



Appeal Decision

Site visit made on 24 July 2023

by Andrew Smith BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 September 2023

Appeal Ref: APP/V1260/W/23/3316384

20 Jolliffe Road, Poole BH15 2HB

- 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 Edward Friel against the decision of Bournemouth Christchurch and Poole Council.
- The application Ref APP/22/00990F, dated 20 July 2022, was refused by notice dated 5 January 2023.
- The development proposed is demolition of existing garage and construction of new dwelling.

Decision

1. The appeal is allowed and planning permission is granted for the demolition of an existing garage and the construction of a new dwelling at 20 Jolliffe Road, Poole BH15 2HB in accordance with the terms of the application, Ref APP/22/00990F, dated 20 July 2022, subject to the conditions listed at the end of this decision.

Preliminary Matters

2. The proposal is supported by a Unilateral Deed (the Deed), dated 3 August 2023, and signed by the site's owner. The Deed secures the payment of Strategic Access Management and Monitoring (SAMM) contributions intended to mitigate recreational pressures placed upon Poole Harbour¹ and the Dorset Heathlands². I shall return to the Deed later in this decision.
3. The Poole Local Plan (November 2018) (the Local Plan) replaced, upon adoption, various historic policy documents. I shall consider the appeal on this basis, notwithstanding erroneous reference upon the Council's Decision Notice to deleted policies of the Poole Core Strategy (2009) and the Poole Site Specific Allocations and Development Management Policies (2012).

Main Issues

4. Considering the site's proximity to European sites³ and the related statutory duties that apply, I have elevated the effects of the proposal in this sense to a main issue in this appeal.

¹ designated as a Special Protection Area (SPA) and Ramsar site, as well as a Site of Special Scientific Interest

² relevant designations: Dorset Heathlands SPA; Dorset Heathlands Ramsar site; Dorset Heaths Special Area of Conservation (SAC)

³ as defined at regulation 8 of The Conservation of Habitats and Species Regulations 2017 (as amended)

5. The main issues are:

- The effect of the proposal upon the character and appearance of the area; and
- The effect of the proposal upon European sites.

Reasons

Character and appearance

6. The site is situated to the rear of, and is fenced off from, No 20 Jolliffe Road (No 20). It is comprised of an overgrown area of land that contains a modest single garage accessed off Jolliffe Avenue. Properties in the locality are of a mix of ages and types, and a range of roof forms and external-facing building materials are observable. It is also the case that plots of different sizes, depths and shapes are in existence. Thus, whilst there is some sense of formality associated to the way dwellings are typically set towards the front of their plots and upon consistent front building lines, which has the effect of offering breaks in the built environment close to where different streets join, dense urban influences still apply, and a mixed residential character and appearance is much in evidence local to the site.
7. The proposed dwelling would respect the scale, form, appearance and positioning of No 7 Jolliffe Avenue (No 7), the detached property that it would sit alongside. The inevitable effect of introducing a dwelling respectful of No 7's front building line would be to locate it very close to the site's southwestern rear boundary. This is due to the dimensional constraints of the site. Nevertheless, a clear sense of separation would remain to the rear of the semi-detached pair that incorporates No 20. Thus, unlike with respect to a previous proposal that was unsuccessful at appeal⁴, the characteristic openness which currently exists between buildings in corner locations would not be lost.
8. Whilst the plot size remains smaller than those typically found in the area and a somewhat bespoke layout would prevail whereby much of the intended private garden space would be sited to the side of the new property as opposed to its rear, a modest built footprint and sensitive scale of development is proposed. Moreover, the new dwelling would be sympathetically designed and logically positioned upon the site. In the context of the mixed character and appearance that I have identified local to the site, the proposal would not bring forward a discordant or unduly cramped form of development. I am also satisfied that an appropriate palette of external-facing materials is proposed.
9. For the above reasons, the proposal would have an acceptable effect upon the character and appearance of the area. The scheme accords with Policies PP27 and PP28 of the Local Plan in so far as these policies require development to reflect or enhance local patterns of development and neighbouring buildings, and to preserve or enhance an area's residential character.

