



Appeal Decisions

Site visit made on 6 March 2023

by Nick Davies BSc(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 March 2023

Appeal A Ref: APP/V1260/W/22/3291687

1 Bridge Place, Bournemouth BH10 7EA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission
 - The appeal is made by Mr Mark Galpin against Bournemouth Christchurch and Poole Council.
 - The application Ref 7-2021-28402, is dated 30 November 2021.
 - The development proposed is erection of a 2 bed house, using the existing parking and drive access for both the proposal and the parent property.
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Appeal B Ref: APP/V1260/W/22/3310357

1 Bridge Place, Bournemouth BH10 7EA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr Mark Galpin against the decision of Bournemouth Christchurch and Poole Council.
 - The application Ref 7-2022-28402-B, dated 6 September 2022, was refused by notice dated 31 October 2022.
 - The application sought planning permission for erection of a dwelling fronting Bridge Place without complying with a condition attached to planning permission Ref 7-2022-28402-A, dated 31 August 2022.
 - The condition in dispute is No 1 which states that:
The development hereby permitted shall be carried out in accordance with the following approved plans: 001-01; 001-02 A; 001-03 A; 001-04 A; 001-05 A; 001-06 A; 001-07 A; 001-08 A; 001-09 A; 005-01; 1105.
 - The reason given for the condition is:
For the avoidance of doubt and in the interests of proper planning.
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Decisions

1. **APPEAL A** - The appeal is dismissed, and planning permission is refused.
2. **APPEAL B** - The appeal is dismissed.

Preliminary Matters

3. The appeal property was formerly known as 75 New Road, Bournemouth BH10 7DP, and this address appears on many of the documents associated with both appeals, including the application forms, the decision notices, and one of the appeal forms. For the sake of clarity, I have used the most recent postal address in the banner heading for both appeals.
4. As set out above, there are two appeals. They both seek permission for a dwelling on the site, but they differ in format, and in the design of the dwelling

proposed. I have considered each proposal on its individual merits. However, to avoid duplication, I have dealt with the two schemes in the same letter.

5. Appeal A is dated 28 January 2022, and relates to the Council's failure to determine application reference 7-2021-28402 within the prescribed period. After the submission of this appeal, the Council granted planning permission for a dwelling on the site on 31 August 2022, under reference 7-2022-28402-A (the Extant Permission). The Extant Permission was granted subject to a number of planning conditions, one of which requires the development to be carried out in accordance with a list of approved plans. Appeal B seeks to vary this condition, to allow the substitution of a different set of plans, to allow a dwelling of an alternative design to be constructed.

Main Issues

6. Appeal A arises from the Council's failure to make a decision on the application. As part of the appeal process, the Council has submitted a statement setting out how it would have determined the application. Based on this statement and the other evidence before me, I consider that the main issues are:
 - a) The effect of the development on the character and appearance of the area;
 - b) The effect of the development on the living conditions of the occupants of adjacent dwellings, with regard to light and outlook;
 - c) Whether the dwelling would provide suitable living conditions for future occupants;
 - d) The impact of the development on the integrity of the Dorset Heathlands Special Protection Area (the SPA) and the Dorset Heaths Special Area of Conservation (the SAC);
 - e) The effect of the development on protected species;
 - f) Whether occupants of the dwelling would be safe from flooding; and,
 - g) Whether the submitted drawings provide an accurate basis on which to assess the effect of the development.
7. The main issues in Appeal B are the effect that varying the condition would have on:
 - a) The character and appearance of the area;
 - b) The living conditions of the occupants of 1 Bridge Place; and,
 - c) The integrity of the SPA and the SAC.

Reasons – Appeal A

Character and appearance

8. 1 Bridge Place is a traditional two-storey detached house occupying a corner plot. Its key architectural features and main windows face New Road so, despite the recent change to the postal address, it is this elevation that assumes visual primacy and appears as the front elevation. Although there is an entrance door in the wall facing Bridge Place, the smaller window sizes, and

the presence of a chimney breast on this elevation, give it a secondary appearance. Consequently, the appeal site appears in the street scene as the back garden of the house, overlooked by the large windows in its rear elevation.

