



Appeal Decision

Site visit made on 30 May 2023

by C Rose BA (Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 August 2023

Appeal Ref: APP/D1265/W/22/3312160

89 Woolsbridge Road, Ashley Heath, Dorset BH24 2LY

- 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 Sterling Investments against the decision of Dorset Council.
 - The application Ref P/FUL/2022/03392, dated 27 May 2022, was refused by notice dated 17 October 2022.
 - The development proposed is to demolish the existing dwelling and erect two detached properties in its place, with a new pair of semi detached bungalows to the rear of the site.
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Decision

1. The appeal is allowed and planning permission is granted to demolish the existing dwelling and erect two detached properties in its place, with a new pair of semi detached bungalows to the rear of the site at 89 Woolsbridge Road, Ashley Heath, Dorset BH24 2LY in accordance with the terms of the application, Ref P/FUL/2022/03392, dated 27 May 2022, subject to the conditions in the attached schedule.

Preliminary Matter

2. During the appeal the Council requested that answers to questions 5-7 and 9 within the Officer Report be disregarded as they do not reflect the Council's case. I have dealt with the appeal on this basis.

Main Issues

3. The main issues for the appeal are the effect of the proposal:
 - on the character and appearance of the area; and,
 - on nationally and internationally protected sites.

Reasons

Character and Appearance

4. The existing dwelling on the appeal site forms part of a line of detached properties that are set back from the road behind sizable front gardens served off single accesses. Due to the setback from the road, single-storey nature of the existing bungalow and presence of a variety of front boundary treatments at a significant height, the existing dwelling is not highly visible from Woolbridge Road or elsewhere.

5. The low height of the existing dwelling, set back behind a sizable enclosed front garden and single access contribute to the area and adds to the open spacious townscape on this part of Woolbridge Road.
6. Given that the two dwellings proposed to the front of the site would also be detached, served by a single access, and would be single-storey and set back from the road behind similar height front boundary treatment, they would be no more prominent than the existing dwelling. As a result, the proposal would retain the sites contribution to the open spacious verdant appearance of the area.
7. I acknowledge that the immediate area is characterised by large dwellings spanning large plots, and that when directly facing the site down the access the position and narrower width of plots 1 and 2 would be revealed. I also acknowledge that from the access, the two other semi-detached plots to the rear would be visible with only small planting strips to the access adjoining plots 1 and 2. However, such views would be very limited in extent given the narrow nature of the access. From the access the built form of plots 3 and 4 would be viewed between plots 1 and 2 to give an appearance similar to a full width dwelling built across the plot. Moreover, such views would also be softened by opportunities for the provision of boundary planting behind the frontage boundary wall that would not interfere with the proposed parking or garden areas.
8. The design of the relocated access would result in a very similar visual appearance to the existing access. Due to the height and position of the proposed boundary treatment and on-site planting, the parking spaces would not be highly visible and would not be uncharacteristic of the area where frontage parking is common. Given this, and given the varying roof forms, design, and size of dwellings in the area, the proposed dwellings would not unacceptably harm the quality of the townscape.
9. The development of the site with four dwelling would be of a higher density than the adjoining plots. However, in light of the limited harm to the townscape, and given the increased density already permitted under the extant consent, the density would be at a level that would be acceptable for the locality.
10. I conclude that the proposal would not harm the character and appearance of the area. Accordingly, the appeal scheme would therefore comply with Policies LN2 and HE2 of the Christchurch and East Dorset Local Plan: Part 1 - Core Strategy (2014) (LP) and paragraph 130 of the National Planning Policy Framework (the Framework). Amongst other things, these require that the design and layout of new housing should maximise the density of development to a level which is acceptable for the locality, the design of development is of a high quality, reflecting and enhancing areas of recognised local distinctiveness and is compatible with or improves its surroundings in layout and visual impact, and achieves well-designed places.

Effect on nationally and internationally protected sites

11. The site falls within the 5km zone of influence around the Dorset Heathlands which comprises the Dorset Heathlands Special Protection Area (SPA), Dorset Heaths Special Area of Conservation (SAC) and Dorset Heaths Special Area of Conservation (Purbeck and Wareham) and Studland Dunes, which overlap with

