



Appeal Decision

Site visit made on 7 December 2023

by Bhupinder Thandi BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 January 2024

Appeal Ref: APP/V1260/W/23/3320341

144 Magna Road, Poole BH11 9NB

- 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 C Watts of Foreshore Southern Developments Ltd against the decision of Bournemouth Christchurch and Poole Council.
 - The application Ref APP/22/01128/F, dated 11 August 2022, was refused by notice dated 15 October 2022.
 - The development proposed is subdivision of the site and construction of four detached dwellings with associated parking, landscaping and access.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant has submitted a Unilateral Undertaking (UU) securing a financial contribution towards mitigating the impact of the development upon the Dorset Heath and Poole Harbour international designated sites. I have addressed this in my reasoning below.
3. The revised National Planning Policy Framework (the Framework) has been published since the appeal was submitted. My decision is made in the context of the revised Framework, and I am satisfied that no interested party has been prejudiced by my approach.

Main Issues

4. The main issues are:
 - The effect of the proposed development upon the character and appearance of the area; and
 - The effect upon the integrity of the Dorset Heathlands Special Protection Area (SPA), Ramsar, the Dorset Heaths Special Area of Conservation (SAC) and the Poole Harbour SPA and Ramsar.

Reasons

Character and appearance

5. The appeal site is located to the rear of the existing properties at 140 – 144 Magna Road. The site contains the majority of their large rear garden areas, albeit partially subdivided.

6. This side of Magna Road largely comprises a mix of traditional and more modern dwellings varying in terms of design. Dwellings sit in elongated plots arranged in a distinct linear manner positioned towards the road frontage with deep rear gardens. This distinctive pattern contributes significantly to the character of the area and results in a sense of spaciousness.
7. The proposed development would result in an uncharacteristic concentration of built form located to the rear of existing dwellings. The contribution that the site makes to local character would be eroded by the proposed layout. As they would be set back a considerable distance from the Magna Road frontage the position of the dwellings would not accord with the established linear pattern of development.
8. There would also be some loss of the garden areas on account of the proposed dwellings, parking spaces, as well as the access arrangements. As a result, the spacious and open character would be somewhat diminished. In addition, the resultant plot sizes would be smaller than others in the locality and therefore not in keeping in this regard. Given the consistency in the layout and urban grain of this part of the road, I attach significant weight to this matter.
9. I acknowledge that the proposed development would have a density commensurate with the surrounding area. However, the small plots sizes and tight arrangement of the built form gives the impression of a far less spacious and unduly cramped development. As such, it would not successfully integrate into the area undermining its spacious character and appearance.
10. I note the intention to create a sense of place and that the form and appearance of the proposed dwellings within a varied architectural location would not be unacceptable. However, this would not address the incongruous nature of the development and the loss of the open character of the site.
11. The proposed development would be reasonably well screened from the public realm, with only glimpsed views likely through the access. While this would mitigate the impact to some extent, it does not justify a scheme that I have found to be harmful to the character of the area. Moreover, the cramped and incongruous nature of the development would still be discernible from the private views of neighbouring residents.
12. I have had regard to the backland development that exists behind 121 Magna Road. However, based on the evidence before me and my observations at the site visit this dwelling sits in a different context, not least that it relates to a corner plot and directly fronts the road. In my view it is not comparable to the scheme before me. In any event every appeal must be considered on its own merits.
13. My attention has also been drawn to the housing led strategic allocation to the north of the site. It is apparent that this development would not alter the established linear pattern of development along Magna Road. The proposed development would not be read in the context of either the Magna Road street scene or the new urban extension nor would it act as a transition between the two. Consequently, the proposal would fail to complement the surrounding area.
14. Although the development plan encourages urban intensification and permits the subdivision of plots, whether or not it is acceptable is dependent on the

individual merits of the case. Moreover, it also recognises that developments should respect local character. In this instance I have found the scheme to be harmful in terms of its layout.

15. Therefore, the proposed development would adversely affect the character and appearance of the area contrary to Policies PP27 and PP28 of the Poole Local Plan (2018) which, amongst other things, seek a good standard of design that reflects or enhances local patterns of development including in terms of layout and siting; and that the subdivision of plots respects and enhances local character.