9. Bridge Place is a relatively quiet cul de sac composed of a rather disparate group of houses and bungalows of varying scales and design. Its character lies in its layout, with the dwellings set back from the road behind front gardens that are enclosed by low walls, fences, and hedges. The relative spaciousness and tranquillity of the cul de sac is enhanced by the one-sided nature of the development, where the front elevations of the dwellings look out towards open fields and the River Stour on the opposite side of the road.
10. The severance of the rear garden of 1 Bridge Place would result in a plot that would be far smaller than is characteristic of its surroundings. Although the appellant contends that the resultant density would be lower than other sites approved by the Council, I have not been provided with details of any other comparable plots near the site, and none were evident from my site visit. The restricted size of the plot means that the proposed house would be very close to the south- and north-western boundaries of the site. It would also be closer to Bridge Place than any of the other dwellings in this row. Furthermore, the rear boundary of the existing house would be realigned so that it would have virtually no rear garden. All of these factors combined would result in the development having a cramped appearance that would be out of character with its generally spacious surroundings.
11. A drawing showing the resultant street scene has been submitted to support the appellant's contention that the spacing of buildings along Bridge Place would be regular. However, whilst this may be the case, the proposed dwelling would be located very close to the rear elevation of No 1, unlike the side-by-side configuration of Nos 2 and 4. The lack of space behind No 1, and the close proximity of the proposed dwelling to the windows in its rear elevation, would be readily evident. Consequently, notwithstanding that there would be a regular spacing of buildings along the road frontage, there would be an awkward relationship between the existing and proposed houses due to their relative orientation. As a result, the new dwelling would look as if it had been squeezed onto a site that was not large enough to accommodate it, resulting in an overcrowded appearance.
12. Whilst there is variety in the dwellings in Bridge Place, they are all limited to one or two storeys, and are traditionally designed with dual-pitched roofs. By contrast, the proposed dwelling would have a mono-pitched roof, with large windows in the walls of the front and side elevations to serve the loft/attic space. This would give the dwelling an undeniably three storey appearance. It is contended that the monopitched roof would step down between the ridge heights of No 1 and No 2. However, its highest point would be well above the two-storey eaves height of No 1. Consequently, rather than providing a comfortable transition between the two buildings, it would appear out of scale with both, and would be a visually discordant feature in the street scene. The uncharacteristic form and scale of the building would only emphasise the restricted size of the plot and the resultant cramped appearance of the development.

13. In coming to my conclusion on this issue, I have considered the appellant's suggestion that the proposed dwelling would screen the garage in the rear garden of 73 New Road. However, the scale and design of that building is such that it is not a prominent, nor unattractive feature in the street scene, so I give no weight to this perceived benefit. Furthermore, I do not consider that the use of cladding on the front elevation of the dwelling, to match that on the gable of 2 Bridge Place, would successfully disguise the incongruous scale and form of the building. I am also mindful that the Extant Consent is for a house on a slightly smaller site. However, the approved dwelling would be of a much-reduced scale, and of a more traditional design, so would not have the same harmful impacts as the appeal proposal.
14. For the reasons given above, I conclude that the proposal would be harmful to the established character and appearance of the area. Consequently, the development would be contrary to Policies CS6 and CS41 of the Bournemouth Local Plan: Core Strategy (2012) (the Core Strategy) and Policy 6.8 of the Bournemouth District Wide Local Plan (2002) (the Local Plan). Taken together, these policies seek to ensure that development reinforces local distinctiveness, and that infill proposals respect the site and their surroundings. The proposal would also fail to accord with the aim of the National Planning Policy Framework (the Framework) to achieve well-designed places.