- various other environmental designations. The Dorset Heathlands are extensive areas of land including lowland heathland, wetlands, and dunes.
12. The SPA and SACs are protected via the Habitats Directive, which is incorporated into domestic statute via the Conservation of Habitats and Species Regulations 2017 (as amended) (the Habitats Regulations). I am statutorily required to take appropriate steps to conserve biodiversity.
 13. The SPA and SACs are designated in order to safeguard ecology and the habitat upon which various species are reliant, notably in this instance Dartford warblers, nightjars, woodlark, hen harriers, merlin, sand lizards and smooth snakes. Ecology can be disturbed by recreational activities, predation from domestic pets, and from habitats being unavailable from time to time by consequence.
 14. Whilst not a precise correlation, the potential for adverse effects increases with the number of dwellings nearby, including within a wide zone of influence (and therefore the aggregate, or in-combination, implications of a number of smaller developments may be significant). Habitats Regulation 63(1) states that 'a competent authority, before deciding to undertake, or give any consent, permission... must make an appropriate assessment'. I have sought to apply that requirement reasonably and proportionately relative to the nature and context of the development proposed.
 15. The avoidance or mitigation of effects resulting from increased residential development would be achieved by the provision of alternative greenspace, to redirect those who would have made use of the SPA and SACs recreationally, and via associated monitoring and management arrangements. The contributions that individual schemes are expected to make in that context are established at a strategic level, such that a proportionate contribution is made in each instance funded by Community Infrastructure Levy (CIL) receipts. I have consulted with Natural England which has confirmed that the payment is sufficient to avoid adverse impacts on the SPA and SACs. As CIL receipts are collected via payment under the CIL Regulations, there is no need for a legal agreement to secure payment as part of this appeal.
 16. Chapter 4 of the Dorset Heathlands Planning Framework 2020-2025 Supplementary Planning Document April 2020 (SPD) indicates the approach that it establishes towards ecological mitigation has been arrived at in conjunction between Dorset Council, Bournemouth, Christchurch and Poole Council with Natural England, the appropriate nature conservation body under Regulation 63(3). Consequently, subject to appropriate financial contributions being made via CIL, I am satisfied that likely significant effects to the ecological integrity of the SPA and SACs would be avoided.
 17. In conclusion, I am satisfied that with the proposed avoidance and mitigation measures in place, secured through the CIL receipts, the development would not have an adverse effect on nationally and internationally protected sites. The development would therefore comply with the Conservation of Habitats and Species Regulations 2017. It would also accord with LP Policy ME2 and the SPD which, amongst other things, seek to ensure that development between 400m and 5km of protected European and internationally protected heathlands provide mitigation and avoid harm arising on the Dorset Heaths international designations.

Other Matters

18. I have had regard to the comments from the Parish Council and third party. However, I have found above that the proposal would not harm the character and appearance of the area, and I have limited technical evidence of inadequate access for emergency vehicles or risk of flooding to substantiate these concerns. There would be no detrimental harm to the living conditions for future occupiers given the distances between dwellings and suitable levels of car parking provision are proposed on site. It is noteworthy that the Council has raised no concerns with regard to car parking, flood risk or living conditions including access for emergency vehicles.

Conditions

19. I have had regard to the tests in the Framework in relation to conditions, and the planning conditions suggested by the Council. In addition to the standard time condition, it is necessary for a condition to confirm the approved plans in the interests of certainty.
20. A condition is necessary to secure the detailed biodiversity mitigation, compensation, and enhancement/net gain in the interests of the protection and enhancement of ecology. I have amended the wording in the interests of conciseness.
21. Conditions are necessary to secure details of hard and soft landscaping and external facing materials in the interests of protecting the character and appearance of the area.
22. A condition is necessary to secure the hardsurfacing of the access off the highway in the interests of highway safety.
23. Further conditions are necessary to remove permitted development rights for roof enlargements and additional windows in the interests of protecting the living conditions of neighbouring occupiers and the character and appearance of the area.
24. In the interests of conciseness and clarity, I have amended the suggested wording to some of the conditions.

CONCLUSION

25. For the reasons given I conclude that the appeal should succeed.

C Rose

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: PA03 01 Location/Block/Site plan; PA03 03 Plans and elevations Plot 1; PA03 04 Plans and elevations Plot 2; PA03 05 Plans and elevations Plots 3 and 4; and PA03 06 Street Scene.
- 3) The detailed biodiversity mitigation, compensation and enhancement/net gain strategy set out within the approved Biodiversity Plan certified by the Dorset Council Natural Environment Team on 14 July 2022 must be implemented in accordance with any specified timetable and completed in full prior to the first occupation of any dwelling. The bat boxes/bricks, swift boxes, hedgehog gaps, and bee bricks shall be retained thereafter.
- 4) No development above damp-proof course shall take place until full details of both hard and soft landscape works (including details of native hedgerow and trees) have been submitted to and approved in writing by the local planning authority. These details shall include hard surfacing materials; means of enclosure; details of boundary planting, and schedules of plants (noting species, plant sizes and proposed numbers/densities where appropriate). All hard and soft landscape works shall be carried out in accordance with the approved details prior to the occupation of any dwelling. Any planting found damaged, dead or dying in the first five years following their planting are to be duly replaced in the next planting season (November -March).
- 5) Prior to development above damp-proof course, details (including colour photographs) of all external facing materials for the walls and roofs shall have been submitted to, and approved in writing by the Local Planning Authority. Thereafter, the development shall proceed in accordance with such materials as have been agreed.
- 6) Before the development is occupied or utilised the first 5 metres of the vehicle access, measured from the rear edge of the highway (excluding the vehicle crossing), must be laid out and constructed to a specification submitted to and approved in writing by the Local Planning Authority.
- 7) Before the development hereby approved is first occupied the turning and parking shown on Drawing number PA03 01 must have been constructed. Thereafter, these areas must be permanently maintained, kept free from obstruction, and available for the purposes specified.
- 8) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) (with or without modification) no roof enlargements permitted by Class B of Schedule 2 Part 1 of the 2015 Order, shall be erected or constructed.
- 9) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any order revoking and re-enacting that Order with or without modification), no additional window(s) or other opening(s) permitted by

Class A of Schedule 2 Part 1 of the 2015 Order shall be constructed in the west (rear) elevation of the building(s) at plots 3 and 4 hereby approved.

*****END OF CONDITIONS*****