European sites

10. The site lies in proximity to both Poole Harbour and the Dorset Heathlands, such that I must have regard to The Conservation of Habitats and Species Regulations 2017 (as amended). These regulations require that, where the

⁴ APP/Q1255/W/18/3201218, decision date 4 February 2019

project is likely to have a significant effect on a European site (either alone or in combination with other plans or projects), the competent authority must make an appropriate assessment of the project's implications in view of the relevant site's conservation objectives. For the purposes of this appeal, I am the competent authority.

11. Poole Harbour is a natural harbour that accommodates various important, rare, vulnerable and migratory birds, including Common Shelduck, Pied Avocet, Black-tailed Godwit, Mediterranean Gulls and Common Terns. The Dorset Heathlands comprise an extensive network of lowland heath that host various protected species including Dartford warblers, nightjars, woodlarks, hen harriers, sand lizards and smooth snakes. A threat to the integrity of both Poole Harbour and the Dorset Heathlands is public access and recreational activities associated to additional development. A Poole Harbour Recreation Zone, which the site falls within, sets out where, based on visitor survey information collected, new residential and tourist development will have a likely significant effect. Similarly, as advised by Natural England, residential development between 400m and 5km of the Dorset Heathlands is likely to have a significant effect.
12. Mitigation strategies are embedded in both the Poole Harbour Recreation 2019-2024 Supplementary Planning Document (the PHSPD) (April 2020) and The Dorset Heathlands Planning Framework 2020-2025 Supplementary Planning Document (the DHSPD) (April 2020). These seek to address the adverse effects of people visiting Poole Harbour or the Dorset Heathlands through securing payments towards SAMM as well as Poole Harbour Infrastructure Projects (PHIPs) or Heathland Infrastructure Projects (HIPs). SAMM is to be secured on a costed per-dwelling basis, whilst PHIPs and HIPs are funded through Community Infrastructure Levy (CIL) monies. The Deed secures SAMM contributions and associated administration fees in accordance with rates that recently increased from those set out in the PHSPD and DHSPD respectively. The Council has confirmed its acceptance to the amounts secured. In addition, the statutory nature conservation body (Natural England) has been consulted at appeal stage as regards the likely impact of the proposal upon European sites and the suitability of associated mitigation measures. It did not provide a response within the timeframe offered.
13. Moreover, given the adopted and comprehensive nature of the mitigation strategies under implementation and the immediate timescale by which the Deed secures payment, I am sufficiently satisfied that proportionate mitigation shall be delivered in an expedient manner. Thus, when also noting that mitigation to support nutrient neutrality in Poole Harbour is supported through CIL monies⁵, I find that the scheme would not adversely affect the integrity of any European site at either Poole Harbour or the Dorset Heathlands.
14. The scheme accords with Policy PP39 of the Local Plan, the PHSPD and the DHSPD in so far as this policy and guidance requires development not to lead to an adverse effect upon the integrity, either alone or in-combination, directly or indirectly, on nationally, European and internationally important sites.

⁵ as referred to in the Nitrogen Reduction in Poole Harbour Supplementary Planning Document (April 2017)

Other Matters

15. It is intended that two parking spaces be provided. Notwithstanding the loss of a single garage, which is not currently accessible to motor vehicles in any event, I am satisfied that an appropriate level of on-site parking is proposed so as not to place undue pressure upon existing on-street parking provision. I also note that the introduction of merely a single dwelling would not be fairly anticipated to lead to an appreciable increase in traffic movements along Jolliffe Avenue.
16. An interested party has raised overlooking concerns. The proposed dwelling would be positioned and laid out such that its rear-facing (southwest-facing) elevation would address neighbouring garden land at close quarters. The southwest elevation would contain two first-floor window openings, serving a bathroom and a bedroom respectively. Whilst the bathroom window would be obscure glazed, the bedroom window would provide outlook. However, outward views from this single window opening would not be directed towards the most sensitive internal habitable areas of the closest residential dwellings to the site. Of further relevance, the site occupies an urban location where a degree of mutual overlooking (including across private garden spaces) is already commonplace between neighbouring properties. In the context just described, no unacceptable loss of privacy would prevail for neighbouring occupiers including those at No 18 Jolliffe Road.
17. Further, the introduction of a single additional dwelling to the residential area in question could not be fairly anticipated to lead to the introduction of unacceptable noise to the detriment of neighbouring living conditions.
18. In the absence of any identified policy conflicts or associated harms, the proposal accords with the development plan when read as a whole and any material considerations do not lead me to a decision otherwise.