Living conditions of the occupants of adjacent dwellings

15. The house at 1 Bridge Place lies to the southeast of the appeal site, and has windows at ground and first floor level looking towards it. Although the appellant states that the primary windows face New Road, those in the rear elevation appear to serve habitable accommodation, and it seemed from my visit that they were the only windows serving those rooms. The submitted drawings show that the side wall of the proposed dwelling, directly opposite these windows, would be 8.3 metres high and only about 4.5 metres away. The wall would extend across the full width of the rear elevation of 1 Bridge Place. In combination, the height, proximity, and extent of the building would severely restrict the outlook from all of the windows in the rear elevation of the existing dwelling.
16. There would be no impact on sunlight to these windows, due to the orientation, but there would be a significant loss of visible sky from all of them. Consequently, the level of light for occupants of the rooms would be substantially reduced. Combined with the oppressive impact of the side wall of the dwelling so close to the windows, the proposal would result in significant harm to the living conditions of the occupants of 1 Bridge Place.
17. The proposal would involve the loss of virtually the entire rear garden of 1 Bridge Place, as the remaining strip of land between the house and the north-western boundary would be of little amenity value. Some of the side garden has already been lost to provide car-parking. However, I have not been directed to any guidance on minimum standards for outdoor amenity space, and I saw that the remaining side and front gardens were level, enclosed and provided sufficient space for outdoor seating and drying areas. Furthermore, the Extant Permission only allows for the retention of a marginally larger area of outdoor space for the existing dwelling. Consequently, I find that sufficient outdoor amenity space would be available for the occupants of 1 Bridge Place.

18. 73 New Road is a detached house that lies alongside 1 Bridge Place, and its back garden borders the entire southwest boundary of the appeal site. The proposed dwelling would be little more than a metre from this boundary, and would run along almost its entire length. The submitted drawings show that it would be between 8.3 and 5.5 metres in height. The bulk of the building in such close proximity to the boundary would be an overbearing presence for occupants of the rear garden. It would have a significant enclosing effect along almost the full length of one side, substantially reducing outlook, and harming the reasonable enjoyment of the garden by occupants.
19. The ground floor bedroom windows in the rear elevation would be very close to the boundary. However, they would look towards the high close-boarded boundary fence, and the outbuilding in the garden of No 73, which runs along approximately half the boundary. Consequently, there would not be a significant loss of privacy. Furthermore, I see no reason why the use of these bedrooms should lead to a significant degree of noise.
20. 2 Bridge Place is a bungalow that lies to the northwest. It has a window and glazed door in its gable end facing the appeal site, and only about 2.5 metres from the boundary. There is currently a modest single storey garage on the appeal site immediately adjacent to this boundary. The proposed dwelling would extend much further back on the site than the garage, and would be considerably higher, at 5.5 metres. Although it would be marginally further away, it would still be within a metre of the boundary, and would have a much more marked impact on light reaching the window and door in No 2. The bulk and proximity of the dwelling would mean a considerable loss of light to the window and door throughout the morning. Whilst there is another window serving this room, it is northeast facing, so would receive little sunlight. Therefore, the loss of sunlight caused by the dwelling, would be significant.
21. The bulk of the dwelling, in such close proximity, along a considerable length of its boundary, and directly opposite windows, means it would be a dominant presence. Its overbearing impact would be felt by occupants looking out of the window and when using the driveway that runs alongside the boundary. The combination of the loss of sunlight and the dominant presence of the building would be harmful to the living conditions of the occupants of 2 Bridge Place.
22. I therefore find that the proposal would cause harm to the living conditions of the occupants of 1 and 2 Bridge Place and 73 New Road. I am mindful that the Extant Permission would allow for a house to be constructed on the site. However, the approved dwelling would be smaller in scale, and a greater distance from the rear and side boundaries of the plot. Consequently, it would not have the same harmful impacts on light and outlook for the occupants of these dwellings.
23. For the above reasons, I conclude that the development would harm the living conditions of the occupants of adjacent dwellings, with regard to light and outlook. The proposal would, therefore, be contrary to Policy 6.8 of the Local Plan, and Policies CS21 and CS41 of the Core Strategy, which seek to protect the residential amenity of neighbouring occupiers.

