



Appeal Decision

Site visit made on 21 February 2023

by S Harley BSc(Hons) M.Phil MRTPI ARICS

an Inspector appointed by the Secretary of State

Decision date: 27 February 2023

Appeal Ref: APP/D1265/W/22/3299225

23 De Moulham Road, Swanage, BH19 1NS

- 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 Westcoast Developments (Projects) Limited against the decision of Dorset Council.
- The application Ref 6/2021/0103, dated 15 February 2021, was refused by notice dated 1 February 2022.
- The development proposed is demolish existing property and erect a development of 9 apartments with associated parking, access and landscaping.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The emerging Purbeck Local Plan has not yet progressed to a stage where it carries much weight in this appeal.

Main Issues

3. The main issues are: the effect of the proposal on the character and appearance of the area; and the effect on living conditions of occupants of neighbouring properties.

Reasons

Character and appearance

4. The appeal site is within Swanage town. Residential development would be acceptable in principle provided other planning policies were satisfied.
5. The appeal site is in that wider part of Swanage which is predominantly mixed pre and post war housing and bungalows¹. The Purbeck Townscape Character Appraisal 2012 (the Appraisal) describes the site and more immediate environs as being in an area composed of "Early 20th Century Villas" and defined by the rectilinear arrangement of development with distinct spaces between buildings and identifies opportunities for limited replacement of existing dwellings.
6. In a more localised way Policy STCD of the LP² identifies, and seeks to protect and enhance, the area of distinctive local character to the north of Beach Gardens and to the south as far as Gannetts Park. During my visit I observed this area to be characterised by predominantly detached two storey properties of modest size, and varied design; usually set within reasonably generous

¹ Purbeck Local Plan Review Windfall and Character Area Potential Background Paper 2018 (the WCAP)

² Swanage Local Plan 2017, (the LP)

plots; with a distinctive pattern of connecting roads or cul-de-sacs running back at right angles from De Moulham Road. The exceptions are Oceana, at No 2 Gannetts Park, and St Aldheims which are more recent, three and four storey, blocks of apartments.

7. The appeal site fronts De Moulham Road and is between Oceana and Nos 25/27 De Moulham Road, a pair of traditional semi-detached houses which 'turn the corner' onto Beach Gardens. De Moulham Road rises up from the central area of Swanage then dips away to the north. No 23 is at the highest point and the building is set back from, and on a plateau above, the road. The land opposite slopes sharply down to the shore below such that the site benefits from commanding sea views and is visible across the sea from many vantage points.
8. No 23 is a traditionally designed two storey house in a generous garden with a significant gap to the boundary with Nos 25/27. The back of the garden is some 3m above the level of De Moulham Road. Due to the land levels, even though set back from the road frontage, the side elevations and hipped roof are very prominent when coming up De Moulham Road in both directions.
9. The proposed building would have four storeys and would be much wider and deeper than the existing house. The top floor apartment would be inset from the floors below. The front elevation of the three lower floors would be set back slightly compared to the front wall of the existing house. The three upper terraces would project forward of this and would add significant volume and presence to the building. The built form including the terraces would be some 28m long and 12m high and would be a significant increase in bulk and volume even with the top floor set back. This amounts to significantly more than the modestly sized, detached properties, envisaged in Policy STCD of the LP.
10. As windows and doors would be set back behind terraces and because of the flat roof, the front elevation would have a horizontal emphasis, dominated by the rectangular balconies. The side and rear elevations would appear as a series of flat roofed blocks of disparate heights with windows of different shapes and sizes. The design exhibits few features in common with the neighbouring curved frontage Oceana³ other than set back tall openings; with the traditional dwellings at Nos 25/27 or on the streets behind; or with St Aldheims which steps down the slope and has gables and more varied heights and roof shapes. As such the proposed building would not reflect the local building character.
11. The finished ground floor level would be at the same height as the existing house, with the proposed building cut into the slope at the rear. The top of the roof would not be significantly higher than the ridge of No 23. However, the significantly greater volume of the building, coupled with its rectangular form, would be significantly more intrusive, particularly at the upper levels than the existing modest house with its hipped roof. The proposed building would be overly dominant because of its height above the road, prominent location, volume, length of building, scale, form, and appearance. The stepped features; balconies; horizontal emphasis on the front elevation; inset elements and a mixed application of colours and textures in my judgement would not successfully resolve these concerns.

³ The curved balconies originally proposed, which were stated to take cues from Oceana, are largely replaced by rectangular ones in the amended plans.

