



Appeal Decision

Site visit made on 21 May 2024

by David Wyborn BSc(Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06 June 2024

Appeal Ref: APP/V1260/W/23/3331511

20 Chester Road, Poole BH13 6DD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr J Munday against the decision of Bournemouth Christchurch and Poole Council.
 - The application Ref is APP/23/00488/F.
 - The development proposed is to sever existing land and erect one new dwelling in existing side garden.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal has been accompanied by a Unilateral Undertaking (UU) under s106 of the Town and Country Planning Act 1990 (as amended). The UU would provide financial contributions to mitigate the recreational pressure from the occupants of the proposed dwelling on the Dorset Heathlands Special Protection Area (SPA) and Ramsar site, which is also part of the Dorset Heaths Special Area of Conservation, and the Poole Harbour SPA, Site of Special Scientific Interest and Ramsar site.
3. I am satisfied that the obligations in the UU would address the third and fourth reasons for refusal and that the proposal, either alone or in combination with other schemes, would not have a likely significant or adverse effect on the integrity of these European habitat sites.

Main Issues

4. The main issues are:
 - the effect of the proposal on the character and appearance of the area, including having regard to whether or not the development would preserve or enhance the character or appearance of the Chester Road Conservation Area (the Conservation Area), and
 - the effect of the development on the living conditions of the occupants of 20 Chester Road.

Reasons

Character and appearance

5. The Conservation Area is a compact area which has heritage significance including because of the large, detached Edwardian Villas and interwar

properties on reasonable sized plots. The buildings are often of a broadly similar size and position within their plots which gives the area a uniform and cohesive feel, albeit that many of the houses are individually designed. The Character Appraisal¹ for the Conservation Area also explains that the houses are generally viewed against a strong treed backdrop and this gives the Conservation Area a very rural character. It is explained that roofs are generally hipped back, which allows further glimpses of trees and landscaping.

6. The individual properties within the Conservation Area are usually well-articulated including often being constructed with a double height bay window, chimneys and well-detailed porches, with a mix of external materials such as distinctive red brick and roughcast render. With the dwellings often located within landscaped settings, the appearance of these roads comes together to form a pleasant and mature residential area.
7. The dwelling at 20 Chester Road is a good example of an interwar property sitting comfortably in what appears to be its original plot. The Character Appraisal identifies it as a positive building within the Conservation Area. It has roughcast elevations, a fully hipped roof and distinctive double height bay windows to what appears to be the principal elevation facing towards the triangular garden that runs alongside Chester Road. This garden area has predominantly hedged boundaries, with trees in the furthest corner of the garden, including two western red cedars the subject of Tree Preservation Orders. The verdant garden area forms an attractive part of the street scene within the Conservation Area and adds to the significance of this part of this designated heritage asset.
8. I am mindful when determining this appeal of the duty to pay special attention to the desirability of preserving or enhancing the character or appearance of any land or buildings in a conservation area².
9. The appeal proposal is an architect designed dwelling that would have a staggered footprint to seek to accommodate the built form within the triangular shape of this part of the garden area. It would be two storey like other properties in the area, and the roof height would allow views over the building from Chester Road to the trees beyond. The design, in itself, has some interesting architectural form and features. However, elements of the design, such as the extensive sections of flat roof, the staggered plan form and the arrangement of windows sizes and shapes, pays little regard to the characteristic features and defining built form of the Conservation Area, not even in a contemporary way. The design does not appear to take clear reference from locally distinctive features, layouts, proportions or shapes, even in a reinterpreted form. Indeed, with the generally cohesive form of design and buildings within the Conservation Area, the lack of clear locally distinctive features that the building would possess would lead to it appearing as an alien and intrusive feature, that would not sit comfortably within the street scene, when viewed from Chester Road and Belgrave Road.
10. I accept that the building has been carefully designed to ensure that the protected trees would be retained. On the basis that some of the surrounding vegetation would be cut back, such as the depth of the rear hedge to provide garden space, there would be sufficient light to windows such that, in the

¹ Chester Road Conservation Area Character Appraisal and Management Plan – 2010.

² Section 72(1) of The Planning (Listed Buildings and Conservation Areas) Act 1990.