Living conditions for future occupants

24. The evidence indicates that the dwelling would provide internal space in accordance with the relevant minimum standards. However, the constraints of

the site are such that all of the windows above ground floor level in both side elevations are labelled as obscure glazed to maintain the privacy of the occupants, and the occupants of adjacent dwellings. No windows are proposed above ground floor level in the rear elevation. As a result, the first floor, which contains the primary living accommodation, would, effectively be single aspect, and the dining room would have no outlook at all. The ground floor bedroom windows are not proposed to be obscure glazed, as privacy would be maintained by the boundary fence/building. However, the windows would face the boundary fence/building at a distance of little more than a metre, so occupants of the rooms would have virtually no outlook.

25. Occupants would have open views out of the first-floor kitchen and lounge windows towards the River Stour. However, for the above reasons, most of the accommodation would be enclosed, with no ability to look beyond the confines of the dwelling or its restricted plot. Consequently, future occupants would be faced with claustrophobic living conditions.
26. The proposed dwelling would be so close to the rear and northwest side boundaries of the plot, that there would be no useable outdoor amenity space to these two aspects. Therefore, the only available space for outdoor amenity would be a three-metre-wide strip along the south-eastern side, and a small area to the front. The area to the side would be overlooked at close quarters from the windows in the rear elevation of 1 Bridge Place, whilst the area at the front would be open to close views by passers-by on the pavement. As a result, occupants of the dwelling would have no private outdoor space. It has been drawn to my attention that there are recreational walking opportunities nearby, but this does not overcome the need for residents to have access to private outdoor space for sitting out, drying clothes, and other everyday activities.
27. The proposal would provide an outdoor area, and my attention has not been drawn to any minimum space standards for residential gardens. However, for the reasons given, the limited area available would not be private, so would not provide a relaxing outdoor space for occupants of the dwelling. The development would not, therefore, provide a pleasant residential environment for future occupants, either internally or externally. As a result, the proposal would be contrary to Policy 6.8 of the Local Plan, and Policies CS21 and CS41 of the Core Strategy, which seek to ensure that development provides a high standard of amenity to meet the day-to-day requirements of future occupants.

The integrity of the SPA and the SAC

28. The appeal site lies within 5km of the SPA and the SAC. Evidence shows that these protected sites are under significant pressure from an increase in the level of recreation, and disturbance of bird species, as a result of urban development. The proposal would result in an additional dwelling within the area of influence of these protected sites. Whilst the impact of a single dwelling would be small, in cumulation with the 14,600 new homes anticipated in the period 2006-2026, it has the potential to impact on their integrity, through increased recreational disturbance. In these circumstances, the Conservation of Habitats and Species Regulations 2017 (the Habitats Regulations) require that an Appropriate Assessment (AA) is carried out, and that permission may only be granted after having ascertained that development will not affect the integrity of the SPA and the SAC. The need for mitigating measures to avoid

harm is not a matter of dispute between the parties, so I have carried out my AA on a proportionate basis with regard to the evidence before me.

29. The Dorset Heathlands Planning Framework 2020-2025 Supplementary Planning Document sets out that mitigation for the impacts of development will be delivered through a combination of Heathland Infrastructure Projects (HIPs), and Strategic Access Management and Monitoring (SAMM). The HIPs will largely be funded by Community Infrastructure Levy receipts, whereas SAMM funding will be through individual contributions from all developments that involve an increase in dwellings.
30. The evidence indicates that the appellant completed a Section 106 Agreement to secure the necessary mitigating measures in respect of the Extant Consent. However, no evidence has been provided to demonstrate that the obligations contained in that legal agreement would bind the owners if I were to allow this appeal and grant a separate planning permission. Furthermore, I have not been provided with evidence that a planning obligation has been completed in respect of the planning application that gave rise to Appeal A. In these circumstances, as the competent authority under the Habitats Regulations, I cannot safely conclude that the necessary mitigation for the impacts of the development would be secured.
31. For these reasons, following AA and adopting a precautionary approach, I am unable to conclude that the development would not affect the integrity of the SPA and SAC. The proposal would therefore be contrary to Policy CS33 of the Core Strategy, which says development will not be permitted unless it can be ascertained that it will not lead to an adverse effect upon the integrity, directly or indirectly, of the Dorset Heaths international designations.

