



Appeal Decision

Site visit made on 4 October 2022

by Mr S Rennie BSc (Hons), BA (Hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 December 2022

Appeal Ref: APP/V1260/W/22/3290348

28 Bury Road, POOLE, BH13 7DF

- 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 Rob Wylie against the decision of Bournemouth Christchurch and Poole Council.
 - The application Ref APP/20/00900/F, dated 5 October 2020, was refused by notice dated 27 September 2021.
 - The development proposed is for the erection of a single storey detached dwelling with basement accommodation and attached double garage; use of existing access to Bury Road.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issue is the effect of the development on the character and appearance of the area, including to mature trees and the significance of the Branksome Park Conservation Area (CA).

Reasons

3. The site is a narrow strip of land between the rear of existing houses which front Bury Road and Canford Cliffs Road. The area is characterised by large detached dwellings set within spacious and verdant plots. The site is currently vacant other than a tennis court. The site is also within the Branksome Park Conservation Area (CA). The CA derives its significance from the architectural and landscape qualities of this residential area, set in spacious sylvan plots, for example. The Branksome Park Conservation Area Character Appraisal and Management Plan has been submitted and sets out the importance of this heritage asset. Proposals should reflect the scale and character of the surrounding pattern of development in the CA.
4. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of Conservation Areas in the exercise of planning functions.
5. The National Planning Policy Framework (the Framework) also advises that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance. Paragraph 199 of the Framework states that when considering the impact of a proposed development on the

significance of a designated heritage asset, great weight should be given to the asset's conservation.

6. The house itself is of a modern design, appearing as single storey but with more accommodation at basement level. With the flat roof the house itself would not be overly prominent and there would be some screening, which could be further enhanced. The dwelling would be set back from the site frontage to a similar extent to some of the neighbouring properties, and therefore is not visually harmful in this regard.
7. The plot extends back a significant distance from the front boundary with Bury Road, with most of the existing trees and other forms of vegetation to remain. On this basis, the balance between built form and landscaping over the area of the plot is not adversely affected.
8. Furthermore, whilst there would be some mature trees near the proposed dwelling this is an area characterised by its landscaping, which any potential future occupant would likely be aware of. There is not the substantive evidence before me to indicate that it would be likely that future residents would seek to significantly prune or remove trees. Being within the Conservation Area with some Tree Preservation Orders it could be that the Council would have some control over such works also.
9. The pleached hedging would not be overly prominent from public view points or have an adverse effect to the CA significance, whilst it would provide some screening between the development and the neighbouring dwellings.
10. As set out above, the area is characterised by spacious plots. This is a large plot, though it is particularly narrow. Currently, with the tennis court, it appears as part of the rear garden areas of the adjacent properties, rather than an individual plot, and therefore appears appropriate. When viewed from the site frontage on Bury Road it is not easy to appreciate the full extent of the site. It appears as a positive largely open and well landscaped area within the CA.
11. The proposed dwelling does not have a large 'footprint', but in the context of this area the narrowness of the site would result in what would appear a particularly narrow and relatively small plot, even if there is this substantial plot depth behind the proposed dwelling. As a result, for example, the proposed dwelling would be particularly close to the boundary with No 65 Canford Cliffs Road, with there being a lack of space therefore for significant new landscaping to this boundary.
12. It is not uncommon for there to be dwellings built up towards their side boundaries, with it noted that there would remain a gap to the eastern side of the proposed house. Nonetheless, the introduction of a dwelling on this plot would make it very apparent this would be an individual residential plot, which would be significantly narrower than the typical existing plots in the area of the site, which are characterised by a wide frontage. This would result in the plot appearing incongruous when viewed within the context of the wider area. Such views would be partially blocked by existing and proposed hedging and trees, but there would still be views into the site.
13. Furthermore, the site currently has a largely open appearance, appearing as a gap between the housing fronting both Canford Cliffs Road and Bury Road. This

