
Appeal Decision

Site visit made on 21 February 2023

by J J Evans BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 May 2023

Appeal Ref: APP/D1265/W/22/3293167

Land adjacent to 68 The Spinney, Lytchett Matravers, Dorset BH16 6AS

- 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 OOTA Property Ltd against the decision of Dorset Council.
 - The application Ref P/FUL/2021/02738, dated 26 July 2021, was refused by notice dated 7 February 2022.
 - The development proposed is erect 1 No 2 bed house with parking.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The proposal would impact upon the Dorset Heathlands and Poole Harbour habitat sites. The former is an extensive network of lowland heaths nationally and internationally recognised for their nature conservation as a Site of Special Scientific Interest (SSSI), as a Special Protection Area (SPA), Ramsar and Special Area of Conservation (SAC), and Poole Harbour is an SPA and Ramsar. The Council suggested pre-commencement conditions to protect these habitat sites. However, during the appeal process the Council amended its position as regards these conditions considering they would no longer be valid. The appellant was provided with an opportunity to comment, and I shall return to this matter later.

Main Issue

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

Reasons

4. The appeal site is a plot of land on a steeply sloping hillside within a residential estate. The houses and bungalows within the estate are of a similar age, and have repeated sizes, forms, styles and material palettes. The dwellings front the public highway being set back from the footway behind similar sized gardens. The detached and semi-detached dwellings have driveways, and in most cases these run along the flank wall of the houses, thereby creating a rhythmical separation between the

dwelling. There are occasional blocks of garages, and these are also positioned behind driveways, thereby maintaining the building lines and the visual harmony of the area, particularly as they are constructed from similar materials as the houses and bungalows. Taken as a whole, the estate has a planned, cohesive appearance.

5. To either side of the appeal site are the drives and garages of the neighbouring houses. The garages of these properties are at the ends of their long drives, and this creates a spacious separation between the pairs of semi-detached houses. The houses are also set back from the public footway behind similar sized front gardens and they maintain the defined building line that exists to the western side of the road.
6. The proposed dwelling would provide a small family home with garden space. However, unlike any of the nearby houses and bungalows the dwelling would be set back within the plot behind a parking space. As such it would harmfully disrupt the homogeneity of the building line that is one of the distinct features of the estate. The house would be centrally positioned within the site, but despite this the narrow width of the plot would preclude any parking to the side of the dwelling. The provision of parking to the front of the house rather than to the side would harmfully disrupt the cohesive appearance of this part of the estate.
7. Although the dwelling would be two storeys and have a similar style and palette of materials to those nearby, the narrow width of the plot is such that the form of the house would appear conspicuously different and thereby contrived within an area that is characterised by repeated house sizes and forms. The dwelling would have some of the detailing of the nearby houses, including a porch and hipped roof detail. Nevertheless, such measures would do little to detract from the constricted frontage of the house, which is so narrow that it results in the house having a discordant vertical emphasis. Even with the similarities of the proposal to the nearby houses, the form of the house would appear constrained and contrived compared to the more generous and repeated sizes and proportions of the nearby dwellings.
8. This cramped appearance would be harmfully exaggerated by the proximity of the dwelling to the neighbouring garages. Furthermore, the house would extend well back into the plot, far beyond the rear elevations of the neighbouring houses. The projection of the house significantly beyond those either side would be noticeably apparent from a variety of public viewpoints, thereby compounding the disruptive and discordant impact of the house within the area.
9. I saw at my site inspection that the rear of the site has become overgrown with brambles, and the appellant has pointed out that the site has no function. However, there has been permission on the plot to provide a garage, and the implementation of any permission and the use of the site would be a matter for the landowner. Whilst the National

Planning Policy Framework (the Framework) supports the development of small windfall sites and to optimise the use of land, it also requires well designed development that maintains a strong sense of place, which adds to the overall quality of the area. As the proposal would fail to accord with these objectives, the benefits arising from the scheme would be negated.