Protected species

32. The evidence indicates that there is a record of bats approximately 70 metres to the southwest of the site. At the time that the Council was preparing its case, no bat survey of the garage to be demolished had been submitted, so it was unable to fully assess the loss of the building on the local bat population. The Council's statement indicates that this concern could be overcome through the submission of a suitable ecological report. During the course of the appeal a Preliminary Roost Appraisal was submitted, which concluded that the building holds negligible potential to support roosting bats. Subsequently, the Extant Permission was granted, which included demolition of the garage. Consequently, I am satisfied that the proposal would not be harmful to protected species, so would accord with Policies CS30 and CS41 of the Core Strategy, which seek, amongst other things, to conserve and improve biodiversity and habitats.

Flood risk

33. Most of the appeal site lies in Flood Zone 1, so is at low risk of flooding. However, a small part in the northern corner is in Flood Zone 2, so is at greater risk of flooding from the River Stour. The evidence indicates that no part of the proposed dwelling would occupy Flood Zone 2, so it is only the proposed car-parking area that would be at risk. No Flood Risk Assessment was submitted with the application or appeal, but there is no expert evidence indicating that there would be insurmountable dangers in the provision of a dwelling on the

site. Indeed, the Extant Permission provides for a dwelling in broadly the same location.

34. The proposal under Appeal A includes ground floor sleeping accommodation which, combined with the need for some of the first-floor windows to be fixed shut for privacy purposes, gave rise to a concern about means of escape for occupants in the event of flooding. However, as the dwelling itself would be in Flood Zone 1, the likelihood of sudden inundation is low. Furthermore, the occupants of the ground floor rooms would be able to use the stairs to gain access to the first floor. Whilst some of the upstairs windows may be fixed shut, the full-length windows on the front elevation would provide the most suitable means of escape, and they would be openable.
35. In view of the location of the dwelling itself in Flood Zone 1, the ability for residents to escape via the first-floor windows to the front of the building, and the fact that the Extant Permission allows for a dwelling on the site, the proposal would not put occupants at any significantly increased risk due to flooding. I am satisfied that any residual risks could have been satisfactorily addressed through suitably worded planning conditions had I been minded to allow the appeal. The proposal would, therefore, be in broad accordance with the Framework's advice on planning and flood risk.

Accuracy of submitted drawings

36. In scrutinising the proposal, it is evident that there are inaccuracies and contradictions in the submitted drawings. The scale bars do not measure accurately at the stated paper size, and there are considerable differences between the written dimensions and those obtained using a scale rule. However, the appellant has clarified that the written dimensions override the discrepancies and, using these, I have been able to conclude that the development would be harmful to the character and appearance of the area, and to the living conditions of existing and future occupants.
37. Had I been minded to allow the appeal, it would have been necessary to give careful consideration to whether the plans could have formed a reliable basis for monitoring compliance with the resultant planning permission, or whether these concerns could have been overcome by a planning condition requiring submission of further details. However, as I am dismissing the appeal, these considerations do not arise.

Reasons – Appeal B

Character and appearance

38. The existing character and appearance of the site and its surroundings have already been set out for Appeal A above. The Extant Permission allows for a two-storey dwelling with a traditional pitched roof. It has an L-shaped plan with a gable facing the road, and much of the first-floor accommodation is in the roof space. Although it has a smaller footprint than that proposed under Appeal A, it nevertheless covers a higher proportion of the plot than is characteristic of the surrounding development. I therefore have some sympathy with the Council's case that the approved dwelling is as large as is acceptable for this constrained site.
39. The amendments sought under the appeal principally comprise a one-metre increase in the width of the dwelling, and the enlargement of the front-facing

dormer. It is claimed that the alterations are necessary to achieve the same level of accommodation, whilst complying with the requirements of the Building Regulations, which changed during the Council's consideration of the application for the Extant Permission.