Impact upon the Dorset Heath SPA, Ramsar and SAC and Poole Harbour SPA and Ramsar

16. The appeal site lies within close proximity to the Dorset Heathlands SPA, Ramsar site, the Dorset Heaths SAC and the Poole Harbour SPA and Ramsar site.
17. The Dorset Heathlands are an extensive network of lowland heath recognised for their importance for nature conservation. Poole Harbour is a natural harbour which is inhabited by important bird species. As such, both Dorset Heathlands and Poole Harbour are recognised by the Conservation of Habitats and Species Regulations 2017 (the Act) as areas of international importance.
18. Adopting a precautionary principle and without mitigation new residential development is likely to have a significant effect on the sensitive interest features of the habitat sites, from human pressures and increased nitrogen levels either alone or in combination with other proposals causing harm to nature conservation. It is necessary for me, as the competent authority for the purposes of the Act, to conduct an Appropriate Assessment in relation to the effect of the development on the integrity of the SPA, Ramsar and SAC sites.
19. The Dorset Heathlands Planning Framework Supplementary Planning Document (DHPFSPD) and Poole Harbour Recreation Supplementary Planning Document (HRSPD) provide a strategic mitigation framework to secure the appropriate avoidance or mitigation measures. The documents set out Strategic Access Management and Monitoring Measures which require a mitigation payment per residential dwelling from all new development within close proximity to the protected habitat sites.
20. Provided mitigation can be secured, in the form of a developer contribution, it can be concluded proposals would not have an adverse effect on the integrity of the habitat sites from recreational disturbance, when considered either alone or in combination with other proposals.
21. The appellant has submitted a signed and dated UU which commits them to a financial contribution towards measures outlined in the DHPFSPD and the HRSPD. I also understand that the contributions have now been paid to the Council. I am satisfied that the contributions would sufficiently mitigate the development's impact. As such, whilst the development would have a likely significant effect on the integrity of the SPAs, Ramsar Sites and SAC it would be adequately mitigated through monies in the UU.
22. As such, the proposal would accord with LP Policies PP32 and PP39 which, amongst other things, set out that developments will be permitted where it can

be ascertained that it would not adversely affect the integrity of nationally, European and internationally important sites.

Other Matters

23. The absence of objection by local residents counts neither for nor against the proposed development and is of neutral consequence in the overall balance.
24. I note that the dwellings would provide satisfactory living conditions for future occupiers in terms of its internal size and external amenity space, nonetheless, this would not outweigh the harm that I have identified.

Planning Balance

25. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise.
26. The Council accepts that they cannot demonstrate a deliverable five year supply of housing land as required by Paragraph 77 of the Framework. Consequently, Paragraph 11 d) of the Framework, which is a material consideration of significant weight, is engaged. It states that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.
27. The Council's housing land supply position is 4.1 years. Therefore, it is evident that there is a pressing need for housing when considering this shortfall.
28. The provision of four dwellings would make a small contribution towards the areas housing supply. The development would provide jobs, but this would largely be limited to the construction phase. The site is located within a short distance of a range of day-to-day services. Future occupants would be able to reach these on foot and by public transport, providing them with transport choice and not an over-reliance on a car. The proposal would help maintain services and facilities in the local area. These are all factors weighing in the scheme's favour.
29. On the other hand, I have found that the proposal would be harmful to the character and appearance of the area. The Framework makes it clear that good design is a key aspect of sustainable development. It also expects development to add to the quality of the area and be visually attractive as a result of good architecture and layout. Even taking into account the objective to promote the effective use of land and to significantly boost the supply of housing and the Council's housing land supply position, the conflict between the proposal and the most important policies in the development plan should be given very significant weight in this appeal. Therefore, the adverse effects of the proposal would significantly and demonstrably outweigh its benefits.
30. Consequently, the presumption in favour of sustainable development does not apply and I have no reason to take a decision other than in accordance with the development plan.

Conclusion

31. For the reasons set out above the appeal does not succeed.

B Thandi

INSPECTOR