



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: 02 August 2024

Appeal Ref: APP/D1265/W/23/3324993

Cefyn Bryn, 3 Ballard Estate, Swanage, Dorset BH19 1QZ

- 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 Parton against the decision of Dorset Council.
 - The application Ref is P/FUL/2022/06731.
 - The development proposed is demolition of existing single storey and erection of new single storey dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the appeal was lodged a revised National Planning Policy Framework (the Framework) has been published. I have consulted the parties on the amendments, and have had regard to any representations received. In addition, in November 2023, the National Landscapes Association reported that all designated Areas of Outstanding Natural Beauty (AONBs) had become National Landscapes. In this decision I have continued to use the term AONB, consistent with the evidence. The legal designation and policy status of such areas is unaffected, whichever term is used.
3. During the course of the appeal the Council adopted the Purbeck Local Plan 2018-2034 (PLP). This has resulted in some of the policies referred to in the Council's decision being replaced by the newly adopted policies. I have determined the appeal on the basis of the development plan prevailing at the time of my determination. The main parties have had the opportunity to provide submissions in writing on the relevance of the new PLP to the case.
4. The main parties have set out the relevant planning history related to the site, which includes an application¹ to sever a southern portion of the appeal site and erect a detached dwelling. This was refused and subsequently dismissed at appeal. I have been provided with some limited details of this scheme, as well as the reasons for refusal and summary points of the appeal decision. While I have had regard to these, I have determined this appeal on its own merits.

Main Issues

5. The main issues are:
 - The effect of the proposed development on the character and appearance of the area; and

¹ Application reference: 6/2011/0598

- whether the proposed development would provide for appropriate surface water drainage.

Reasons

Character and appearance

6. Ballard Estate is compact estate of bungalows, based upon an army camp laid out during the First World War. The evidence indicates that the appeal site and its neighbouring plots are not part of the original camp, but are later additions that reflect the single-storey, modest plots of the barracks. In this more recent development, there is evidently more variety in terms of building form, orientation, building lines, and plot layouts. However, the single storey development with low-set eaves and often hipped-roofs maintains an open character, with regular views out of the estate across the bungalows towards the surrounding hills.
7. The distinctive character of the area is reflected by the appeal site's inclusion in an Area of Distinctive Local Character by Policy STCD of the Swanage Local Plan (2017) (SLP), which also forms the majority of the 'Ballard Down' character type in the Purbeck Townscape Character Appraisal (2012) (PTCA). A key consideration of the area is the maintenance of single storey development, though the PTCA recognises the variation in form, orientation and detailing that has occurred in parts of the estate that were not originally part of the military barracks. Nevertheless, many of the fundamental characteristics of the estate in terms of simplicity, scale, massing, and boundary treatments remain.
8. The existing appeal property is a modest, hipped-roof bungalow that makes a consistent contribution to the character of the estate. It lies to the north of a generous corner plot at the junction between Ballard Way and Ballard Lee. The garden area to the south of the plot is largely screened by mature hedgerows, but the absence of built form in this area is apparent, contributing to the sense of openness along the primary route into the estate.
9. With an 'H' shaped footprint, the proposal would introduce a long eastern wing of development, running parallel to Ballard Lee. The proposed ridge and eaves heights of the proposal would be similar to those of the existing bungalow, and the dwelling would remain single storey. However, the east wing would result in a very substantial increase in visible development, which would extend south into the open garden area. A combination of its height and visible length, alongside an absence of variation in the roofline, would result in a dominant scale and massing of development. The existing locally distinctive boundary wall would be retained and infilled resulting in a small positive effect on local character, and additional hedging would be introduced. However, the proposal would be clearly visible above these boundary treatments, and would appear incongruous in its modest context.
10. I note that the proposal would reflect locally distinctive materials, and the covered outdoor areas would add some variation to the visible wall. However, this would do little to break up the substantial visual mass of the roof, which would continue across the full length of the eastern wing. This massing would be inconsistent with the modest bungalows and open feel of the surroundings, and would be harmful to the character of the area. The effects on the character and openness of the area would be particularly apparent on the approach from

the south-east, where the South West Coast Path National Trail (SWCP) passes immediately to the south of the site.