- particular circumstances of this case, the trees to the far corner of the existing garden would not be unduly under future threat.
11. Nevertheless, the built form of the new dwelling would be sited reasonably close to the joint boundary with No 20. This very modest spacing between buildings would provide little opportunity for planting along this section of the site. This positioning would give the impression of a cramped relationship between the two buildings, notwithstanding that some of the spacing between buildings elsewhere is, at times, reasonably tight. However, in this case, the tightness would be next to what appears to be the principal elevation of No 20 and the presence of this elevation, that can be partially viewed from Chester Road, would be undermined to the detriment of the street scene and the character of this part of the Conservation Area.
 12. On the other side of the new dwelling, the building would be quite close to the trees with only fairly limited space available. Consequently, the proposed dwelling would be quite tight on both sides and, overall, the impression would be given that the new dwelling would be fairly cramped on the site. With the loss of much of this green garden space, the addition of the dwelling would be to the detriment of the verdant and characteristic form of this part of the Conservation Area.
 13. Consequently, the effect of the proposal, for the reasons I have explained, would not meet with some of the key criteria listed as essential requirements for new development in section 6.1 of the Character Appraisal. In particular, it would not relate well to the character, history and geography of the place and would crowd the site, with an over dominant development. Furthermore, it would not, because of the overtight relationship to No 20, fit comfortably with the pattern of existing houses and would not respect the scale, massing and proportions of neighbouring buildings. Additionally, in terms of Code 1 of the Character Appraisal, the scheme would not maintain the balance between the built form and the vegetation on the site and would appear as a cramped form of development which would diminish the present and future planting options on the plot.
 14. In this way, the contemporary approach to the design and layout of the proposed dwelling would appear as an incongruous addition to the Conservation Area, eroding part of the significance of this section of the designated heritage asset. I consider that the extent of harm to this part of the street scene, within this part of the Conservation Area, would be significant.
 15. In coming to this view, I have taken into account all the submissions from the appellant in support of the proposal, including the details of the approval for an additional dwelling at land at 12 Eaton Road, within the same Conservation Area. I saw this plot from the road as part of my site visit. The plans show that this resulting plot in Eaton Road would be a more conventional rectangular shaped site and the traditional design and proportions of this permitted dwelling would be positioned between two dwellings in a row, generally comparable with others in this street. In these ways the approved development in Eaton Road would substantially differ from the appeal scheme and, therefore, I attach limited weight to the Eaton Road planning permission in justification for the present proposal.
 16. Accordingly, I conclude that the scheme would harm the character and appearance of the area and would not preserve or enhance the character or

appearance of the Conservation Area. It follows that the proposal would conflict with Policies PP27, PP28 and PP30 of the Poole Local Plan (November 2018) and the National Planning Policy Framework (the Framework) which seeks, notably in this case, that development should be sympathetic to local character and history, including the surrounding built environment and landscape setting.

Living conditions

17. The approximate south east facing elevation of No 20 has double height bay windows, with the rear one positioned to the building corner. These are distinctive features which appear to be an integral design to what was the principal elevation of the dwelling. The rear corner bay, on the ground floor, provides the window area to the lounge. The garage of the proposed dwelling would be positioned the other side of the adjoining boundary to this bay window and a two storey section of the house a little further in from the boundary. These parts of the proposed dwelling would be clearly visible from the ground floor bay window.
18. The presence of these structures in proximity to the bay window would diminish the views from this window, but the two storey element of the proposed dwelling would be separated sufficiently so as not to unduly erode daylight and there would still be views from the ground floor bay window down the garden towards the rear of No 20. Indeed, when taking into account the existing presence of the large evergreen bush, which is in a similar position to the proposed built form, the effect of the development on living conditions compared to the present situation would be little different for occupants. Consequently, I consider that the impact of the proposal on the living conditions of occupants when they were using the lounge, which is lit by the ground floor bay, would be satisfactory.
19. In terms of the other bay window, the impact of the development on the use of the front bay, and the associated room, would not be unduly harmful as the proposed building would be set back in the plot behind most lines of sight from this window bay.
20. When outside, within what would be the remaining grounds to No 20, the presence of the proposed dwelling would be clearly apparent. However, No 20 would retain sufficient garden space and the relationship between existing and proposed buildings would not be dissimilar to many other properties adjoining each other and I consider the relationship would be acceptable.
21. In conclusion, the proposed dwelling would not cause any undue overbearing, oppressive or overshadowing impact on the living conditions of the occupants of No 20. Consequently, there would not be any conflict with Policy PP27 of the Poole Local Plan which, in this respect, seeks to provide satisfactory external and internal amenity space for both new and any existing occupiers.