12. The side walls would be between about one and four metres from the side boundaries. Accordingly the extensive parking area behind the building, which has the effect of keeping down the overall density of development on the site, would be largely hidden from distant views and from De Moulham Road. Other than the front garden area and side hedges, the proposal would rely almost entirely on space within the neighbouring properties for its setting within the De Moulham street scene. The plot would be dominated by the building, and it is the plot and building widths, and the resultant perceived building density as viewed from De Moulham Road and the wider area, which are determinative in this case. Moreover, whilst not determinative, allowing the proposal could make it difficult to resist similar development at Nos 25/27, further reducing the spaciousness of the area.
13. St Aldheims and Oceana have three/four storey elements and are higher density developments. However, the appeal building would be at a much higher land level than St Aldheims, the design of which steps down the hill, and which has more articulation at top floor/roof level. The appeal proposal would be a much larger building than Oceana; would not be noticeably set down within the site relative to De Moulham Road and would have much less space to the side boundaries. I also note that these properties are described in the Appraisal as appearing somewhat dominant and incongruous with their surroundings. Taking this into account these buildings, which predate current planning Policies, do not lead me to conclude that the appeal building would be appropriate for the appeal site.
14. For these reasons I consider the scale, bulk, design and position of the building would be inappropriate. It would be harmful to the distinctive and spacious local character of the area. The proposal would not amount to good design on this particular site. In these ways the proposal would conflict with Policy STCD of the LP which considers it important that new development does not reduce the spacious character of this area.
15. Swanage is in the Dorset Area of Outstanding Natural Beauty (AONB) which is protected as a coastal landscape. The appeal is within the urban confines of Swanage, but because of its commanding position it, and Nos 25/27, are visible in the context of the Purbeck Ridge behind in views from across the sea, including from Peveril Point and the memorial park.
16. In some views the site, together with Nos 25/27, Beach Gardens and the undeveloped land below De Moulham Road form a visual break that links to the ridge beyond. The buildings at Nos 23 and 25/27 are visible in this break but, due to their modest size, traditional design and recessive materials, are not unduly intrusive. The proposed building because of its height, length and paucity of space to the side boundaries would appear to tower above Oceana and Nos 25/27, closing this visual gap. This effect would be exacerbated by the assertively rectangular form and the horizontal emphasis of the front elevation. In addition the extent of glazing would result in a conspicuous appearance at times when internal lights were on even if non reflective glass were to be utilised.
17. The amended plans propose materials that would be more recessive than light coloured render. Nevertheless, the elevation of the site coupled with the scale of the development and the particular design would amount to a harmful change in important views within the seascape. For these reasons I consider

the proposal would have an adverse effect. This would still amount to harm although small in the context of the AONB as a whole.

18. For the reasons set out above I consider that the harm I have identified, whilst limited, means the proposal would not conserve or enhance the landscape and scenic beauty of the AONB. Accordingly there would be conflict with Paragraph 176 of the National Planning Policy Framework (the Framework) and Policy LHH of the Purbeck Local Plan Part 1 2012 (LP Part 1) which requires great weight to be given to such harm. There would also be conflict with Policies C4a, C4c and C4d of the Dorset AONB Management Plan, 2019 – 2024 (the Management Plan) which seeks to avoid new features that would be detrimental to landscape character, tranquillity and the AONBs special character, to protect the pattern of landscape features that underpin local identity.
19. The appeal site is some 280m to the north of the Swanage Conservation Area (the CA). There is intervisibility between the appeal site and the CA. To that extent the site forms part of its setting. However, whilst there would be a change in some of the long distances views out from the CA, due to the distances involved, topography and intervening buildings I conclude the proposal would not affect the appreciation of how the town developed historically through agriculture, fishing, smuggling, military activity and quarrying followed by its rise as a late Victorian-Edwardian resort. I conclude the proposal would have a neutral effect on the setting in which the CA as a whole is experienced, which amounts to preserving it. Accordingly I find no conflict with Policy LHH or the Framework in this respect.
20. I conclude that the proposal overall on this particular site would not amount the good design sought by the National Design Guide or the Purbeck District Design Guide Supplementary Planning Document (the SPD). In accordance with the Framework poor design should be refused. For the reasons set out above I conclude that the proposal would have a harmful effect on the character and appearance of the area. It would not conserve or enhance the landscape and scenic beauty of the AONB. Accordingly as detailed above I find conflict with Policies of the LP; the LP Part 1; the Management Plan and those principles of the Framework that seek good design that reflects the character of the local area and conserves and enhances the AONB. I give these matters great weight.

