



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: 13 June 2024

Appeal Ref: APP/V1260/W/23/3334540

87 Dorchester Road, Poole BH15 3QZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mrs K Walker against Bournemouth Christchurch and Poole Council.
 - The application Ref is APP/23/00908/F.
 - The development proposed is conversion of an existing double garage and workshop into a detached bungalow with new driveway, on site parking and vehicle turning area.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council's Statement of Case draws attention to the potential 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 28 May 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.

Main Issues

3. The appeal arises from the Council's failure to make a decision on the application. The Council has submitted a statement setting out how it would have determined the application. Based on this statement and all the evidence before me, I consider that the main issues are:
 - a) The effect of the development on the character and appearance of the area, including its potential impact on protected trees;
 - b) The effect of the development on the living conditions of the occupants of 85 Dorchester Road with regard to noise and disturbance arising from the use of the access drive;
 - c) Whether the development would provide suitable living conditions for future occupants regarding outlook and light; and,
 - d) Whether safe and suitable access to the development could be provided without harm to a protected tree.

Reasons

Character and appearance

4. 87 Dorchester Road is one of a long row of largely two-storey detached dwellings that are arranged in a fairly rigid line fronting the road. They are set back from the highway behind front gardens that are enclosed by low brick walls. They all have long rear gardens, which are evident in views through the gaps between the buildings, where the distant trees give a sense of the spaciousness behind the frontage development. There are numerous driveways off the road to serve the dwellings, but these terminate in frontage car-parking, or garages set just behind the houses. There is, therefore, a clearly established pattern of development in this area, based on an orderly layout of dwellings following the line of the road, with expansive open gardens to the rear.
5. The garage/workshop lies towards the rear of the site, and is just visible from the road, over the high gate that encloses the rear garden. It appears in these views as a subservient and inobtrusive domestic outbuilding. The proposal to remove the rear garden enclosure, construct an access through the site, and insert domestic scale doors and windows in the building, would give it an entirely different character. It would be readily visible at the end of the long, hard surfaced driveway, set in its own enclosed plot, and would clearly be discerned as a separate dwelling. Its location behind the row of frontage buildings would be anomalous with the established pattern of development, giving it an incongruous appearance, which would be harmful to the distinctive character of the area.
6. The Poole Local Plan (2018) does not set any minimum plot sizes, or maximum densities. However, Policy PP27 does require new development to reflect or enhance local patterns of development in its layout, siting, and scale. In this case, the confined plot, set behind the established line of dwellings, would not reflect the orderly arrangement of buildings or the spacious rear gardens that are distinctive features of the surroundings. It would, therefore, fail to preserve the residential character of the area.
7. The existing building lies in close proximity to two protected trees, which grow in the gardens to either side. The proposals include hard surfacing and a parking space between the building and the boundary of 85 Dorchester Road. These would be within the canopy spread and Root Protection Area (RPA) of Tree 2, a mature sycamore, as identified in the submitted Tree Report¹. The accompanying Tree Protection Method Statement shows the driveway terminating at the front face of the building, with the area in the RPA denoted as a Tree Protection Zone (TPZ), in which all construction access is strictly prohibited. Construction of the hard surfacing and parking space shown on the submitted drawing numbered DR-165-01 Rev A would take place within the TPZ, where excavations, ground compaction, and reduced water penetration could result in harm to the tree.
8. The Tree Report identifies the sycamore as a Category A tree, of good to high quality, with a life expectancy of at least 40 years. It is a large, and prominent feature in the locality, which makes a positive contribution to the street scene. Consequently, any development that could contribute to its loss would be harmful to the character and appearance of the area. As the Tree Report does

¹ SoundWood Tree Consultancy - Development Site Arboricultural Method Statement Ref SW/AMS/483/23

not reflect the proposals shown on the submitted drawings, it does not give me sufficient confidence to conclude that there would be no harm to the tree.

9. In summary, the proposal would be out of keeping with its distinctive surroundings and could compromise the future of a mature protected tree. The development would, therefore, cause harm to the character and appearance of the area. Consequently, it would be in conflict with Policies PP27 and PP28 of the Poole Local Plan (2018), which seek to ensure that proposals reflect or enhance local patterns of development, do not result in the loss of trees that make a significant contribution, and preserve or enhance the area's residential character.
10. In coming to this conclusion, I have had regard to the various examples of "backland" development that have been drawn to my attention. The site at 2 Dorchester Road was a large garden in an area where plot sizes were generally smaller. The proposal was not, therefore, discordant with the prevalent pattern of development. The site to the rear of 47/49 Nansen Avenue was a corner plot, where the proposed dwellings had a frontage to Stenhurst Road, so it was not directly comparable. I saw that the example at 10-16 Middle Road involved a much larger site, where land was assembled to allow a comprehensive development of six dwellings. These are served by a wide access road, which resembles a cul-de-sac, rather than a narrow driveway between houses. Consequently, none of the examples is so similar to the case before me that it alters my conclusions on this issue.

