



Appeal Decision

Site visit made on 14 May 2024

by K Jones BA (Hons) DipLA CMLI

an Inspector appointed by the Secretary of State

Decision date: 11 June 2024

Appeal Ref: APP/D1265/W/23/3331230

1 Ashmeads Way, Colehill, Dorset BH21 2NZ

- 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 and Mrs Downing against the decision of Dorset Council.
 - The application Ref is P/FUL/2023/01259.
 - The development proposed is sever land to form detached dwelling. Undertake alterations to existing property (revised scheme).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The National Planning Policy Framework (the Framework) was revised in December 2023, and this decision is based on the current Framework. The timetable of this appeal has allowed the main parties to make their representations after this date, and it has not been necessary for me to seek further comments in respect of the changes.
3. The proposed alterations to the existing dwelling do not form part of the Council's reason for refusal, nor does the Council identify any conflict with the development plan in relation to this aspect of the application. Following my site visit I see no reason to disagree. Therefore, the focus of this appeal is the proposed plot severance to form a dwelling.

Main Issue

4. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

5. The appeal site lies at the corner of Ashmeads Way and Olivers Road. Although there is some property variation in the locality, the residential area east of Olivers Road contains a coherent group of detached bungalows and two storey houses. The predominant materials palette comprises brick, tile, and render under pitched tiled roofs, and properties are consistently set back from the pavement edge behind sloping gardens and driveways which follow the changing ground levels. Although spacing between properties varies, the regular presence of generous vegetated front gardens often encompassing frontage parking creates an attractive and spacious character to the area.
6. The properties at 1 and 2 Ashmeads Way address its junction with Olivers Road, and encompass areas of garden to the side of each property. Positioned

above and highly visible from Olivers Road, these two plots create an attractively spacious and open entrance to Ashmeads Way, and make a positive contribution to the character of the area. Although the linear footprint of No 1 is different from many of the other properties on Ashmeads Way, it maintains consistency in terms of its scale and spacing, sloping set-back from the pavement edge, pitched roof form, and materials palette.

7. The proposed dwelling would substantially erode the open and spacious quality at the entrance to Ashmeads Way, effectively filling the garden space and bringing development very close to the road edge. Incorporating a large dwelling in close proximity to No 1 would create a particularly cramped appearance and two uncharacteristically narrow plots. While the level changes involved in constructing the garage would create a distinction between the two adjacent dwellings, the new development would abut and visually overlap with the existing footprint of No 1. Such tight spacing between the plots would appear incongruous in the context of the wide and open frontages of the area, and would fail to positively integrate into the street scene of Ashmeads Way.
8. While contemporary architecture is not unique in this area, the proposal would fail to reflect the form and materials palette of dwellings on Ashmeads Way and in the residential area east of Olivers Road. In addition, the engineering works necessary to accommodate a garage at the road level would conflict with the attractive pattern of open front gardens which follow the sloping ground.
9. The proposal would be no higher than the refused dwelling on this site, but that scheme was found by an Inspector¹ to dominate and overpower the entrance to Ashmeads Way. While the scheme before me has been sited further from the road edge, the site remains elevated and visually prominent, and the flat-roof construction now proposed would result in a substantially taller western façade. Consequently, despite the design and layout changes, the proposal would appear visually dominant and overbearing, particularly when viewed from the lower, southern approach on Olivers Road.
10. The appellants highlight the presence of 6 and 7 Olivers Road as examples of contemporary architecture on linear plots which lie close to the pavement edge. Although seen in the background of the appeal site, these plots are distinctly separate from the built area of Ashmeads Way. Independently sited on the opposite side of the road, the two contemporary dwellings have a clearly defined context of narrow plots against a heavily vegetated backdrop. They make a very limited contribution to the character of Ashmeads Way or the residential area east of Olivers Road, and do not alter the perception of the spacious and consistent character of the appeal site and its context.
11. Reference has also been made to 5 Olivers Road, which is a narrow plot containing a bungalow with a linear footprint. Although the plot is narrow, it maintains physical separation from neighbouring dwellings, and does not appear cramped with its neighbours. Moreover, No 5 is at a consistent ground level with neighbouring properties and Olivers Road, does not dominate the corner plot, and reflects the tiled pitched roofs of neighbouring properties on the remainder of Stroud Close. While it demonstrates some variation in plot pattern, its presence does not justify the prominent, incongruous character of the appeal proposal.

