



Appeal Decision

Site visit made on 26 September 2023

by O Marigold BSc DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 October 2023

Appeal Ref: APP/D1265/W/23/3320529

4 Golf Links Road, Ferndown, Dorset BH22 8BY

- 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 M Horlock of Horlock Developments (Poole) Limited against the decision of Dorset Council.
 - The application Ref P/FUL/2022/01662, dated 11 March 2022, was refused by notice dated 31 October 2022.
 - The development proposed is subdivision of the plot and construction of a detached chalet bungalow to the rear of the existing building with access from Golf Links Road.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are:
 - the effect of the proposal on the character and appearance of the area,
 - the effect of the proposal on the living conditions of the occupiers of the host dwelling, 4 Golf Links Road (No 4), and
 - whether the location is appropriate for the proposal, having regard to the impacts and risks of flooding.

Reasons

Character and Appearance

3. The site consists of land behind No 4, a chalet bungalow. This land was once part of its rear garden but has been established as a separate plot, divided from No 4 itself by existing fencing and vegetation. To the rear of the plot, on the boundary with Ringwood Road, is a belt of tall trees protected by a Tree Preservation Order, which give the plot a secluded and attractive appearance.
4. The site and adjacent dwellings are within a triangular-shaped area of land formed by Golf Links Road and Ringwood Road. These roads reach a point beyond dwellings at 2 and 2A Golf Links Road (Nos 2 and 2A). On the other side of the site are bungalows at 6 and 8 Ringwood Road (Nos 6 and 8). As such, the depth of the appeal site is wider than the plots of Nos 2 and 2A but narrower than the plots of Nos 6 and 8.
5. The proposal seeks to erect a chalet bungalow within the sub-divided plot to the rear of the site, directly behind No 4. The proposal would face towards the

- rear of No 4, with access from Golf Links Road being achieved by using the driveway to the side of the existing dwelling.
6. The Special Character Areas Supplementary Planning Guidance No 27 (SPG), dated October 2005, identifies the site as being within the New Road Special Character Area (SCA). The SPG describes the SCA as being characterised by detached single dwellings set back in large plots, giving the SCA a low-density form and sense of spaciousness, emphasised by generous lawns. Relevant to the proposal, the SPG requires that the spacing of existing dwellings is respected, that the feeling of space should be maintained, and that gardens should not be sub-divided if this adversely affects the pattern of development.
 7. In the immediate vicinity of the appeal site, the SCA encompasses properties such as Nos 6 and 8, where the pattern of development is denser, and plot lengths are much shorter. Even so, many other dwellings within the SCA along Golf Links Road have long gardens and a broadly linear building line, where dwellings directly face a road. Since the SPG was produced, No 2A has been built beyond No 2. However, the position of No 2A at the tip of the triangular shape does not detract from the linear pattern of its surroundings and so does not have the same impact on the SCA as would the proposal.
 8. The garden of No 4 has already been subdivided, but there is no significant built form within the land to the rear of the site. The proposal would introduce a new appreciable form of development deep into the site and behind the existing dwelling. As a result, even if well screened from public viewpoints, the proposal would fail to reflect the large plots of much of the SCA, its pattern of development or the sense of space currently provided by the appeal site.
 9. As such, the proposal would conflict with the SPG and Policy HE2 of the Christchurch and East Dorset Core Strategy, adopted April 2014 (CELP), which requires that proposals reflect areas of recognised local distinctiveness, and are compatible with the layout of its surroundings. For similar reasons, it would also conflict with the aim of the National Planning Policy Framework (the Framework) for development that is sympathetic to its surroundings.

Living Conditions of the Occupiers of No 4

10. The site is within a built-up area, where views of the roofs of existing dwellings are not unusual. The amenity space available to No 4 is already restricted by the existing subdivision of the site and the dwelling has alternative and largely enclosed amenity space to the front of it.
11. However, the proposed dwelling would be sited very close to the rear of No 4 and their common boundary. Furthermore, it would have first floor windows on its front elevation, which would face directly towards the existing rear garden and windows of No 4.
12. The proposed windows would serve bathrooms and voids, and so could be obscure glazed by means of a planning condition to ensure adequate privacy to No 4. The fence and vegetation on the common boundary would also provide a degree of screening.
13. Even so, the first-floor front windows of the proposal would be prominently visible when viewed from the rear of No 4, as would the large mass of the overall roofscape proposed. Given this and its close proximity, the proposal

would have an uncomfortably cramped, dominant and overbearing effect on the outlook of the occupiers of No 4.

14. Close positioning of residential units may be common in urban areas, as suggested by the appellant. However, the appeal site and its surroundings have a more suburban, less densely developed form. In any case, it remains necessary to ensure adequate living conditions to the occupiers of No 4, which the proposal would not provide.
15. Accordingly, the proposal would have a harmful effect on the living conditions of the occupiers of No 4. As such, the proposal would conflict with CELP Policy HE2, which requires compatibility with nearby properties and their amenity. For the same reasons, it would conflict with the aim of the SPG to improve spatial relationships with neighbouring dwellings, and with the Framework and its requirement for a high standard of amenity for existing properties.