Living conditions of occupants of 85 Dorchester Road

11. 85 Dorchester Road is a bungalow that directly abuts the appeal site. It has a bay window in its front elevation that is only about a metre from the driveway to the front of No 87, and is separated only by a low boundary wall. It also has an obscure glazed window in its side elevation that is under the car port roof of No 87. A car was parked directly in front of it at the time of my visit. Occupants of this adjoining dwelling are, therefore, likely to experience noise at the front and side of their property from vehicles using the existing driveway, as well as from passing traffic on the busy road. However, the driveway terminates at the rear of the car port. Consequently, although the appeal building has garage doors, it lies beyond a lawned area, and vehicles do not regularly travel beyond the rear facades of the dwellings. The back gardens are, therefore, relatively peaceful.
12. The proposal involves the extension of the driveway along almost the entire boundary of the rear garden of No 85. This boundary is presently composed of a post and wire fence and a thin hedge. The submitted drawings do not indicate the provision of a robust boundary treatment, and there would be no space for planting to reinforce the hedge. Consequently, noise, fumes, and lights from vehicles passing along the driveway, immediately adjacent to the rear garden of No 85, would not be effectively attenuated, and would result in harm to the occupants' reasonable enjoyment of their outdoor amenity space.
13. The proposal also involves the provision of car-parking for the existing house in the back garden, so it is traffic from two dwellings that would pass alongside the rear garden boundary. It has been put to me that this parking area would be 19 metres from the rear of No 85, so would have little impact. However, vehicles accessing and leaving the spaces would have to manoeuvre very close

to the boundary of the adjacent rear garden, where occupants should reasonably expect a degree of tranquillity.

14. I therefore conclude on this issue that the proposal would be harmful to the living conditions of the occupants of 85 Dorchester Road, due to the introduction of traffic noise into the relatively tranquil space beyond the frontage development, and so close to the garden boundary. The development would, therefore, be in conflict with Policy PP27 of the Poole Local Plan (2018), which seeks to ensure that proposals are compatible with surrounding uses and do not result in a harmful impact upon amenity for local residents.
15. In coming to this conclusion, I have again considered the other examples that have been cited. Those at Stenhurst Road and Middle Road have significantly different access arrangements, so are of little relevance. Whilst the development at 2 Dorchester Road appears to have a similar layout, I have not been provided with sufficient details regarding the approved boundary treatment between the site and the adjacent dwelling to enable me to draw any meaningful comparison with the case before me. Consequently, I have considered the proposal on its own individual merits.

Living conditions for future occupants

16. The north-facing windows in the proposed bungalow would look towards the rear boundary wall of the site from a distance of about four metres. Beyond this wall, and overhanging the boundary, are a large conifer and a horse chestnut/sycamore which have a conjoined canopy. Combined with their orientation, this results in the windows being in shade for most of the day, so the level of light in the rooms facing this way would be limited. However, the rooms in question are a bedroom and an office, rather than the primary living accommodation. It would be expected that the bedroom would be occupied primarily at night, whilst artificial light is often employed in offices. Furthermore, southerly light would reach the office through the rooflight serving the hallway if the door were left open.
17. The open plan lounge/kitchen/dining room would have large south-facing windows looking out onto its private garden. This is the space where occupants would spend most of their time, and it would provide ample light and a pleasant outlook. Therefore, notwithstanding the limited light to the secondary accommodation, occupants would have suitable living conditions.
18. It has been put to me that the gloomy living conditions in the north-facing accommodation may prompt the reduction or felling of trees to improve light levels. The conifer and horse chestnut/sycamore are categorised as U in the Tree Report, meaning they are of poor quality. They do not make a particularly positive contribution to the character and appearance of the area, so their reduction or loss would not be harmful. The high-quality protected trees lie to the east and west, so do not have a substantial impact on light reaching the north-facing windows. The proposal would not, therefore, result in reasonable pressure to reduce these trees in this regard.
19. Overall, therefore, I find that the accommodation would provide suitable living conditions for future occupants. Consequently, from this point of view, the development would accord with Policy PP27 of the Poole Local Plan (2018) which seeks to ensure that new residential development provides satisfactory external and internal amenity space for new occupiers.

Access to the development

20. The Council's concern on this issue relates to whether the Highway Authority's requirements for a five-metre-wide access could be achieved without harm to the protected monkey puzzle tree in the front garden. The Highway Authority's rationale for this width is to avoid the potential for incoming cars having to wait on the busy highway while another vehicle exits. The submitted plans do not show any increase in hard surfacing around the protected tree, but the driveway is shown to be widened on the opposite side. As a result, there would be an area of about five metres width beside the existing house where vehicles could comfortably pass. The straight alignment of the driveway would allow outgoing vehicles good visibility of oncoming vehicles. Consequently, on the infrequent occasions where an outgoing vehicle met an incoming vehicle, they could pass without impeding the free flow of traffic on the road.
21. The access itself could be widened to some extent by the removal of the brick piers, without any implications for the protected tree. Similarly, pedestrian visibility could be improved by reducing the height of the wall and removing vegetation, rather than through any excavations or hard surfacing. Consequently, I am satisfied that safe and suitable access could be achieved without the need for any works that would threaten the future of the tree. The proposal would, therefore, accord with Policy PP35 of the Poole Local Plan (2018) which requires new development to provide safe access to the highway.

Other Matters

22. 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 unit 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.
23. 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

24. I have found that the proposal would conflict with development plan policies that seek to protect the character and appearance of the area, and the living conditions of adjacent occupants. 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 National Planning Policy Framework (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.

25. 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 existing 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.
26. 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. It would make a modest contribution towards addressing the current shortfall in housing land supply, and to the future need that is being considered through the emerging draft Local Plan. 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, and Section 11 says planning decisions should promote an effective use of land in meeting the need for homes.
27. The proposal would also provide economic benefits through employment during the construction phase, and the ongoing spend of residents thereafter. However, the scale of the development means that these benefits would be limited.
28. 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 to the living conditions of the adjoining 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

29. 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