Heritage and Planning Balances, and Conclusion

Heritage balance

22. The effect of the proposed dwelling would be to cause harm to the character and appearance of the Conservation Area and, therefore, detract from the significance of this designated heritage asset. The harm to the Conservation Area as a whole would be less than substantial within the meaning of

paragraph 208 of the Framework. In accordance with the Framework, this harm should be weighed against the public benefits of the proposal.

23. In terms of the benefits, the scheme would provide a boost to housing supply, in an area where the Council is unable to demonstrate a Framework compliant supply of housing land and delivery. The additional dwelling would be constructed on a windfall site, and where occupants would be within walking distance to local services and facilities and could access local bus services within this built up area.
24. In addition, the development would bring social and economic benefits to the local economy during construction and in subsequent occupation, although these would be to a limited degree due to the scale of the proposal, and in respect of construction would only be for a limited time. The new dwelling would be designed to provide high levels of sustainability in both design and operation to minimise carbon use. Furthermore, the housing could potentially be delivered reasonably quickly, by a small or medium sized builder, and would add to and complement the mix and variety of housing in the local area.
25. While the additional dwelling may make efficient use of the land, in this case, this would conflict with the Framework requirement to take into account the desirability of maintaining an area's prevailing character and setting, including residential gardens.
26. The application form explains that the unit of accommodation would be a self-build/custom build house. This would help to meet a need within this segment of the housing market that is required to be met across the plan area and would have Framework support. However, this is a detailed application and there is no planning agreement or other secure mechanism that would clearly demonstrate and ensure that the initial owner of the home would have primary input into its final design and layout to meet the requirements for self-build/custom build housing.
27. Taken together, these are all worthwhile benefits of the scheme. However, as only a single dwelling would be provided, even when taking into account the level of housing land supply and past delivery, I consider that the combined benefits should be attributed limited weight.
28. The Framework advises that any harm to the significance of a designated heritage asset should require clear and convincing justification and that great weight should be given to the asset's conservation, irrespective of the level of potential harm. I have found that the public benefits of the proposal should afford limited weight and, therefore, would not outweigh the level of harm that I have identified would be caused to the Conservation Area and its significance, which in accordance with the Framework, is required to be attributed great weight. The heritage balance, therefore, falls against the proposal in relation to its adverse impact on the Conservation Area.

Planning balance

29. The appeal proposal would harm the character and appearance of the area, including the significance of the Conservation Area. This is a considerable issue of concern and the harm would be to such an extent that the scheme would conflict with the development plan when considered as a whole.

30. It is accepted by the Council that it cannot demonstrate, for this plan area, a Framework compliant housing land supply and past delivery. The information is that for this Poole area there is 4.1 years of supply which, with a 20% buffer, leads to a calculated shortfall of 423 homes. This is a fairly significant shortfall. In these circumstances, the presumption in favour of sustainable development as set out in paragraph 11d of the Framework is engaged, unless the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed.
31. In this case, after undertaking the heritage balance, the harm to the Conservation Area, a designated heritage asset, provides a clear reason for refusing the development proposed. Consequently, the presumption under paragraph 11d of the Framework is disengaged and the appeal should be determined under a normal planning balance.
32. Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.
33. While the scheme would not harm the living conditions of the occupants of the existing property, this is a situation to be expected of all developments and is neutral in the overall assessment. I have analysed the benefits of the proposal under the heritage balance above and found that they should be attributed limited weight in favour of approval. The harm to the character and appearance of this area, and in particular the adverse impact on the significance of the Conservation Area, is significant and I have attributed it great weight. It follows that the harm and related policy conflict would not be outweighed by the benefits of the scheme. Accordingly, the planning balance falls against the appeal proposal.

Conclusion

34. For the reasons given above, the scheme would not comply with the development plan when considered as a whole and there are no material considerations that would outweigh the identified harm and associated development plan conflict. I therefore conclude that the appeal should be dismissed.

David Wyborn

INSPECTOR