



Appeal Decision

Site visit made on 25 July 2023

by R E Jones BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 October 2023

Appeal Ref: APP/V1260/W/22/3304269

49 York Road, Poole, Dorset BH18 8EW

- 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 Darren Guest-Williams against the decision of Bournemouth Christchurch and Poole Council.
 - The application Ref APP/21/01651/F, dated 16 November 2021, was refused by notice dated 8 April 2022.
 - The development proposed is demolish existing double garage, sever the plot and erect a new chalet bungalow.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of existing garage, sever the plot and erect a new chalet bungalow at 49 York Road, Poole, Dorset BH18 8EW, in accordance with the terms of the application Ref APP/21/01651 dated 16 November 2021, subject to the conditions in the attached schedule.

Applications for costs

2. An application for costs was made by Mr Darren Guest-Williams against Bournemouth, Christchurch and Pool Council. This application is the subject of a separate Decision.

Preliminary Matters

3. In the banner heading and decision above I have taken the description of development from the appeal form and the Council's decision as this more accurately reflects the development proposed.
4. The Council no longer wish to pursue the refusal reasons relating to the effect on designated habitat sites, as mitigation in the form of a financial contribution secured through a planning obligation has been submitted during the appeal. Nonetheless, for decisions affecting habitat sites, Regulation 63 of the Habitats Regulations indicate that I am the competent authority to assess the implications of the proposal upon the conservation objectives of the habitat sites. Moreover, as the statutory advisor for the natural environment, Natural England have been given the opportunity to provide comments. Accordingly, I will return to the matter later in my decision.
5. A number of alternative parking layouts were submitted with the appeal. This, in part, represents new information. The appeals' procedural guide makes it clear that 'the appeal process should not be used to evolve a scheme, and it is important that what is considered by the Inspector is essentially what was

considered by the local planning authority, and on which interested people's views were sought¹.

6. Nevertheless, it is my view, that the additional information does not fundamentally alter the scheme in terms of its design, scale and layout. Moreover, the details include layouts which the Council would have seen prior to the submission of the appeal. Whilst I appreciate that the information is technical in nature given that it relates to parking and highway safety, the Council have had sight of it and had the opportunity to comment. I have therefore had regard to the additional information in my assessment of the appeal.

Main Issue

7. The main issue is the effect of the proposed access and parking arrangement on highway safety in York Road.

Reasons

8. The appeal site comprises a narrow, roughly rectangular plot with an open access onto York Road. A detached double garage, together with a hardstanding at the front of the site have historically been used for parking purposes. A certificate of lawfulness of use or development (CLUED) recently established that use as lawful in planning terms². The residential dwelling to the east is within the ownership of the appellant and there is a gated pedestrian access onto the site from the garden land. It is indicated that the existing garages and forecourt are being used by the occupiers of No 49, as well as another party who is renting the space. I have no reason, based on the submitted evidence, to doubt those current arrangements.
9. The appeal site is located a short walk from Lower Blandford Road which has a good range of shops and services as well as local public transport connections.
10. Permission for a larger dwelling was refused by the Council and later dismissed at appeal in 2019³ (the 2019 appeal decision). In that appeal, the Inspector was cognisant of the site's lawful parking use, and the associated access and manoeuvring of vehicles on and off York Road. Yet, in light of the absence of information detailing the frequency and intensity of vehicle movements associated with the lawful use he had doubts whether the proposal would be comparable.
11. More recently the Council granted planning permission for a smaller one-bedroom dwelling⁴ (the 2022 scheme). The approved parking layout includes a single parking space together with a 4.1m diameter turntable to enable access to and from the site in a forward gear onto York Road. A low brick wall to the rear of the turntable, would prevent further parking on the forecourt, as the Council considered that a second parking space would not be feasible in terms of the available space.
12. Notwithstanding this, in assessing that layout, the Council's Highway officer remarked that "the width of the access and layout of the driveway for this new

¹ Annex M, M.2.1, The Planning Inspectorate Procedural Guide, Planning Appeals – England, August 2019

² Local Planning Authority Ref APP/18/01277/J

³ Local Planning Authority application Ref – A/18/00825/F; and Appeal decision Ref – AA/Q1255/W/18/3212027, dismissed on 18th March 2019.

⁴ Local Planning Authority Ref APP/22/01067/F, approved on 14th September 2022

proposal would still allow for the parking of 2 vehicles...”, albeit in front to back rather than side by side arrangement requiring one vehicle to manoeuvre out onto the road to allow the other to leave.

