



Appeal Decision

Site visit made on 26 June 2023

by Nick Davies BSc(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 July 2023

Appeal Ref: APP/V1260/W/22/3306814

28 St Clements Road, Poole BH15 3PD

- 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 R. Westhead (Westell Developments) against the decision of Bournemouth Christchurch and Poole Council.
 - The application Ref APP/22/00549/F, dated 22 April 2022, was refused by notice dated 20 July 2022.
 - The development proposed is erection of detached dwelling with associated access and parking.
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Decision

1. The appeal is allowed and planning permission is granted for erection of detached dwelling with associated access and parking at 28 St Clements Road, Poole BH15 3PD in accordance with the terms of the application, Ref APP/22/00549/F, dated 22 April 2022, and the plans submitted with it, subject to the conditions in the attached schedule.

Preliminary Matters

2. The Council's second and third reasons for refusal were based on harm to the Dorset Heathlands Special Protection Area (SPA), the Dorset Heaths Special Area of Conservation, and the Poole Harbour SPA. During the appeal, the appellant submitted a Unilateral Undertaking as a deed pursuant to Section 106 of the Town and Country Planning Act 1990, which secures financial contributions to Strategic Access, Management and Monitoring measures to mitigate the harm. The Council has confirmed that it no longer wishes to pursue these reasons for refusal.

Main Issue

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

Reasons

4. St Clements Road is of mixed character, with commercial uses close to its junction with Ringwood Road, giving way to residential properties along the rest of its length. The dwellings vary in form and scale from detached bungalows, and terraced houses, to three-storey flat blocks. Whilst the architecture is generally traditional, there is a wide variety of designs, materials, and roof configurations. There is some regularity to the pattern of buildings, which follow the line of the road and are set back on a fairly consistent building line on both sides. However, many of the front gardens have been completely given over to hard surfaced car-parking, so there is

limited foliage along the street, resulting in it having a rather urban appearance. The variety in the form, scale, and design of the buildings means that the road does not have any overriding character or local distinctiveness.

5. No 28 lies at the end of a row of four pairs of semi-detached houses that follow the bend in the north-western section of the road. There is a higher degree of uniformity to the pattern of development here, as the four pairs are similar in scale and design, and are quite rigidly aligned. There is also a greater sense of spaciousness here, with more planting in the front gardens, the open churchyard opposite, and views between the buildings to trees beyond, giving a sense of openness behind the houses. This space to the rear is made up from the long back gardens of the houses.
6. It is proposed to divide the extensive rear garden of No 28 and build a detached house roughly midway between the existing dwelling and the north-eastern end of the site. The plot has already been segregated, and the back garden for the existing dwelling has been defined by a close-board boundary fence. Whilst very much smaller than it was originally, it would still provide satisfactory outdoor amenity space for the occupants of the house, and would not be significantly smaller than the rear gardens of Nos 30 and 32, which taper to a point as the houses turn the corner. The proposed plot would be comparable in length to those at Nos 34-42. Consequently, the proposed plot sizes would not be out of character with their immediate setting. In any event, I saw that the sizes of the plots were not readily evident in the street scene, so this, in itself, would not significantly affect the character and appearance of the area.
7. The siting of a dwelling on the plot would not, however, reflect the local pattern of development, where the dwellings follow the line of the road, and are set back behind small front gardens. The dwelling would be readily visible through the access, and would appear as a somewhat incongruous addition into the space behind the frontage buildings. It would also be glimpsed through the gaps between the semi-detached houses, where it would intrude into the openness behind them. Whilst my attention has been drawn to other examples of backland development in the vicinity, they would not be visible in juxtaposition with the dwelling on the appeal site, so would not alter the appearance of the dwelling as isolated and inconsistent with the prevailing layout of buildings. In this respect the proposal would conflict with the aims of Policies PP27 and PP28 of the Poole Local Plan (2018) (the Local Plan) to preserve the area's residential character.
8. Access to the plot would be gained via the existing wide driveway that currently serves a double garage to the rear of No 28. This garage would be demolished as part of the scheme, and I saw that the front garden has already been hard surfaced to provide replacement parking facilities. Consequently, there would be no increase in hard-surfacing necessary to provide vehicular access to the plot, or to construct the necessary visibility splays. The access proposals would not, therefore, result in any harm to the character and appearance of the area.
9. The proposed dwelling would be traditional in form, with a gabled pitched roof facing the road. It would, however, have contemporary detailing, with large, irregularly sized windows and a flat-roofed, timber clad feature breaking the roof slope on the side elevation. Whilst these elements represent a departure from the mundane architecture of many of the surrounding dwellings, there is a

