



Appeal Decision

Site visit made on 21 September 2023

by Alexander O'Doherty LLB (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 October 2023

Appeal Ref: APP/D1265/W/23/3319313

8 Warren Close, Ringwood BH24 2AJ

- 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 BHE Developments Limited against the decision of Dorset Council.
- The application Ref P/FUL/2022/07205, dated 11 November 2022, was refused by notice dated 19 January 2023.
- The development proposed is demolition of the existing dwelling and the erection of 3 no. detached houses with off road car parking.

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on the character and appearance of the area, and on the living conditions of the occupiers of 7 & 7a Warren Close, with particular regard to outlook.

Reasons

Character and appearance

3. The appeal site comprises 8 Warren Close (No 8), a detached chalet bungalow, situated at the far end of Warren Close, a cul-de-sac which has a spacious character. The wider area displays characteristics of a semi-rural nature, and in line with the pattern of residential development in this area, Warren Close consists of large detached properties situated in generously-sized plots, at a low to medium density.
4. The proposal seeks to demolish No 8 and subdivide the existing plot to erect 3 dwellings. House 1 would maintain the building line with 9 Warren Close (No 9), and would respect the design of nearby dwellings in terms of its ridge height, roof form, and detailed appearance, including No 9 which has previously been extended¹ and 11 Warren Close which is a 5-bedroom chalet bungalow². Houses 2 and 3 would not visually intrude into the street scene due to their proposed position set-back from the frontage of the site. Each dwelling would benefit from adequately-sized private amenity areas, and space would remain around each dwelling for new planting to be introduced.
5. Despite these positive factors, whilst Houses 2 and 3 would both be sited roughly in line with 7 & 7a Warren Close (Nos 7 & 7a), their siting to the rear of

¹ 3/18/0478/HOU

² Planning permission granted by appeal decision Ref APP/U1240/W/18/3215531

House 1 would not accord with the layout of the existing properties along Warren Close, which are individually set-back from the road behind their own large and often open frontages. In this regard, the proposal would in effect introduce backland development into an area where there is none.

Furthermore, although the area comprises a mix of plot sizes and shapes, each new dwelling would be situated within smaller individual plots than is common nearby.

6. Moreover, the Council have calculated that the dwelling per hectare (dph) for each of the proposed dwellings would be at least double that found at nearby plots along Warren Close, and these submitted figures have not been disputed by the appellant. The proposal would accordingly result in a considerable uplift in density, which would be uncommon in the locality. As such, whilst Policy LN2 of the Christchurch and East Dorset Local Plan: Part 1 - Core Strategy (adopted 2014) (Core Strategy) provides that, amongst other things, a minimum density of net 30dph will be encouraged, in this case the density proposed would conflict with the local character and distinctiveness of the area, which Policy LN2 highlights as factors which caveat the encouragement of 30dph.
7. Taking all of the above into account, it is clear that the overall form of development proposed would markedly contrast with the layout and density of residential development on Warren Close and in the local area. As the proposal would result in a notably incongruous pattern of development in its context, harm to the character of the area would result.
8. I therefore find that the proposed development would have an unacceptable and harmful effect on the character of the area. It would conflict with Policy HE2 of the Core Strategy which provides that, amongst other things, within Christchurch and East Dorset the design of development must be of a high quality, reflecting and enhancing areas of recognised local distinctiveness, and with Policy LN2 of the Core Strategy which provides that, amongst other things, on all sites, the design and layout of new housing development should maximise the density of development to a level which is acceptable for the locality.
9. The proposal would also conflict with paragraph 130 c) of the National Planning Policy Framework (the Framework) which provides that, amongst other things, planning decisions should ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities).

Living conditions

10. I observed that the view over the boundary fence with No 8 from the rear patio at 7a Warren Close (No 7a) consists of a number of trees leading to a long and wide area of fields. Similarly, the outlook from the window in the sunroom at No 7a, which is situated near to the boundary fence with No 8, consists of fields in the background and a pleasant view of trees near the fence in the foreground.
11. The proposed House 2 would be situated behind House 1. The side elevation of House 2 facing Nos 7 & 7a would incorporate a mix of roof heights and projections / set-backs, and a mix of brick and timber cladding, but these set-backs would not be significant. Considering this, and noting that the appellant

has calculated that the upper floor of House 2 which would be closest to the shared boundary would be positioned at a distance of approximately 10 metres from the side elevation of Nos 7 & 7a at the closest point, the side elevation of House 2 would present as a solid and bulky mass of built form in close proximity to the patio and sunroom of No 7a.