40. The increase in the width of the dwelling would be achieved by extending it closer to 1 Bridge Place, thus narrowing the proposed gap between the buildings, and further reducing the already limited garden space. The uncharacteristically cramped nature of the development would therefore be exacerbated by the proposal, albeit to a limited degree. However, the amended scheme would also result in a building of more balanced proportions, with a more active frontage, that better addresses the street. Consequently, the net impact on the quality of the street scene would not be significantly different.
41. Whilst the full-length dormer window would be bulkier, it would occupy a larger roof slope than would have been the case with the Extant Consent, so would not be out of proportion. Furthermore, when entering Bridge Place, it would be seen in juxtaposition with the large dormer windows of No 4, so would not be an incongruous feature in the street scene.
42. Had I been minded to allow the appeal, the Council's concerns regarding the detail of the roof overhang (or lack thereof) could have been dealt with via an appropriately worded planning condition. Consequently, for the reasons given above, I conclude that the proposal would not be harmful to the established character and appearance of the area. Therefore, the development would comply with Policies CS21 and CS41 of the Core Strategy and Policy 6.8 of the Local Plan, which seek to ensure that development reinforces local distinctiveness, and that infill proposals respect the site and their surroundings.

Living conditions

43. The relationship between the appeal site and the dwelling at 1 Bridge Place has already been set out for Appeal A above. The Extant Permission allows for a dwelling about six metres from the rear windows of 1 Bridge Place. The appeal scheme does not alter the eaves or ridge height of the dwelling, nor the depth of the elevation that faces 1 Bridge Place. Consequently, any impact of the amended proposal on the living conditions of the occupants of 1 Bridge Place would result only from the one metre reduction in the gap between the buildings.
44. The depth of the retained rear garden would not alter as a result of the amended scheme, so the ground floor windows of No 1 would look towards a two-metre boundary fence just three metres away in both cases. As the eaves of the proposed dwelling would only be about three metres in height, the side wall would not be a particularly dominant feature beyond the fence in either scenario when viewed from the windows or garden. The roof of the proposed dwelling would slope away from the boundary, so the ridge would be about 2½ metres further away than the side wall. The angle of light reaching the ground floor windows and garden would only be marginally different as a result of it being one metre closer to the boundary. Similarly, the angle of available view out of the windows, and from the garden, would be only slightly altered by the closer proximity of the ridge.
45. The first-floor windows of 1 Bridge Place would be at a similar height to the eaves level of the proposed dwelling. Consequently, occupants would look out

at a roof that was sloping away, towards a ridge that would not be dramatically above the level of the viewer. Under the Extant Permission ambient light would reach the first-floor windows from a shallow angle, and this would not change significantly as a result of the appeal proposal. Similarly, outlook from these windows would not be reduced to any notable extent by the amended proposal. Consequently, there would not be a significant loss of light or outlook for occupiers of 1 Bridge Place as a result of the revised scheme.

46. Although not an issue raised by the Council, I have also considered the impact of the proposal on the living conditions of the occupants of 73 New Road, as this has been raised in representations. The relationship between this property and the appeal site has already been set out for Appeal A above.
47. The amended scheme would not bring the proposed dwelling any nearer the boundary with No 73 than the Extant Permission. Nor would it be any higher or have any more openings in the rear elevation. Consequently, any additional impact would only be due to the one-metre increase in its width. The added part of the dwelling would be to its southern end, so it would be beyond the garage building in the garden of No 73 that abuts the appeal site. Consequently, any light loss, or overbearing impact, would largely be felt in the area that accommodates this building, rather than the useable parts of the garden. As the windows in the rear elevation would be the same distance from the boundary, and would serve the same accommodation, the amended proposal would not give rise to the potential for any increase in noise or disturbance.
48. For the above reasons, I conclude that the development would not harm the living conditions of the occupants of 1 Bridge Place or 73 New Road. The proposal would, therefore, accord with Policy 6.8 of the Local Plan, and Policies CS21 and CS41 of the Core Strategy, which seek to protect the residential amenity of neighbouring occupiers.