wide variety in the scale, materials, and designs of buildings in the immediate locality. Consequently, there is not a strong sense of local distinctiveness. In these circumstances, I am mindful that paragraph 130c) of the National Planning Policy Framework (the Framework) advises that, whilst development should be sympathetic to local character and history, appropriate innovation or change should not be discouraged. In this case, the proposed design would provide an interesting addition to an already diverse collection of buildings. Being sited so far back from the road, of modest scale, and with a backdrop of trees, it would not be overly prominent in the street scene. Its design would not, therefore, be harmful to the character and appearance of the area.

10. In summary, therefore, the siting of the dwelling behind the frontage buildings would not accord with the prevailing pattern of development, resulting in harm to the established character of the locality. However, the subdivision of the site would result in plot sizes that are compatible with those in the immediate surroundings, and access to the site could be achieved without harm to the street scene. Furthermore, the design of the dwelling would not, in itself, be inappropriate. I am also mindful that much of the frontage development to the southeast of the site has buildings or car-parking areas to the rear. Consequently, the sense of openness behind the frontage buildings is restricted to the area immediately surrounding the appeal site. All of these factors combined mean that the level of harm that would result from its discordant siting is limited. Nevertheless, as there would be some harm to the character and appearance of the area, the development would conflict with the design aims of Policies PP27 and PP28 of the Local Plan.

Planning Balance

11. Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that applications for planning permission, and therefore appeals, should be determined in accordance with the development plan unless material considerations indicate otherwise.
12. It is not disputed that the Council cannot currently demonstrate a 5-year supply of deliverable housing sites. The Council calculates that the supply currently amounts to 4.1 years (which equates to a shortfall of 423 homes). Consequently, the development plan policies which are most important for determining the appeal are out of date. In these circumstances, Paragraph 11 of the Framework states that the presumption in favour of sustainable development should apply, and permission should be granted, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
13. It is also not disputed that the site lies within a Sustainable Transport Corridor (STC), where Policy PP2 of the Local Plan says that concentrating higher density housing development will provide a focus for investment in infrastructure, such as bus services, cycling and walking facilities, enabling residents to access key facilities and services without needing to travel by car. The Local Plan proposes that 36% of the 14,200 new homes required in the plan period should be provided in STCs, and district and local centres. The proposal would, therefore, accord with the housing strategy policies of the Local Plan.
14. I have found that the proposal would conflict with Policies PP27 and PP28 of the Local Plan that relate to character and appearance. These policies are generally

consistent with the aim of the Framework to achieve well-designed places. For the reasons given above, the harm caused to the character and appearance of the area would be limited. Therefore, I give the conflict with these policies limited weight. Nevertheless, the proposal would be in conflict with the development plan as a whole.

15. The proposal would, however, contribute to the Framework's aim of significantly boosting the supply of homes. Although it would only deliver one dwelling, Paragraph 69 says small and medium sized sites can make an important contribution to meeting the housing requirement of an area, and are often built-out relatively quickly. It goes on to say that great weight should be given to the benefits of using suitable sites within existing settlements for homes.
16. The proposal would also align with the Framework's aim to make effective use of land. Paragraph 120d) says planning decisions should promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained.
17. There would be economic benefits arising from additional employment through the construction phase of the development, and from the ongoing spend of future occupants in the local area. These benefits would contribute to the Framework's aim to build a strong, competitive economy. The small scale of the scheme means, however, that these benefits would be limited, so they carry little weight.
18. There is some potential for biodiversity net gain through the development in accordance with the Framework's aim to conserve and enhance the natural environment. However, such gain is likely to be small, so carries little weight in the overall balance.
19. In the light of the acknowledged shortfall in housing land supply, the benefit of making more effective use of the site to provide an additional dwelling in a sustainable location carries great weight. In the overall balance, the limited harm that would be caused to the character and appearance of the area would not significantly and demonstrably outweigh this benefit, when assessed against the policies in the Framework taken as a whole. Consequently, the presumption in favour of sustainable development applies, and planning permission should be granted, notwithstanding the conflict with the development plan.