10. The garage that was permitted on the site was positioned towards the rear of the plot, and would have been taller than those garages either side. Despite this, the garage would have had a modest impact within the area as it would have been set well back from the road with a functionally utilitarian appearance. Given this and that it would be much smaller in size than the proposed dwelling, the garage would not set a precedent for allowing the appeal.
11. For these reasons the proposal would unacceptably harm the character and appearance of the area, and the suggested conditions would not overcome this fundamental harm. The proposal would fail to accord with Policy D of the Purbeck Local Plan (2012) (LP), Policy 2 of the Lytchett Matravers Neighbourhood Plan (2017) (NP), and the supporting guidance in the Purbeck District Design Guide (2014). These require amongst other things, that development positively integrates into its surroundings, thereby reflecting objectives of the Framework.
12. The Council has drawn my attention to policies within the emerging Purbeck Local Plan. The plan is scheduled for further consultation, and as such the policies within it are likely to change. Consequently, the weight I can attribute to these policies is limited.

Other Matters

13. The Dorset Heathlands are an extensive network of lowland heaths nationally and internationally recognised and protected. These heaths host priority habitats and species, including birds, lizards and snakes as well as other typical species of lowland heathland, wetlands and dunes. In addition, the site is also within the zone of influence of the Poole Harbour habitat sites, which are nationally and internationally important for rare, vulnerable and migratory birds, and their supporting habitats of seagrass, shallow inshore waters, intertidal sediments, saltmarsh, and reedbeds. The Dorset Heathlands and Poole Harbour are under significant pressure from increased public access, use, and nutrient levels, and a net increase in the number of dwellings and occupiers in the area, would increase the pressure upon these important habitat sites.
14. The Council has Supplementary Planning Documents (SPD) (i.e. the Dorset Heathlands Planning Framework SPD (2020), the Poole Harbour Recreation SPD (2020), and Nitrogen Reduction in Poole Harbour SPD (2017)), that detail a strategy for the avoidance and the mitigation of impacts of new residential development upon these important sites. These require that a contribution is made towards mitigating the impact

of additional residents, including measures to control nutrient levels, access, monitoring, and mitigation of the sites.

15. Given the location of the proposed dwelling, future occupiers would be likely to have a significant effect upon the integrity of these habitat sites. The Conservation of Habitats and Species Regulations (2017) require the decision maker to undertake an Appropriate Assessment where there are likely to be significant effects from the proposal, either alone or in combination with other schemes, and this duty falls to me as the competent authority. The appellant would provide the necessary contributions and would accept pre-commencement conditions to ensure nutrient neutrality, albeit no mechanism for securing the former has been provided. I will return to this matter below.
16. Local residents have raised a number of concerns, including the loss of light and privacy, parking and access issues, the presence of a sewer, and that permission has not been sought from owners of the adjacent land. Matters of land ownership would be for the relevant parties to resolve, and as regards the other concerns, following my findings on the main issue I have no need to consider them further.

Planning Balance

17. The Council acknowledges that it cannot demonstrate a five-year supply of deliverable housing sites. Consequently, Paragraph 11(d) of the Framework is engaged, whereby planning permission should be granted unless the adverse impacts of the proposal significantly and demonstrably outweigh the benefits.
18. The provision of an additional dwelling would contribute towards the supply of housing and would be a social benefit arising from the proposal. There would also be a small, time-limited economic benefit arising from the construction phase of building an additional home. Future occupiers would contribute to the local economy, and would live close to public transport options and within walking distance of a variety of services and facilities.
19. Weighing against these benefits would be the significant environmental harms arising from the development. The proposal would deliver an additional home, but in doing so would cause significant harm to the distinct character and appearance of the area. The above referenced LP and NP Policies are broadly consistent with the Framework, as the Framework also requires development to be sympathetic to local character.
20. Whilst a key aim of the Framework is to significantly boost the supply of housing, when read as a whole the Framework does not suggest this should happen at the expense of other considerations. The adverse environmental impacts in this case amount to environmental harm which carries substantial weight. This environmental harm significantly and demonstrably outweighs the economic benefits and even the weight that

derives from the social benefits, when assessed against the policies in the Framework as a whole. It follows that the presumption in favour of sustainable development does not apply.

21. Returning now to the habitat sites, had I reached a different conclusion on the main issue, it would have been necessary for me to undertake an Appropriate Assessment and give further consideration to the likely effectiveness of mitigation and avoidance measures. However, as I am dismissing the appeal for other reasons this has not been necessary.

Conclusion

22. The scheme would cause unacceptable harm to the character and appearance of the area, and the suggested conditions would not overcome this harm. The proposal would conflict with the development plan taken as a whole, and there are no considerations that outweigh this conflict. Thus, for the reasons given above and having considered all other matters raised, the appeal is dismissed.

J J Evans

INSPECTOR