of public interest here.
8. Furthermore, the addition of an independent dwelling, together with a parking area and associated residential paraphernalia, would unacceptably diminish the sense of space and tranquillity that is perceptible from the Road and the footpath. Whilst it could be said to make efficient use of the site at a density lower than envisaged for new housing developments, this would be at the expense of achieving good design that is in keeping with the prevailing pattern of development along the Road.
9. The appellant highlights numerous examples where the Council has approved proposals involving subdivision of existing plots to provide an additional dwelling. However, it appears that most those cases involved infill to the side of an existing property such that the new dwelling achieved a consistent building line and a comparable road frontage. I note also the road layout at 20 Cavan Crescent, 26 Cavan Crescent and 2 and 2a Clyde Road¹, which wraps around two sides of the original plots. As such, even though a new dwelling was permitted to the rear of an existing dwelling, the new dwellings have their own road frontage. Therefore the position of those dwellings appears broadly consistent with the surrounding pattern of development. Whereas, the position of the proposed appeal dwelling would not.
10. I note also the appeal decisions relating to proposals at 81 Rosemary Road and 49 Abbotsbury Road². In both cases, there was considerable variation in existing house scale and design along the road. This is in stark contrast with

¹ Refs APP/17/00989/F; APP/15/01644/F and APP/18/00563/F, respectively.

² Refs APP/Q1255/W/18/3201474 and APP/V1260/W/21/3273168, respectively.

the consistent scale and design of houses on the appeal Road. In addition, the Inspectors noted other rear garden developments in the vicinity of those appeal sites. Whereas no such developments are apparent in the vicinity of this appeal site.

11. Furthermore, neither of those appeal decisions references any public visibility of the proposal from the rear of the sites. Therefore for those sites, the extent to which any harm to the character or appearance of the area would be perceptible from the public realm would be comparatively limited. Whereas I have found that the loss of the spacious, tranquil character of rear gardens would be noticeable from the footpath to the rear of this appeal site. Consequently, whilst there are similarities between the nature of those proposals and the scheme before me, there are noticeable differences in their site contexts. As such those decisions do not alter my reasoning here.
12. I therefore conclude that the proposal would not achieve good design and in the specific circumstances of this case would result in considerable harm to the character and appearance of the surrounding area.
13. Consequently, it would conflict with Policy PP27 of Poole Local Plan (November 2018) (Local Plan) which seeks to ensure proposals achieve a good standard of design, including with respect to the pattern, layout and building line of existing development. It would also be contrary to Policy PP28 of the Local Plan in providing a form of development that would not preserve or enhance the existing character of the area.
14. In addition, the proposal would conflict with paragraph 124 of the Framework which, whilst encouraging proposals that would make efficient use of land, also requires that decisions take into account the desirability of maintaining an area's prevailing character and setting (including residential gardens).
15. Though now somewhat dated, the Council's Design Code Supplementary Planning Guidance (2001) (SPG) advises that proposals should relate to the scale and massing of their surroundings (section 2.1), follow established building lines (section 3.3) and achieve a design appropriate to the character of the area (section 3.4). Therefore the SPG does not offer support for the proposal.

Other Matters

Habitats Regulations

16. The Dorset Heathlands Planning Framework 2020-2025 SPD (April 2020) advises that the Dorset Heathlands is designated for protected and priority habitats and species including Dartford warblers, nightjars, woodlark, hen harrier, merlin, sand lizards and smooth snakes as well as other typical species of lowland heathland, wetlands and dunes.
17. The Poole Harbour Recreation 2019-2024 Supplementary Planning Document (April 2020) advises that the Poole Harbour SPA was designated for its important bird species, including internationally important populations of regularly occurring and migratory species. Reference is also made to supporting habitats for seagrass, shallow inshore waters including coastal lagoons, intertidal sediments, saltmarsh and reedbeds.

18. The proposal, in combination with other developments in the area, would likely have a significant effect on those designated sites from increased recreational disturbance. The appellant's unilateral undertaking commits to payment of contributions to the Strategic Access Management and Monitoring schemes for both the Dorset Heathlands and Poole Harbour designated sites. The Council has also confirmed that such payments have now been made.
19. Therefore, if the appeal were to be allowed I would need to undertake an Appropriate Assessment in accordance with the Habitats Regulations³. However, I have found the proposal would result in harm contrary to the development plan in respect of the character and appearance of the surrounding area. As such, unless other material considerations indicate that planning permission should be granted, there is no need for me to consider this matter further.

Planning Balance

20. The main parties agree that the Council is not able to demonstrate a five year supply of deliverable housing sites and that the current supply is 4.1 years. Paragraph 11. d) ii) of the Framework states that where policies most important for determining the application are out-of-date, permission should be granted unless adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against policies in the Framework taken as a whole.
21. Policy PP1 of the Local Plan reflects the approach at paragraph 11 d) ii. of the Framework. The proposal is located in an area with good accessibility to a range of goods and services and sustainable transport choices. Therefore objective 2 of the Local Plan and Policy PP2 of the Local Plan offer in principle support for the proposal. Local Plan Policy PP8 expresses a need for a mix of housing types and sizes. Therefore provision of a single bed dwelling would be acceptable with respect to Policy PP8.
22. Nevertheless, I have found considerable harm relating to the effect of the proposal on the character and appearance of the area which would endure for the lifetime of the development, in conflict with Policies PP27 and PP28 of the Local Plan. These policies are broadly consistent with the Framework in seeking to achieve good design and protect the character and appearance of the surrounding area. Therefore, despite being out of date for the purposes of this appeal due to the absence of a five year housing land supply, the harm from conflict with those policies still carries significant weight. As such, the proposal would not accord with the development plan when considered as a whole.
23. There would be small economic advantages of construction of the proposal which would be short term and a further modest benefit from occupation of a single bedroom dwelling and associated spending in the locality. Small sites can make an important contribution to housing supply and can be built-out relatively quickly. The proposal would achieve an incremental increase in housing supply in support of the Government objective of boosting the supply of homes, in an area with an acknowledged lack of future provision. The contribution of one new house, whilst a small contribution, would still be a significant benefit in the context of the Council's current housing land supply shortage. Provision of a one bedroom bungalow would broaden the range of

³ The Conservation of Habitats and Species Regulations 2017 (as amended)

homes in the locality. I have also taken into account the energy efficiency measures proposed which I have given modest weight.

24. As a residential garden in a built-up area, the site does not fall within the Framework definition of previously developed land. Therefore the proposal is not afforded support under paragraph 120 c. of the Framework. That the proposal would provide acceptable levels of private outdoor space and privacy for the existing occupants of No 12 and future occupants of the proposal is a neutral consideration. The proposal would result in a small increase in soft landscaping in the rear garden of No 12 which is currently predominantly hard landscaping. However there would be no guarantee that such landscaping would remain over the long term. Moreover an increase in landscaping in the existing rear garden is not reliant on the current appeal scheme.
25. Therefore, whilst I have found the contribution to housing supply to be a significant benefit alongside other modest benefits, the harm to the character and appearance of the area would be of considerably greater significance. Furthermore, neither the support for new housing to meet the needs of the community in the development plan or the Framework is at the expense of ensuring that all development is appropriately designed and integrates suitably with its surroundings.
26. Consequently, in this case the adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. Therefore, the proposal would not represent sustainable development.

Conclusion

27. For the reasons given above, the proposal would fail to accord with the development plan and there are no material considerations, including the Framework, that would indicate planning permission should otherwise be granted. The appeal should therefore be dismissed.

Rachel Hall

INSPECTOR