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## Appeal Decision

Site visit made on 14 June 2023 by R Dickson BSc (Hons) MSc MRTPI

**Decision by John Morrison BA (Hons) MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 27 July 2023.**

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**Appeal Ref: APP/V1260/D/23/3319328**

**Shak Shak, 4A Burton Road, Poole BH13 6DU**

- 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 H Lee against the decision of Bournemouth Christchurch and Poole Council.
  - The application Ref APP/22/01681/F, dated 6 December 2022, was refused by notice dated 15 February 2023.
  - The development proposed is to erect a detached car port and new sliding gate adjacent to highway.
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### Decision

1. The appeal is dismissed.

### Preliminary Matter

2. The second reason for refusal refers to the lack of an arboricultural report. This has been provided in the appeal documents. Since this was a logical response to the reason for refusal, I have taken it into account.

### Appeal Procedure

3. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

### Main Issue

4. The main issues are: a) the effect of the proposal on the character and appearance of the Branksome Park Conservation Area (CA) and b) the effect of the proposed development on protected trees.

### Reasons for the Recommendation

#### *Character and Appearance*

5. Burton Road is predominantly residential, with individual dwellings and flats set back from the road. Despite buildings being positioned away from the road, the entrances to the properties have a semi-open nature, with a mixture of simple openings and low brick walls, or metal gates with higher brick or rendered pillars. The road is verdant and consistent in this way, with most properties being bounded by hedges and trees. These features contribute positively to the significance of the CA.

6. Shak Shak is situated nearer to the road than most. The existing boundary treatment is in keeping with the rest of the properties on the road. The proposed wooden gates, being close boarded and thus considerably less visually permeable, would noticeably reduce the quality of the front of the plot's openness, and consequently how visible the front of the property is in the street scene, despite being slightly lower than the existing metal gates. There are very few close boarded timber gates on Burton Road and as such those proposed would further appear anomalous in their context, jarring with the immediate area's pleasant consistency.
7. By virtue of its proximity to the front boundary, the car port would run against the grain of the general pattern of development. Despite the presence of vehicles at the appeal site and other properties, the car port would be a permanent structure, and would always be seen in the context of the front of the property and CA. A car port, by its design, would be taller than the vehicles usually parked in the same location, and therefore would be more visible. Its presence alongside the host building would further reduce the quality of the street scene's open feel.
8. With this and the above in mind, the proposed development would harm the character and appearance of the host dwelling and the area, failing to either preserve or enhance the significance of the CA. Given the scale and nature of the proposals in context, the harm to the CA would be less than substantial. I am required to balance it against the public benefits of the scheme.
9. I understand that more privacy and security for the occupants of Shak Shak is desired, however this does not present a public benefit. No further public benefits have been advanced. The harm I have found would not therefore be outweighed. Accordingly, the proposal would be contrary the Council's aspirations of preserving and enhancing the CA, detailed in points (1)(a), (f) and (g) and (2) of Policy PP27 and Policy PP30 of the Poole Local Plan (2018) (Local Plan).

#### *Protected Trees*

10. No trees would be removed to accommodate the car port. The root protection areas for which have already been compromised by the parking of cars. The car port would be a light-weight structure which would use a no dig system. Therefore, I do not find that there would be any additional harm to protected trees at Shak Shak. Construction methods can be suitably dealt with by planning conditions. Therefore, and in regard to this main issue, the proposals would comply with (1)(b) of Policy PP27 of the Local Plan which seeks, amongst other things, to ensure that trees that make a significant contribution are not lost.

#### **Other Matters**

11. Another appeal decision has been highlighted by the appellant which relates to 4 Mornish Road, however it relates to a property in a different road, which has a different character to that of Burton Road. It does not therefore follow that this appeal should be allowed. Each scheme should be considered on its own merits.

### **Conclusion and Recommendation**

12. There would not be any harm arising out of the second main issue, but this would be a neutral matter, consequently incapable of weighing against that arising out of the first. The conflict this would have with the development plan, given there are no material considerations before me worthy of sufficient weight to indicate differently, lead me to recommend the appeal be dismissed.

*R Dickson*

APPEAL PLANNING OFFICER

### **Inspector's Decision**

13. I have considered all the submitted evidence and my representatives' report and on that basis I dismiss the appeal.

*John Morrison*

INSPECTOR