12. At this distance, the scale, bulk, and massing of House 2 would feature prominently in views from the patio and sunroom at No 7a, undermining the attractive views towards the fields which are presently available. The trees and planting proposed would take time to grow and mature. In the meantime, the harm identified to the outlook from the patio and sunroom at No 7a would persist.
13. I therefore find that the proposed development would have an unacceptable and harmful effect on the living conditions of the occupiers of Nos 7 & 7a, with particular regard to outlook. It would conflict with Policy HE2 of the Core Strategy which provides that, amongst other things, development will be permitted if it is compatible with or improves its surroundings in relationship to nearby properties including minimising general disturbance to amenity.
14. The proposal would also conflict with paragraph 130 f) of the Framework which provides that, amongst other things, planning decisions should ensure that developments create places with a high standard of amenity for existing and future users.

Other Matters and Planning Balance

15. The Council have stated that for the period 2022 to 2027, the East Dorset area does not have a sufficient supply to meet the 5-year supply requirement as required by national policy, and that the East Dorset area can demonstrate a supply of deliverable sites equivalent to 4.15 years. In light of this, the proposal's contribution of 2 additional dwellings over-and-above that which presently exists on site provides modest support for the proposal. The family-sized dwellings proposed would also provide a contribution towards housing choice and mix in the local area.
16. The future occupiers of the proposed new dwellings would likely contribute to the local economy by way of using local services and facilities, including potentially in Ringwood town centre. The proposed development would provide work for construction professionals during the construction phase. The proposed dwellings would incorporate energy-efficient construction methods and materials, passive design features, and high levels of glazing, with at least 10% of the energy used to be created via renewable, decentralised, and low carbon energy sources, thereby reducing the environmental impact of the proposed development.
17. The above-mentioned considerations would be in compliance with a number of the Council's development plan policies, and relevant paragraphs of the Framework, including paragraph 60 of the Framework which details the Government's objective of significantly boosting the supply of homes.
18. Additionally, I have had particular regard to paragraph 69 of the Framework which provides that, amongst other things, 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, and to paragraph 125 of the

Framework which provides that, amongst other things, where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site.

19. It is particularly important to note that the proposed dwellings would be located within an established and accessible residential area, within the settlement boundary. Nevertheless, the benefit arising from the intention to make an efficient use of land is limited by my finding on the first main issue above, in the context of paragraph 124 e) of the Framework which provides that, amongst other things, planning decisions should support development that makes efficient use of land, taking into account the importance of securing well-designed places. Moreover, the benefits of the proposal in economic, social, and environmental terms would be in proportion to the quantum of development proposed, which in this case involves a net gain of only 2 dwellings.
20. Considering the quantum of 3 proposed dwellings in light of the Council's shortfall of deliverable housing sites, and taking account of all of the benefits identified, moderate weight has been given to the collective benefits of the proposed development.
21. I have found that the proposed development would result in adverse impacts on both main issues. Considering that paragraph 126 of the Framework provides that, amongst other things, the creation of high quality places is fundamental to what the planning and development process should achieve, I ascribe very significant weight to these adverse impacts. Balancing the very significant weight of these adverse impacts against the moderate weight I have given to the benefits of the proposal, I find that the benefits of the proposal do not, either individually or cumulatively, outweigh the adverse impacts identified. The proposal would conflict with the development plan when considered as a whole.
22. As the Council is unable to demonstrate a 5-year supply of deliverable housing sites, the policies which are most important for determining this appeal are deemed to be out-of-date in accordance with paragraph 11 d) of the Framework. However, the adverse impacts of the proposal attract very significant weight in opposition to it. The adverse impacts of granting planning permission would therefore significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. The proposal would not benefit from the presumption in favour of sustainable development, detailed at paragraph 11 of the Framework.
23. Therefore, I find that none of the other considerations, which include the Framework, indicate that this appeal decision should be taken otherwise than in accordance with the development plan.

Conclusion

24. For the reasons given above, having considered the development plan as a whole, the approach in the Framework, and all other relevant material considerations, I conclude that the appeal should be dismissed.

Alexander O'Doherty

INSPECTOR