



Appeal Decision

Site visit made on 4 June 2024

by Nick Davies BSc(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 June 2024

Appeal Ref: APP/V1260/W/23/3334748

1 Parish Road, Poole BH15 2JF

- 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 Reef Property Investments Limited against the decision of Bournemouth Christchurch and Poole Council.
 - The application Ref is APP/23/00514/F.
 - The development proposed is to sever land to the rear of 1 Parish Road to form two properties with associated parking and access.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council's fifth and sixth reasons for refusal related to the effect of the development on the integrity of the Dorset Heathlands Special Protection Area (SPA), the Dorset Heaths Special Area of Conservation (SAC) and the Poole Harbour SPA. During the appeal, the appellant submitted a completed Unilateral Undertaking under Section 106 of the Act, dated 8 April 2024 (the UU). The UU secures a financial contribution towards the cost of measures to mitigate the impact of the development on the SPAs and SAC. This is an issue that I will return to below under the heading Other Matters.
3. Since the appeal was lodged, planning permission has been granted¹ for a single dwelling with associated parking and access on the site (the Permitted Scheme). The Permitted Scheme was not in place at the time that the Council determined the application. Nevertheless, it is a permission that is capable of implementation at the time that I am determining the appeal. If I were to dismiss the appeal, it is more than a theoretical possibility that the Permitted Scheme would be implemented. It therefore represents an established fallback position, and is a material consideration, to which I ascribe considerable weight in my decision.

Main Issues

4. The main issues are:
 - a) The effect of the development on the character and appearance of the area, including its impact on existing trees and hedges;

¹ Local Planning Authority reference: APP/24/00150/F

- b) Whether the proposed development would provide suitable living conditions for future occupants with regard to external amenity space and privacy; and,
- c) The effect of the proposed access and parking on the safety of highway users.

Reasons

Character and appearance

5. 1 Parish Road is the westernmost of a row of four detached houses with long back gardens that slope down to meet Churchfield Road to the southeast. The rear garden boundaries of these houses combine to provide an unbroken, and largely evergreen frontage right up to the Churchfield Road pavement. This foliage conjoins with that of a tree-lined footpath around the southwestern boundary of the appeal site, which connects with Parish Road and the landscaped churchyard of St Marys Church to the north. The large gardens of the houses in Parish Road and Churchfield Road are also mature, with an abundance of trees. Consequently, although the wider surroundings are densely developed, with large residential blocks and hospital buildings, the particular area containing the appeal site has a verdant, suburban character.
6. The site lies within the built-up area of Poole, where the principle of residential development is acceptable. The plot is larger than others in the locality, and there are other buildings fronting Churchfield Road, to the southwest and northeast. The subdivision of the plot would not, therefore, necessarily be out of character with the surrounding pattern of development and, in view of the wide mixture of architectural styles in the vicinity, a contemporary approach would not appear incongruous. Consequently, provided the overall proposal were to preserve or enhance the area's residential character, the site is suitable for residential development.
7. The Permitted Scheme allows for a single dwelling on the site which, in keeping with the adjacent development, would occupy a spacious, landscaped plot. The vehicular access off Churchfield Road would break the continuous line of foliage along this frontage, resulting in some harm to the appearance of the area. However, the driveway would be relatively narrow, and would be flanked by landscaped banks, which would soften its appearance. Furthermore, the house would be largely screened from westerly views by the trees along the footpath, which could be comfortably retained in the short and longer term. Overall, therefore, the Permitted Scheme would not be harmful to the mature, landscaped character of the area.
8. The appeal proposal for two houses would incorporate a much wider vehicular access off Churchfield Road, with an extensive parking area framed by high vertical retaining walls. The engineered appearance would be in stark contrast to the continuous organic hedgerow along this frontage, which contributes so positively to the distinctiveness of the area. It would be a strident feature in the street scene that would cause significant harm to its current suburban appearance.
9. The proposal to provide two dwellings would necessitate the further subdivision of the plot. It would also result in more of the site being covered in buildings than would be the case for the Permitted Scheme. Whilst the smaller plot sizes

would not be readily evident from public viewpoints, there would be implications for the long-term retention of the trees along the western boundary, which, in turn would affect the character of the area.