Flood Risk

16. The site lies within Flood Zone 1 (low risk) for river and sea flooding but Environment Agency mapping shows that the location of the proposed dwelling is at medium risk of surface water flooding. The Framework makes clear that all sources of flooding are relevant to the assessment of flood risk.
17. A Flood Risk Assessment (FRA) has been submitted by the appellant. The proposal seeks to mitigate the effects of flooding. Specifically, surface water flows would be collected and discharged so that the overflow path of the water would not be obstructed by the proposal. The finished floor levels of the dwelling would also ensure exceedance flows are directed away from the building. With such measures, the FRA concludes that the proposal and its surroundings would not be at risk from surface water flooding.
18. However, the Planning Practice Guidance (PPG) makes clear¹ that where flood risk is a consideration, the decision-making process should first consider avoidance. As such, it advises² that even with a planning condition securing mitigation measures, where the proposal could be made safe throughout its lifetime, the sequential test must be satisfied. This requires the appellant to show that there are no other sites appropriate for the proposal within an area at a lower risk of flooding. As such, flood mitigation measures, such as those proposed within the FRA, should be considered only once the sequential approach has been met.
19. The FRA includes a sequential test assessment. This investigated the Council's Strategic Housing Land Availability Assessment to identify possible alternative locations for the proposal within the vicinity of the site. The FRA has also identified land up to eight miles away from the site that could be purchased to develop the proposal instead of at the appeal site. In assessing these sites, the FRA concludes that none of them are suitable, available or viable. This is not disputed by the Council, and I see little reason to disagree.
20. However, the PPG³ specifies that the area of search for alternative locations will be defined by local circumstances relating to the catchment area for the type of development proposed. The Council considers that the search area should

¹ Paragraph: 004 Reference ID: 7-004-20220825

² Paragraph: 023 Reference ID: 7-023-20220825

³ Paragraph: 027 Reference ID: 7-027-20220825

cover the whole of the East Dorset area comprising the former Districts of East Dorset and Purbeck. The FRA's search does not cover this area completely and little reasoning or justification has been provided for limiting its focus to eight miles from the site. It has not therefore been demonstrated that no suitable and viable alternative sites are available, and so the sequential test is not met.

21. For these reasons, I conclude that the location is not appropriate for the proposal, having regard to the impacts and risks of flooding. As such, it would conflict with CELP Policy ME6, which requires that the sequential test set out in the Framework is applied. For the same reasons, the proposal would conflict with the Framework and with the guidance of the PPG.

Other Considerations

22. Planning permission⁴ has previously been granted to demolish the existing chalet bungalow and construct a block of six flats with associated access, parking and landscaping. This permission was granted in September 2021 and the Council does not dispute that it remains extant. I therefore have little reason to doubt that it constitutes a realistic fallback that could be developed on the site.
23. The fallback would result in six flats being constructed in a single block within the site. I have few details of the drainage arrangements of the fallback. Nevertheless, its approval is for a greater number of units on the site, and so the proposal before me would result in fewer properties and their occupiers being at risk from flooding. As such, in respect of flood risk, the proposal results in benefits when compared to the proposal.
24. The fallback would have a relatively large footprint that would extend deep into the site. It would also have a greater scale and mass than the proposal including the retained existing dwelling. However, the proposal would also extend into the plot to a similar if not greater extent as the fallback.
25. Furthermore, as two separate blocks positioned close together, the proposal would have a more cramped and harmful effect on the pattern of development within the SCA than the single block of the fallback which, notwithstanding its greater mass, would have adequate space around it. As such, I find that the proposal would be harmful to the character and appearance of the area when compared with the fallback.
26. Moreover, by replacing No 4, the fallback would not have the harmful effects on the occupiers of No 4 that would result from the proposal. The fallback is therefore to be preferred in terms of living conditions. Balancing the benefits and harms of the fallback, I conclude that the fallback would be less harmful than the proposal, and so does not provide sufficient reason to justify the proposal.

Other Matters

27. I have considered the effects of the proposal on the living conditions of the occupiers of other neighbouring properties and their gardens, including 8 Golf Links Road. However, there would be adequate separation distance between the proposal and adjoining properties either side to ensure that their adequate light and outlook would be maintained. Side-facing first floor windows could be

⁴ LPA reference 3/21/0638/FUL

obscure glazed and fixed shut to ensure the adequate privacy of neighbours. I am therefore satisfied that the proposal would not harm the living conditions of properties other than No 4 in terms of their light, outlook or privacy.

28. The proposal would be built to higher environmental standards than the existing dwelling and would add modestly to the supply of 4-bedroom dwellings in a location identified as a focus for development. Future occupiers of the proposal would contribute socially and economically. Its construction would also contribute economically. Ecological benefits of the proposal would include a bat tube, swift and bee bricks, and other enhancements. Even so, the proposal is for only one additional dwelling. Given the small size of the proposal, these benefits would be relatively minor and so I give them limited weight.
29. The proposal would enable the appellant to occupy the new dwelling, with its better insulation aiding their health. I do not underestimate these benefits. However, planning permission runs with the land and is primarily concerned with the public interest, rather than personal circumstances. As a result, the benefits to the appellant would not overcome the harm that I have identified, particularly for a permanent dwelling that would remain long after such circumstances may have changed.
30. The site is located within the wider catchment area of Dorset Heathlands, a Special Protection Area (SPA) and Site of Special Scientific Interest (SSSI), protected pursuant to the Conservation of Habitats Regulations 2017 as amended. Had I found no harm in respect of the other issues, as competent authority I would have carried out an Appropriate Assessment in respect of the potential effects of the proposal on the SPA and SSSI. However, as the balance of considerations are against the proposal on other substantive grounds, this matter need not be considered any further in this case.

Planning Balance and Conclusion

31. For the reasons given, I have found conflict with the Development Plan as a whole. The material considerations in this case, including the fallback, do not indicate a decision other than in accordance with the Development Plan. This leads me to conclude that the appeal should be dismissed.

O Marigold

INSPECTOR