Conditions

20. In accordance with the legislation, I have imposed a condition limiting the period within which the development must commence. I have also included a condition specifying the relevant plans, as this provides certainty. The Council has submitted a schedule of suggested conditions to cover other matters. I have considered all the suggested conditions against the advice in the Planning Practice Guidance. Where I have agreed that the conditions are necessary, I have altered some of them, in the interests of clarity and precision, to better reflect the guidance.
21. To protect the character and appearance of the area, a condition requiring approval of the external materials to be used is necessary. A condition requiring the side-facing first floor window to be obscure glazed is necessary to

protect the privacy of the adjacent residential property. However, the suggested condition removing permitted development rights for roof extensions and upper floor windows fails the tests of reasonableness and necessity, as the limitations and conditions imposed on permitted development by the Town and Country Planning (General Permitted Development) Order 2015 already provide safeguards for the character and appearance of the area and the privacy of neighbouring properties.

22. In the interests of highway safety and convenience, conditions requiring the access, visibility splays and car-parking to be provided are reasonable and necessary. Conditions requiring the provision of electric vehicle charging points and on-site renewable sources of energy are reasonable in the interests of sustainability, and are necessary to comply with development plan policies. To ensure the development achieves a net gain in biodiversity, a condition is necessary to secure on-site provision of nesting/roosting facilities.
23. Finally, a condition requiring hard surfaces to be porous, unless surface water is directed to a permeable area within the site, is reasonable in the interests of flood control.

Conclusion

24. For the reasons given above, I conclude that the appeal should be allowed.

Nick Davies

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 1875P/100b - Proposed Site Plan; 1875P/101 – Block and Location Plan; 1875P/102a - Proposed Floor Plans; 1875P/105a - Proposed Elevations; 1875P/106 - Proposed Elevations; 1875P/106 - Proposed Cycle Store; Tree Protection Plan dated 05.05.2022.
- 3) Development shall not proceed above damp-proof course level until details/samples of the materials to be used in the construction of the external surfaces of the dwelling hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details/samples.
- 4) The dwelling hereby permitted shall not be occupied until the windows at first floor level on the southeast side-facing elevation have been fitted with obscured glazing, and no part of those windows that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. Details of the type of obscured glazing shall be submitted to and approved in writing by the local planning authority

- before the window is installed, and once installed the obscured glazing shall be retained thereafter.
- 5) The dwelling hereby permitted shall not be occupied until the access, off road parking, and cycle store for the new dwelling have been completed in accordance with the details shown on Drawing Nos 1875P/100b and 1875P/106. These facilities shall be permanently retained thereafter, and shall be used for no purposes other than the parking and manoeuvring of vehicles and the storage of bicycles.
 - 6) The dwelling hereby permitted shall not be occupied until the pedestrian visibility splays shown on Drawing No 1875P/100b have been cleared of all obstructions over 0.6 metres above the level of the adjoining highway, including the reduction in the level of the land if necessary. Thereafter, nothing over that height shall be permitted to remain, be placed, built, planted, or grown within the visibility splays at any time.
 - 7) Within 3 months of the commencement of the development, details of the provision of Electric Vehicle Charging Points and associated infrastructure shall be submitted to the local planning authority for approval in writing. The approved charging facilities shall be completed and brought into operation prior to the occupation of the dwelling hereby permitted, and shall thereafter be permanently retained and kept available for use at all times.
 - 8) Prior to the first occupation of the dwelling hereby permitted, details of measures to provide 10% of the predicted future energy use of the dwelling from on-site renewable sources, shall be submitted to and approved in writing by the local planning authority. The approved measures shall be implemented prior to occupation and permanently retained thereafter.
 - 9) Prior to the first occupation of the dwelling hereby permitted 1 bat brick/tube/tile and 1 swift brick shall be installed on the site in accordance with details that have first been submitted to and agreed in writing by the local planning authority. These features shall thereafter be retained in accordance with the approved details.
 - 10) Development shall only be carried out in accordance with the approved Arboricultural Method Statement at Section 7 of the Arboricultural Impact Assessment and Method Statement (prepared by Scott Tree Services Ltd, dated 4th May 2022).
 - 11) All ground hard surfaces shall be constructed of porous materials unless provision is made to direct surface water run-off from the hard surface to a permeable or porous area or surface within the site. The hard surfaces shall thereafter be permanently retained as such.

END OF SCHEDULE