10. The house on Plot 1 would be closely hemmed in by tree canopies on three sides. The other side elevation would be tight up against the house on Plot 2. Consequently, light to, and outlook from, all of its windows would be substantially constrained by foliage. The house is designed so that its main outlook would be from large windows and a balcony in its front elevation. However, the submitted Tree Report² shows that these would look directly into the canopy of Tree T1 at close quarters. The Tree Report classifies this tree as an early mature B1 specimen, with a life expectancy of at least 20 years. It therefore has scope for significant future growth, which could further interfere with light and outlook from the windows and balcony.
11. Whilst Plot 1 would have outdoor space on three sides, a very high proportion of it would be under the canopies of Trees T1, 2, 3, and 4. The orientation of the site is such that, even those parts of the site that are outside the canopy spreads would be shaded by the house itself, or by the trees on either side of the footpath. The evidence indicates that nearly all of the outdoor space, including the balcony, would be in shade for most of the day. As none of the trees are fully mature, they all have scope for future growth, which would intensify the level and extent of shading.
12. The proposals would, therefore, result in an incompatible relationship between the trees and the development, and it is unlikely that future occupants would tolerate the lack of light and outlook. It is therefore probable that future works would be undertaken to prune the trees to the property boundary, or that requests would be made to the Council to remove them altogether. As the reasonable enjoyment of the house by future occupants would be compromised by the trees, the Council may find such requests difficult to refuse. In any event, the development would inevitably place the future of the trees under threat.
13. The trees, as a group, are an important element in establishing the suburban character of this block of development. T1 is also a key feature in its own right, as it occupies a prominent corner location, and its full rounded canopy spreads over the road, making a notable and positive contribution to the street scene. Significant reduction or removal of the trees would be harmful to the verdant appearance of the area. Furthermore, the loss of their screening and softening effects would increase the prominence of the proposed dwellings which, as a result, would fail to assimilate successfully into the suburban character of the area.
14. In summary, the proposal would involve the loss of a significant length of hedgerow to create the wide vehicular access, and would be likely to result in the reduction or removal of boundary trees. In combination, therefore, there would be a significant loss of the foliage which contributes to the distinctive character of the area. As a result, the houses would be overly prominent additions, that would not settle comfortably into their surroundings. Consequently, the development would be contrary to Policies PP27 and PP28 of the Poole Local Plan (2018), which require proposals to reflect or enhance local

² Treecall Consulting Ltd Arboricultural Impact Assessment & Method Statement Ref: DS/66223/AC

patterns of development, and only permit plot sub-divisions where they would preserve or enhance the area's residential character.

Living conditions

15. Both of the proposed houses would have gardens and a balcony. The gardens would be smaller than those of surrounding properties, but in the absence of any guidance setting minimum standards for outdoor amenity space there is no evidence to demonstrate that, purely in terms of area, they would be insufficient to meet the functional and recreational needs of occupants. However, as already noted above, the entire garden and balcony of Plot 1 would be shaded by tree canopies for nearly all of the day. As most of the garden would be directly under the canopies, there would also be issues with falling leaves, twigs, bird droppings, etc that would further reduce the value of the space for functional purposes, such as drying washing, or for outdoor relaxation. Consequently, despite its area, the proposed garden and balcony for Plot 1 would fail to provide suitable outdoor space for the occupants.
16. The existing dwelling sits at a much higher level, and has large windows and a balcony that would look down towards the rear of the proposed houses. However, a new retaining wall surmounted by a 1.8 metre fence would be constructed along the rear boundaries of the plots. The sectional drawings show that, even when viewed from the highest windows in the existing dwelling, the fence would provide privacy over most of the area of the rear gardens.
17. There would be a direct view down into the kitchen window in the rear elevation of Plot 2 from the dormer window of the existing dwelling. However, this would be limited to some extent by the boundary fence. The steep line of sight would also mean that views would only penetrate into parts of the room. Furthermore, the overlooking would be over a considerable distance, and from a secondary window. Overall, therefore, the development would provide the occupants of both dwellings with a suitable level of privacy in their houses and gardens.
18. Nevertheless, the heavily shaded nature of its garden and balcony means that the occupants of Plot 1 would not have suitable outdoor amenity space. The proposal would, therefore, be contrary to Policy PP27 of the Poole Local Plan (2018), which requires new development to provide satisfactory external amenity space for new occupiers. The proposal would also fail to meet the aim of paragraph 135 f) of the National Planning Policy Framework (the Framework) to create places with a high standard of amenity for existing and future users.