Conditions

19. The Council has suggested several conditions that the appellant has had the opportunity to comment upon and which I have considered against advice in the National Planning Policy Framework (July 2021) and Planning Practice Guidance. As a result, I have made amendments for consistency and clarity purposes and have added a further condition related to obscure glazing. In the interests of certainty, a condition specifying the approved plans is required.
20. In the interests of achieving sustainable construction and compliance with Policy PP37 of the Local Plan, a condition is reasonable and necessary that secures full details of the on-site renewable energy sources to be utilised to meet a minimum of 10% of future energy use and subsequent implementation in accordance with these details.
21. In the interests of promoting sustainable travel choices and compliance with the Parking Standards Supplementary Planning Document (January 2021), the installation of an Electric Vehicle Charging Point is reasonable and necessary to condition. For the same reason, full details of secure cycle parking provision are reasonable to secure.
22. In the interests of highway and pedestrian safety, a condition is reasonable and necessary to secure the implementation and subsequent retention of the approved access, turning area, and parking spaces. For the same reason,

noting the proximity of a primary school and the likelihood of children passing the site on foot, a condition to secure the provision and retention of the pedestrian visibility splay (as annotated upon approved plan 2207 02A) is also reasonable and necessary.

23. In the interests of promoting biodiversity, a condition to secure full details of at least 1no swift box to be installed is reasonable to impose. In the interests of promoting the sound management of surface water disposal, a condition requiring the installation of either porous surface materials or a mechanism to direct run off to a porous area within the site is reasonable and necessary to impose.
24. In the interests of protecting the visual amenities of the area, a condition to secure the use of external-facing materials as depicted upon approved plan Ref 2207 05 is reasonable. In the interests of safeguarding the privacy of existing and future residential occupiers, a condition to secure the provision and retention of obscure glazing to the property's bathroom window is necessary.

Conclusion

25. For the above reasons, the appeal is allowed and planning permission is granted subject to conditions.

Andrew Smith

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 2207 01; 2207 02A; 2207 03; 2207 04; 2207 05.
- 3) Prior to the commencement of any construction works above the ground floor slab level of the dwelling hereby permitted, details of the measures to be implemented to meet a minimum of 10% of the predicted future energy use of the dwelling from the use of on-site renewable energy sources shall be submitted to and approved in writing by the Local Planning Authority. These measures shall be implemented in accordance with the approved details prior to the first occupation of the dwelling and shall thereafter be retained and maintained.
- 4) Prior to the first occupation of the dwelling hereby permitted, secure cycle parking shall be provided in accordance with a scheme to have first been submitted to and approved in writing by the Local Planning Authority, and the facilities to be installed shall thereafter be retained.

- 5) Prior to the first occupation of the dwelling hereby permitted, at least one Electric Vehicle Charging Point and associated infrastructure shall be brought into operation in accordance with details to have first been submitted to and approved in writing by the Local Planning Authority, and shall thereafter be retained for use at all times.
- 6) Prior to the first occupation of the dwelling hereby permitted, a minimum of 1no swift box shall be installed on the front elevation of the dwelling in accordance with full details to have first been submitted to and approved in writing by the Local Planning Authority.
- 7) Prior to the first occupation of the dwelling hereby permitted, the pedestrian visibility splay, as indicated by a hatched area on approved plan Ref 2207 02A, shall be cleared of all obstructions measuring over 0.6 metres above the level of the adjoining highway, and shall thereafter be retained clear of any obstructions exceeding that same height.
- 8) The dwelling hereby permitted shall not be occupied until the access, turning area and parking bays shown on approved plan Ref 2207 02A have been constructed, and these features shall thereafter be retained and kept available for such purposes at all times.
- 9) Any new or replacement hard surfaced area(s) to be installed shall be constructed of porous materials, or provision shall alternatively be made to direct run-off water from any new hard surface to a permeable or porous area/surface within the curtilage of the property.
- 10) The materials and finishes to be employed on the external faces of the development hereby permitted shall be as specified on approved plan Ref 2207 05.
- 11) In accordance with approved plan Ref 2207 03, the first-floor bathroom window on the southwestern elevation of the dwelling hereby permitted shall be obscure-glazed (to all glazed parts of the window) and retained as such at all times.