13. The proposal seeks permission for a 2-bedroom chalet style dwelling. The parking layout submitted with the application shows parking for two vehicles on a front forecourt area, including a 4.1m diameter turntable. A revised “Option C” layout submitted with the appeal, has adapted the approved 2022 scheme layout by removing the low wall dividing the forecourt. This would enable a second parking space to be provided to the rear of the turntable and front space.
14. Although this arrangement is somewhat compact given the narrow width of the forecourt, Option C clearly shows, from the annotated details, that the length and width of two-family sized cars could be accommodated within its boundaries, whilst maintaining a 0.5m separation distance from one another, thus complying with the Council’s parking standards. The turntable would enable vehicles to leave the site in a forward gear, and inhibit the need for vehicles to perform unsafe reversing manoeuvres onto York Road.
15. Parked vehicles that exceed 4.1m in length would inevitably over sail the turntable. But it has been sufficiently set-in from the side boundary enclosure to ensure that most larger cars would not be obstructed when the turntable is operating.
16. The Option C layout would incorporate two 2m wide visibility splays at either side of the access. I observed some taller boundary enclosures along the boundaries of adjoining properties. However, I observed clear left and right views of the carriageway at the interface with the site. Also, given York Road’s 20mph speed limit, emerging vehicles would have sufficient visibility and time to observe approaching traffic, on either side of the carriageway. The same splay arrangements were approved by the Council for the 2022 scheme. I have no reason to doubt that those arrangements were not considered unacceptable at the time that scheme was assessed. Therefore, I am satisfied that they would be adequate in the case of this appeal.
17. The submitted Option C layout would represent a much-improved situation compared to the existing use, which could accommodate several vehicles at once without adequate turning facilities.
18. Accordingly, I am satisfied, that subject to the implementation of the revised layout that the proposal provides safe access and appropriate parking provision for the plot.
19. In conclusion, the proposed access and parking arrangement would have an acceptable effect on highway safety in York Road. Therefore, it would accord with the provisions of Policy PP35 of the Poole Local Plan, adopted 13 November 2018, which amongst other things, requires new development to provide safe access to the highway and accord with the Council’s parking standards.

Other Matters

20. Although the dwelling is somewhat squat and shorter than some of the houses nearby, it is nevertheless consistent with the wide variety of designs and sizes of properties along York Road such that it would not harm the street’s

character. Furthermore, the depth and width of the proposed rear garden is consistent with the shape and size of others nearby, and I am satisfied that the amenity space will be adequate in terms of its functionality.

21. The proposed dwelling's layout indicates that its flank walls would face the opposing elevations at neighbouring dwellings, while there are no habitable windows in those walls that would result in any undue overlooking. This arrangement follows the typical pattern and spacing between dwellings in the street, therefore I have no concerns in respect of the effect on neighbouring living conditions.
22. I am satisfied that an adequate area has been shown for bin storage on the submitted drawings, while no technical objection to the contrary has been submitted by the Council.
23. The matter of maintenance along the side boundary following the completion of the dwelling would be a private matter between the future occupier and the neighbouring occupiers, therefore I have not considered this in any detail.

Habitat sites

24. The Dorset Heathlands Planning Framework 2020-2025, Supplementary Planning Document, April 2020 (DHSPD) and the Poole Harbour Recreation 2019-2024 Supplementary Planning Document, April 2020 (PHSPD) indicate that the site is within a 'zone of influence' of the Dorset Heathlands Special Protection Area (SPA), the Dorset Heaths Special Area of Conservation (SAC), and the Poole Harbour SPA. Collectively these habitat sites are designated, amongst other things, for the rarity and condition of the heathland and the species it supports. Populations of rare, vulnerable, and migratory birds such as the Black Tailed Godwit, Eurasian Spoonbill and the Common Tern are present in the Poole Harbour SPA. There are also supporting habitats for seagrass; shallow inshore waters including coastal lagoons; intertidal sediment; saltmarsh and reedbeds.
25. The DHSPD and PHSPD set out that recreational pressure, predominantly from those living or staying within the ZOI are causing harm to the habitats. There is, therefore, potential that additional residents at the appeal site, in combination with other development, could result in adverse effects on the integrity of the habitat sites.
26. The DHSPD and PHSPD indicate that mitigation in the form of Strategic Access Management and Monitoring (SAMM) can avoid such adverse effects. This is to be funded through developer contributions proportionate to the scale of development proposed. In this case, the appropriate contribution has been paid and is detailed in an undertaking pursuant to S106 of the Act⁵. Following appropriate assessment under the Conservation of Habitats and Species Regulations 2017, I am satisfied that adverse effects on the integrity of the SAC/SPA will be avoided. I am also satisfied that the undertaking and payment are necessary to make the development acceptable in planning terms, are directly related to the development and are fairly and reasonably related in scale and kind to the development.
27. For these reasons, the proposal would not harm the integrity of the relevant habitat sites while it would accord with Policies PP32 and PP39 of the Poole

⁵ The Town and Country Planning Act 1990 (as amended) (the Act)

Local Plan, where they require mitigation measures to protect sensitive wildlife and habitats from recreational impacts on European Sites.