- would be eroded to some extent by the proposed dwelling, though I recognise that the dwelling would be of a modest size and height within the plot.
14. There are some other narrow plots within the wider area, but this plot would be mainly seen within the context of the adjacent and opposite properties on Bury Road and those adjacent on Canford Cliffs Road, which have generally much wider plot frontages. For this reason, this site for use as a residential plot would appear incongruous with its immediate setting, inconsistent with the character of the area. As such, the proposal also fails to reflect the pattern of development and so does not preserve the character and significance of the CA, due to the adverse impacts of developing this site for a new dwelling as proposed.
 15. There was a previous appeal on this site, which was for a new dwelling, dated 12 June 2001 (ref: APP/Q1255/A/01/1059271). In this the Inspector acknowledged that the site was significantly narrower than nearby plots, but did state that this is a "less critical" issue than the relationships between buildings, with belts of vegetation making plot sizes less apparent. However, he did not state that plot narrowness was not an issue. Furthermore, from my observations on site (approximately 21 years after this previous appeal), the plot size and its narrowness would be apparent and in clear contrast with other nearby plots.
 16. The appellant has drawn my attention to other developments in the area which have planning consent. However, on the issue of plot width they differ from this appeal site and context, and so have limited weight in my considerations.
 17. The proposed dwelling on this plot would be harmful to the character and appearance of the Conservation Area. Nevertheless, the harm would be less than substantial and in accordance with paragraph 202 of the National Planning Policy Framework (the Framework), that harm should be weighed against any public benefits of the proposal. The proposal would provide one additional dwelling, amongst some other benefits, but these would be limited in their extent and significance, especially as this is only a proposal for a single dwelling. The appellant argues that the quality of the design would also be of public benefit. Whilst I have considered this issue the design is not of such quality that it would be a significant public benefit. As such, there are no such public benefits arising from the proposal sufficient to offset the identified harm, to which I attach considerable importance and weight.
 18. The proposal therefore is contrary to policies PP27, PP28 and PP30 of the Poole Local Plan (November 2018). These policies require that development reflect or enhance local patterns of development, and to preserve or enhance Poole's heritage assets, amongst other things. Furthermore, as the public benefits do not outweigh the less than substantial harm from the proposed development there is also a conflict with the Framework on this issue.

Other Matters

19. The site is within 5km (but not within 400m) of Dorset Heathland SSSI. The site is also close to the Poole Harbour Special Protection Area (SPA) and Ramsar site.

20. The proposed development would likely result in increased number of people living in this area and could therefore contribute to recreational pressures on these important ecological sites.
21. Mitigation would be needed, with a contribution towards Strategic Access Management and Monitoring (SAMM) for both the Heathland and Poole Harbour.
22. An agreement and payment of a contribution from the appellant to the Council to address this matter has been submitted. If I was set to allow the proposed development, then I would have consulted the Council and Natural England for further comment. However, in the circumstances I have not pursued this matter further.

Planning Balance

23. It is understood that the Council is presently unable to demonstrate a five-year supply of deliverable housing sites. In such circumstances, paragraph 11 d) of the Framework states that planning permission should be granted, unless the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed. As detailed within footnote 6, these areas and assets of particular importance include designated heritage assets. As I have found that the proposal would fail to preserve the significance of the CA, which is a heritage asset, the application of policies in the Framework provide a clear reason for refusing the proposal in this particular instance. As such, in addition to being contrary to policies of the Poole Local Plan, it would be contrary to section 16 of the Framework and the policies of the Framework as a whole. As such, the 'tilted balance' as set out in 11d) of the Framework is therefore not engaged.
24. However, there would still be benefits to consider in the planning balance. In this case the proposal would provide a small dwelling towards housing land supply for the area in an accessible location. There would be economic benefits from the construction of the dwellings, together with the financial boost from future occupiers using local businesses. The proposal could include biodiversity enhancement and the proposal could be considered an efficient use of the site, amongst other potential benefits. I also acknowledge the support given by some members of the public to this proposal. However, being for a single dwelling the benefits would be modest.
25. However, the harm I have identified clearly and demonstrably outweighs the benefits.

Conclusion

26. For the reasons given above I conclude that the appeal should be dismissed.

Mr S Rennie

INSPECTOR