



Appeal Decision

Site visit made on 14 November 2023 by R Dickson BSc (Hons) MSc MRTPI

Decision by John Morrison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1st February 2024

Appeal Ref: APP/D1265/W/23/3323780

Casa Velha, Ringwood Road, Three Legged Cross, Dorset BH21 6RB

- 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 G Ward of Westcroft Construction Ltd against the decision of Dorset Council.
 - The application Ref P/FUL/2022/02909, dated 8 May 2022, was refused by notice dated 22 December 2022.
 - The development proposed is described as "erection of a single storey commercial unit for Use Class E (former use class B1(a), B1(b) and B1(c)) use together with access and associated parking."
-

Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters

3. The plans on which the Council made their decision are not consistent with one another. The site plan (ref 19112-21B) shows the adjacent housing development, specifically No 8 Woodcutter Close, to be in a different configuration to that shown on both the elevations (ref 19112-49A), and according to my observations on site. I have therefore based my assessment on the submitted plans as far as they relate to the situation on the ground.

Main Issues

4. The main issues are the effect of the proposed development on a) the character and appearance of the area; and b) the living conditions of the occupants of No 8 Woodcutter Close, with specific regard to noise and disturbance.

Reasons for the Recommendation

Character and Appearance

5. The appeal site is a small parcel of land which is part of a wider commercial estate located off Ringwood Road. It is situated between an existing row of four commercial units and No 8 Woodcutter Close, separated by a timber fence. There is an obvious functional design language for the commercial units which, along with the soft landscape buffer and fence, separates their use, design and

identity from the residential uses on Woodcutter Close. The dwellings have been approached differently and are clearly domestic. This is also reflected in their scale and use of cohesiveness in materials and general form. This clear distinction and buffer space between the two uses gives rise to a pleasant and obvious sense of identity and demarcation which, accordingly, contributes positively to the character and appearance of the area.

6. The proposed detached unit would have a use consistent with the wider commercial estate. Its design would however be considerably more residential in appearance through the use of a gable front and more glazing. Not only would this be at odds with the functional feel that has been designed into the commercial estate but in trying to assimilate more with the residential uses, the design takes on something of a confused and hybrid appearance, bearing insufficient relevance to either. In addition, the siting of the unit would erode the important buffer space and blur the distinct separation between the two sites, both visually and in terms of use, causing it to appear squeezed into the available space.
7. With this and the above in mind, the proposed development would be unacceptably harmful to the character and appearance of the area. Accordingly, and in regard to this main issue, it would conflict with Policy HE2 of the Christchurch and East Dorset Plan 2014 (Local Plan) which in part seeks to ensure that the design of development must be of a high quality, reflecting and enhancing areas of recognised local distinctiveness.

Living Conditions

8. The landscape buffer was conceived, according to the evidence, to protect the living conditions of the occupiers of the nearby estate. Although the siting of the proposal would include a small gap between it and No 8 Woodcutter Close, the general activity of those working in the unit and accessing it would introduce a new element of operation closer to the boundary than was originally intended.
9. However, given that cars park along the boundary between the commercial and residential estates at the moment and both are in operation, the proposal is unlikely to result in significantly more noise and disturbance than is already experienced by the residents of Woodcutter Close over and above the existing situation. In coming to a view on this matter, I am also mindful of the existing commercial estate being subject to a condition on their operating hours and the appellant would be willing to accept the same for the appeal scheme.
10. The proposal would not therefore be harmful to the living conditions of the occupants of No 8 Woodcutter Close. It would thus, in regard to this main issue, be in accordance with Policy HE2 of the Local Plan which, in part, seeks to permit development that is compatible with nearby properties including minimising general disturbance to amenity.

Other Matters

11. A separate appeal decision¹ has been presented in the supporting evidence. The layout of the adjacent dwelling appears to have changed since these linked decisions were issued, and the main dwelling is now situated nearer to the boundary than at the time of the previous decision, where there was a garage

¹ Linked appeal references APP/D1265/W/20/3260086 and APP/D1265/W/20/3262018

and garden between the main house and the proposed commercial unit. As the situation has changed since the issuing of these linked decisions, they hold limited weight when drawing my conclusions. I have in any case not found any harm that would arise in regard to the second main issue.

12. I am unclear as to precisely how the new unit would add to the vibrancy of the area given the nature of the surrounding land use and its scale in that context. It may also be the case that the scheme would have economic benefits associated with its operation and through sustaining employment. This would however be equally limited by the scale of the scheme. I would therefore ascribe these matters limited weight.

Conclusion and Recommendation

13. Whilst I have found in favour of the appellant in regard to the second main issue, this would be a lack of harm which, by definition, would be incapable of weighing against the harm that would arise from the first. This would lead to conflict with the development plan taken as a whole and there are no material considerations worthy of sufficient weight that would indicate otherwise. I therefore recommend that the appeal be dismissed.

R Dickson

APPEAL PLANNING OFFICER

Inspector's Decision

14. I am aware that the appeal site within 400m of protected heathlands and protected species have been identified previously within the vicinity of the site, including bats. The Council has not raised any objections in these regards and seem content that any harm in regard to protected sites has been screened out. I am cognisant of my obligations under the relevant regulations pertaining to protected sites and species but in dismissing the appeal I am not required to consider the matters further.
15. I have considered all the submitted evidence and my representatives report and on that basis the appeal is dismissed.

John Morrison

INSPECTOR