Conditions

28. I have had regard to the Council's suggested conditions and the appellant's comments, amending or omitting them where necessary for clarity and to ensure compliance with the tests set out in paragraph 56 of the Framework.
29. It is necessary that planning permission is granted subject to conditions that relate to the standard time limit for commencement of development and a schedule of plans that the development relates to. These are necessary for the avoidance of doubt and in the interests of certainty.
30. Conditions relating to parking, turning and access at the site are necessary in the interests of highway safety. A condition requiring the installation of an electric vehicle charging point prior to occupation is necessary to encourage future occupiers to use sustainable modes of transport.
31. I have considered it necessary to impose a condition requiring the completion of drainage works prior to the dwelling's occupation to prevent unacceptable flood risks at the site.
32. A condition requiring the obscured glazing of first floor side windows in the dwelling is necessary to safeguard neighbouring living conditions, with particular regard to privacy.
33. To prevent the risk of flooding it is necessary to require details of surface water drainage at the site. Similarly, a condition is necessary requiring all hard surfaces at the site to be constructed in a porous material or provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the site.
34. It is not necessary to impose the Council's suggested materials condition as this would be covered by the terms of my decision above.
35. A condition requiring bat friendly features in the construction of the dwelling is necessary in the interests of biodiversity at the site and surrounding area. To facilitate the transition to a low carbon economy and reduce the reliance on non-renewable energy sources, a condition to facilitate on site renewable energy measures is necessary.

Conclusion

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

RE Jones

INSPECTOR

Schedule of Conditions:

1. The development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: Elevations, Site Plan & Floor Plans, received 28th March 2022; Proposed Bin & Cycle Store, received 28th March 2022; Section through vehicle turntable, received 28th March 2022.
3. Prior to commencement of development details of surface water drainage to serve the development shall be submitted to, and approved in writing by, the local planning authority. No part of the development shall be occupied until the drainage details approved have been completed.
4. Notwithstanding the details shown on the approved Site Plan and Floor Plans referred to in condition 2, the development hereby permitted shall not be brought into use until the vehicle parking, turning and access arrangements and bin storage area as detailed on drawing ref 'Appendix ADD2 Option C' have been constructed, and these shall thereafter be retained and kept available for those purposes at all times.
5. Before the first occupation of the development details of the provision of Electric Vehicle Charging Point(s) and associated infrastructure shall be submitted to the local planning authority for approval in writing. Those details shall be in accordance with the BCP Council Parking Standards SPD (adopted 5th January 2021). The approved details shall be implemented and brought into operation prior to the first occupation of the residential unit hereby approved. Thereafter the Electric Vehicle Charging Point(s) shall be permanently retained available for use at all times.
6. The vehicle turntable shown on the approved plans shall be implemented prior to occupation of the dwelling unit. The vehicle turntable shall be maintained in good working order and in accordance with the manufacturers servicing and maintenance schedule at all times thereafter.
7. The dwelling hereby permitted shall not be occupied until the dormer windows at the side elevation have been fitted with obscured glazing, and no part of those windows that are less than 1.7 metres above the floor of the room in which they are 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 as approved shall be retained thereafter.
8. Prior to first occupation of the dwelling hereby permitted, details of measures to provide 10% of the predicted future energy use of each dwelling from on-site renewable sources, shall be submitted to and approved in writing by the local planning authority. These measures must then be implemented before any residential occupation is brought into use, and maintained thereafter.

Documents required by the local planning authority include: The 'as built' SAP assessment documents. These should be the same documents issued to Building Control to address the Building Regulations Part L, the corresponding EPC (Energy Performance Certificate), and A statement, summary or covering letter outlining how the data given in the above documents demonstrates that a minimum of 10% of energy use is provided by the renewable technology.

9. Prior to the first occupation of the dwellings hereby permitted 1 no. integral bat brick shall be installed within the southern elevation of the dwelling hereby permitted, away from direct effect of man-made lighting and on aspects and heights as recommended by Bat Conservation Trust http://www.bats.org.uk/pages/bat_boxes.html. The installed biodiversity enhancement measures shall thereafter be retained on site.
10. All ground hard surfaces shall either be made of porous materials, or provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the site. The hard surface shall thereafter be retained as such.

*****End of Schedule*****