The integrity of the SPA and the SAC

49. The effect of my allowing the appeal, and granting planning permission under Section 73, would be a separate planning permission that stands alongside the Extant Permission. Consequently, either permission could be implemented. Whilst the evidence indicates that the appellant completed a Section 106 Agreement to secure the necessary mitigating measures in respect of the Extant Consent, no evidence has been provided to demonstrate that the obligations contained in that legal agreement would bind the owners if I were to allow this appeal and grant a separate planning permission. Furthermore, I have not been provided with evidence that a planning obligation has been completed in respect of the planning application that gave rise to Appeal B.
50. Consequently, for the same reasons as given under Appeal A, I am unable to conclude that the development would not affect the integrity of the SPA and SAC. The proposal would therefore be contrary to Policy CS33 of the Core Strategy, which says development will not be permitted unless it can be ascertained that it will not lead to an adverse effect upon the integrity, directly or indirectly, of the Dorset Heaths international designations.

Other Matters

51. The appellant's supporting evidence for Appeal A provides personal family circumstances that I should consider in coming to my decision. Specifically, my attention is drawn to the health needs of the appellant's daughter to live in a quiet close, with no other houses facing the dwelling. I have been provided with very little evidence on which to identify what the child's best interests are. However, if they are to live in a house on this site, which is considered suitable for her needs, then those interests have already been met by the Extant Permission.
52. The amendments sought under Appeal B are proposed to meet Building Regulations requirements. However, no evidence has been submitted to show that the Extant Permission could not meet those requirements through alterations to the internal layout, or by alternative methods of construction. Consequently, although the best interests of the child are a primary consideration, it has not been demonstrated that the two appeal proposals represent the only means by which those interests can be protected. The Extant Permission demonstrates that this can be achieved without harm to the character and appearance of the area, the living conditions of surrounding occupants, or the integrity of internationally important wildlife sites.
53. It is not disputed that the Council is unable to demonstrate a five-year supply of deliverable housing sites in accordance with paragraph 74 of the Framework. However, paragraph 182 of the Framework makes it clear that the presumption in favour of sustainable development does not apply where the proposal is likely to have a significant effect on a habitats site, unless an AA has concluded that the plan or project will not adversely affect its integrity. I have been unable to safely conclude that that is the case on either of the appeals. Consequently, the tilted balance described in paragraph 11d) of the Framework does not apply.
54. Nevertheless, the benefits of the proposals must be weighed against the harm that I have identified under both appeals. Paragraph 60 of the Framework seeks to significantly boost the supply of homes. The development would provide an additional dwelling, which would assist with this aim. Paragraph 69 says great weight should be given to the benefits of using suitable sites within existing settlements for homes. There would also be benefits to the economy associated with the construction phase of the development, and the future spend by occupants in the local area. However, these benefits would also be secured through implementation of the Extant Consent, so carry little weight in my decision.
55. The Framework makes it clear at paragraph 12, that the presumption in favour of sustainable development does not change the statutory status of the development plan, and that where a planning application conflicts with an up-to-date development plan, permission should not usually be granted. I have found that the proposals under Appeal A would conflict with policies of the development plan that protect the character and appearance of the area, and the living conditions of future and existing occupants. The proposals under Appeals A and B would conflict with development plan policy that protects the integrity of internationally important wildlife sites. The relatively small scale of the benefits does not outweigh this conflict.

Conclusion

56. There are no material considerations, including the best interests of the child, which indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeals should be dismissed.

Nick Davies

INSPECTOR