Access and parking

19. Although it is not immediately evident in the street scene, the hedgerow along the Churchfield Road frontage grows on a bank which forms part of the highway. Due to the dense nature of the foliage, public access to this bank is not possible, and pedestrian passage on this side of the road is limited to the pavement. The works to create the access would involve excavations through this bank, with vertical retaining walls abutting the highway verge to a height of about three metres. This could present a danger if the verge became accessible to pedestrians. However, the drawings indicate that the hedgerow planting would be retained on the verge, so pedestrian passage would remain limited to the pavement.

20. In any event, as the development would include alterations to the public highway verge, a licence for the works would be required under Section 278 of the Highways Act 1980. The safety of pedestrians could be ensured through this regulatory regime.
21. The site lies in an accessible location, where the Council's Parking Standards Supplementary Planning Document (January 2021) does not require any off-street car-parking for new residential development. Nevertheless, a level parking area would be provided in front of the houses. The evidence indicates that this area would vary in depth between about 5.2 and 6.7 metres when measured from the front of the house to the highway verge. As cars would need to be parked short of the houses to allow access to the front doors, it is likely that they would overhang the highway verge to some extent. However, as the verge is more than three metres wide, cars could comfortably be parked, whilst allowing access to the front doors, without overhanging the pavement beyond. The safe passage of pedestrians would not, therefore, be affected. No evidence has been presented to demonstrate how cars parked in this way would result in highway danger for pedestrians.
22. I therefore conclude on this issue, that the development would not result in any harm to the safety of highway users. The proposal would, therefore, comply with Policy PP35 of the Poole Local Plan (2018), which requires new development to provide safe access to the highway and to contribute positively to the retention and creation of safe and accessible places.

Other Matters

23. The appeal site lies within the Zone of Influence of the SPAs and SAC, which are under significant pressure from an increase in the level of recreation, and disturbance of bird species, as a result of urban development. The proposed additional units of accommodation would have a likely significant effect on the integrity of these sensitive areas (either individually or in combination with other plans or projects) by reason of increased recreational pressures, unless suitable mitigation is provided.
24. As this appeal is being dismissed on other grounds, no impact on the SPAs and SAC will arise. Consequently, this matter does not need to be considered further here. However, had the development been considered acceptable in all other respects, I would have had to carry out an Appropriate Assessment to satisfy myself, as the Competent Authority, that the mitigation secured through the UU would be sufficient for the development to comply with the Conservation of Habitats and Species Regulations 2017 as amended.

Planning Balance

25. I have found that the proposal would conflict with development plan policies that seek to protect the character and appearance of the area, and to ensure suitable living conditions for occupants of new development. However, it is not disputed that the Council cannot currently demonstrate a five-year supply of deliverable housing sites. The most recent evidence indicates that the supply is 4.1 years, so the shortfall is moderate. Nevertheless, in these circumstances, Paragraph 11 d) of the Framework advises that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

26. Paragraph 225 of the Framework makes it clear that due weight should be given to existing development plan policies according to their degree of consistency with the Framework. Section 12 of the Framework seeks to achieve well-designed and beautiful places. Paragraph 135 says developments should be sympathetic to local character, including the surrounding built environment, and should create places with a high standard of amenity for future users. I see no fundamental conflict between these aims and those of Policies PP27 and PP28 of the Poole Local Plan (2018). The conflict between the proposal and these development plan policies should, therefore, be given significant weight in this appeal.
27. Set against the harm that I have identified, there would be benefits associated with the development. It would support the Framework's objective of significantly boosting the supply of homes as set out at paragraph 60, and it would make a modest contribution towards addressing the shortfall in housing land supply. The site is in an accessible location, so would be an appropriate site for additional housing. Paragraph 70 of the Framework says great weight should be given to the benefits of using suitable sites within existing settlements for homes. Paragraph 129 highlights the importance of ensuring that developments make the optimal use of the potential of each site.
28. The proposal would also provide economic benefits through employment during the construction phase, and the ongoing spend of residents thereafter. However, similar benefits would ensue from the Permitted Scheme, and the increased benefits from one additional dwelling would be limited.
29. Paragraph 131 of the Framework says that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve, and that good design is a key aspect of sustainable development. Furthermore, paragraph 123 advises that the effective use of land in meeting the need for homes should also ensure the safeguarding and improvement of the environment. Consequently, when assessed against the policies in the Framework, taken as a whole, the benefits of the proposal are significantly and demonstrably outweighed by the harm to the character and appearance of the area, and the unsatisfactory living conditions for future occupants. The advice at paragraph 11 d) does not, therefore, indicate that my decision should be otherwise than in accordance with the development plan.

Conclusion

30. There are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should be dismissed.

Nick Davies

INSPECTOR