¹ Appeal reference APP/D1265/W/23/3317000

12. Taking all of the above into account, I conclude that the proposed development would have a significantly detrimental effect on the character and appearance of the area. This harm would conflict with Policy HE2 of the Christchurch and East Dorset Local Plan Part 1 – Core Strategy (2014) (the Core Strategy). Amongst other matters, this policy seeks development which is compatible with or improves its surroundings in layout, site coverage, architectural style, scale, bulk, height, and materials. There would also be conflict with Section 12 of the Framework where it seeks developments that are sympathetic to local character, including the surrounding built environment; and which establish or maintain a strong sense of place.

Other Matters

13. The appeal site is located within 5km of the Dorset Heathlands, containing several international designations including the Dorset Heaths Special Area of Conservation, the Dorset Heathlands Special Protection Area, and the Dorset Heathlands RAMSAR site. The Heathlands host protected priority habitats, and species including Dartford warblers, nightjars, sand lizards and smooth snakes, as well as other typical species of lowland heathland, wetlands, and dunes.
14. In accordance with the Dorset Heathlands Planning Framework 2020-2025 Supplementary Planning Document, additional residential development in this area is likely to have a significant effect on the Dorset Heathlands. The Conservation of Habitats and Species Regulations 2017 (as amended) requires the decision maker to undertake an Appropriate Assessment (AA) where there are likely significant effects from the proposal, either alone or in combination with other plans or projects. However, regulation 63(1) indicates the requirement for an AA is only necessary where the competent authority is minded to give consent for the proposal. Therefore, in view of my overall conclusions resulting in my decision to dismiss the appeal, it has not been necessary to address this in any further detail.

Planning Balance

15. The Council raised no issues in relation to matters including highway safety, parking provision, or impact on neighbouring occupiers. However, as these are requirements of policy, the absence of harm in respect of these matters are neutral factors that weigh neither for nor against the development. I have found that the proposed development would conflict with Policy HE2 of the Core Strategy. On that basis, although the proposed development may not conflict with other policies of the development plan, the proposal would conflict with the development plan as a whole.
16. Whether or not the Council falls under the provisions of paragraph 226 of the Framework², both parties agree that the Council cannot currently demonstrate the necessary housing land supply, and so paragraph 11d) of the Framework is engaged. In these circumstances, this sets out that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework as a whole.

² Paragraph 226 of the Framework identifies circumstances in which certain local planning authorities will only be required to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of four years' worth of housing.

17. While the Core Strategy predates the current Framework, it is clear existing policies should not be considered out-of-date simply because they were adopted or made prior to its publication. Due weight should be given to policies according to their consistency with the Framework. Policy HE2 is generally consistent with the Framework in terms of its aims regarding achieving well-designed and beautiful places. As such, I afford significant weight to the conflict of the proposal with the policy.
18. In the context of the Government objective to significantly boost the supply of homes, a single dwelling would make a small contribution towards the provision of housing in the area. The appellant has also indicated that there would be environmental benefits in the form of enhanced provision for birds, hedgehogs, and enhanced landscaping. Alongside the social and economic benefits associated with the construction and subsequent occupation of the dwelling in an identified suburban centre with convenient access to goods and services, these matters weigh in favour of the development. However, as the proposal is for a single dwelling on a relatively small site, I find that the benefits of the development would be very modest.
19. Conversely, I have found that the proposal would result in significant harm to the character and appearance of the area, being unsympathetic to local character and failing to maintain a strong sense of place. This is a matter which significantly and demonstrably outweighs the modest benefits of the proposal when assessed against the policies of the Framework as a whole. As a result, the presumption in favour of sustainable development does not apply.

Conclusion

20. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. I therefore conclude that the appeal should be dismissed.

K Jones

INSPECTOR