Living conditions

21. The proposed building would be south of the boundaries with Nos 25/27 and north of the boundary with Oceana. Parts of the building would be very close to these boundaries and parts would be stepped a little away from them. Due to the height, mass and volume so close to the shared boundaries the building would have an over shadowing effect on the garden of No 25 and an over dominant and overbearing effect when viewed from the garden of No 25 and from windows in the side elevation of Oceana. This would create a gloomy and oppressive environment for occupiers of those properties. The effect would be less for occupiers of No 27 as the building would be offset from their garden.
22. There would be terraces and numerous windows serving living accommodation in both side elevations. Some of the windows are annotated as obscure glazed and some would be high level. Obscure screens 1.8m high are indicated for some of the terraces but from some there would be direct or oblique views towards private amenity spaces at Nos 25/27 and Oceana. The numbers and positions of the windows and terraces, whether or not obscure glazed, would be

particularly oppressive for the occupiers of No 25 and Oceana. Moreover, the annotations on the plans in relation to the obscure screens is such that I cannot be confident that there would be no unacceptable effect on privacy for occupiers of Nos 25/27 and Oceana, particularly in the respective gardens, due to overlooking from these terraces. Nor do I consider it reasonable to attempt to overcome these concerns by conditioning obscure screens on the front elevation given the intention of the design is to maximise sea views.

23. Due to the distances and orientations of the buildings I consider that the effect on the living conditions of other properties would not be unacceptable.
24. For the above reasons I conclude that the proposal would not relate well to Nos 25/27 or Oceana. It would have a harmful effect on the living conditions of occupiers of those properties. Accordingly there would be conflict with those principles of LP Part 1 Policy D; the SPD; and the Framework that seek to ensure a high standard of amenity for existing and future users.

Other Matters

25. The Council has stated⁴ that, even without taking into account the implications of the need to demonstrate nutrients neutrality, that the deliverable housing land supply stands at 4.3 years. The appellant considers it more likely to be about half that. Taking into account the nutrients issue and the reliance on sites allocated within the emerging Purbeck Local Plan/without planning permission I consider the supply to be likely to be much less than that indicated by the Council. However, Footnote 7 to Paragraph 11 of the Framework clarifies that impacts on designated sites such as AONBs may limit the acceptance of housing even when a development plan is considered to be out of date such as when a five year supply of deliverable housing sites cannot be demonstrated.
26. The WCAP identifies the potential for 9 additional units in the Beach Gardens area of distinctive local character. This is expected to be delivered through intensifying the use of urban sites. Whilst this gives some encouragement to residential development it does not justify a scheme of the scale proposed on this specific appeal site.
27. The Council has identified that, in the absence of mitigation, the proposed development would be likely to have a significant effect on the protected Poole Harbour SPA⁵ and Ramsar; Dorset Heathlands SPA and Ramsar; Dorset Heaths SAC⁶; and Dorset Heaths (Purbeck & Wareham) & Studland Dunes SAC; but that this could be resolved by way of measures in accordance with the relevant Supplementary Planning Documents. The proposal would also include biodiversity measures such as bee bricks, swift boxes and bat tubes that the Council considers are acceptable. Given my conclusions on the main issues it is not necessary for me to consider these matters further.
28. The appeal proposal is in a more elevated position and would be a much larger more dominant building than the two significantly smaller and lower buildings depicted at No 3 De Moulham Road. I acknowledge that colleague Inspectors allowed appeals at Battlemead and Rabling Road⁷. However, those proposals

⁴ In relation to the emerging Purbeck Local Plan April 2022

⁵ Special Protection Area

⁶ Special Area for Conservation

⁷ APP/D1265/W/20/3258313 and APP/B1225/W/19/3229294

were much smaller scale and the sites less prominent than that of the appeal scheme before me. Nothing that I have seen, including on Victoria Avenue and Rabling Road, leads me to different conclusions in relation to the site of No 23.

29. The appeal scheme arises from amendments made to address concerns raised about proposals for a larger building. However, this would not be a reason for allowing an otherwise unacceptable proposal.

Planning Balance and Conclusion

30. The proposal would boost the supply of much needed fit-for-purpose housing on a small site which should be quickly deliverable and would add choice in the local housing market. There would be economic benefits from construction employment in the short term and additional spend from residents in the local economy. There would be environmental benefits by the re-use of previously developed land (albeit the Framework excludes gardens in built up areas from this definition) and making efficient use of land. These matters together carry substantial weight in favour of the proposal albeit somewhat tempered by its small scale. Thermal and environmental efficiency is to be expected from all developments and is neutral in the balance.
31. However I have found that the proposal would not amount to good design on the site and would have a harmful effect on the character and appearance of the area. It would not conserve or enhance the landscape and scenic beauty of the AONB to which I must give great weight. The proposal would also be harmful to the living conditions of occupiers of neighbouring properties.
32. Taking all the above into account I conclude that the benefits of the proposal would not outweigh the harm to the character and appearance of the area. In failing to comply with development plan policies as set out above the proposal cannot be said to accord with the development plan as a whole. I find insufficient material considerations to indicate a decision should be taken other than in accordance with the development plan. I conclude the appeal should be dismissed.

S Harley

INSPECTOR