11. Moreover, while the built form footprint to plot size ratio may be proportionate to other properties in the locality, the visible massing of the eastern wing would dominate the visible areas of the plot, resulting in a perception of a disproportionately large dwelling in its context. This effect would be at odds with guidance contained in the Purbeck District Design Guide Supplementary Planning Document (2014) (the Design Guide), which sets out that the scale and mass of new development should have a harmonious relationship with neighbouring buildings and spaces. It would also contribute to one of the weaknesses of the estate identified in the PTCA, of erratic redevelopment of properties reducing the visual cohesion of the estate.
12. My attention has been drawn to several developments within Ballard Estate and on Ballard Lee that have been permitted, and in some cases implemented. I was able to view a number of these during my site visit. These properties demonstrate that redevelopments in this part of the estate are relatively commonplace, and illustrate a modern architectural style that reflects locally distinctive building materials. However, I observed that these buildings typically present gables to the road, maintain a hipped roof profile, or include variation in rooflines. Each of these elements acts to reduce visual massing. In addition, they do not represent prominent corner plots, and are not notably visible from the SWCP. Accordingly, while redevelopment and modern architectural styles are evident in this part of the estate, those highlighted to me do not provide a clear justification for the massing and prominence of the dwelling proposed.
13. I therefore conclude that the proposed development would result in unacceptable harm to the character and appearance of the area. It would be contrary to Policy E12 of the PLP, and Policy STCD of the SLP. Taken together, amongst other matters, these policies seek developments which positively integrate with their surroundings, which take account of the PTCA, and which protect and enhance the distinctive local characteristics of the area. As outlined above, I have also found conflict with the guidance contained in the Design Guide. There would also be conflict with Section 12 of the Framework and the National Design Guide where they seek well-designed places, and developments that are sympathetic to local character, including the surrounding built environment.

Surface water drainage

14. The appeal site is located within the 400 metre No-water Discharge Consultation Zone, which describes an area in which surface water and/or groundwater drainage has the potential to adversely affect the stability of nearby cliffs. Policy E5 of the PLP outlines that sustainable drainage systems that discharge water into the ground or a surface water body may not be appropriate in these areas.
15. The appellants state that a soakaway would not be provided, instead describing on site attenuation and connection to the existing combined sewer. The evidence indicates that written consent for such a connection has subsequently been obtained from Wessex Water, though I do not have a copy of this. Nevertheless, the appellants identify nearby developments on the same road that have taken a similar approach, with a drainage scheme secured by

condition. I do not have details of these schemes or their associated conditions. However, as an existing residential street with an evident combined sewer, it appears that a scheme of this nature could be designed and implemented in a relatively straightforward manner.

16. It would likely be necessary for such a condition to be pre-commencement, or certainly prior to any groundworks, in order to ensure that satisfactory drainage could be achieved without conflicting with the groundworks of the dwelling. Nevertheless, there is nothing before me to suggest that such a condition could not secure an appropriate surface water drainage scheme. Nor, with appropriate wording, is there a notable risk that a dwelling could be constructed and occupied without an agreed scheme being operational.
17. Accordingly, the proposal would provide for appropriate surface water drainage, in accordance with Policy E5 of the PLP. I also find no conflict with the provisions of Policy E4 of the PLP in so far as the proposal is located in Flood Zone 1 and would not meet any of the identified triggers for a Flood Risk Assessment. Moreover, there is no conflict with the Framework where it seeks development that does not exacerbate the impacts of physical changes to the coast, nor with the Purbeck Strategic Flood Risk Assessment (2018) which advocates the use of appropriate sustainable drainage systems, and requires that surface water run-off from development will not cause or worsen unstable ground conditions.

Other Matters

18. Although the Framework² refers to the need to ensure that developments make optimal use of the potential of each site, this is in the context of avoiding homes being built at low densities resulting in an inefficient use of land. As the proposal is a replacement dwelling, the density of dwellings on the site would not change. Accordingly, I do not find support from the Framework in this regard.
19. The site falls within 5km of the Dorset Heathlands, containing several international and European designations including the Dorset Heathlands Special Protection Area, the Dorset Heathlands RAMSAR site, and the Dorset Heaths Special Area of Conservation (Purbeck and Wareham) and Studland Dunes. The site also falls within the recreation zone for the Poole Harbour Special Protection Area and Ramsar site.
20. 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 on a European site, 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. As I have found the scheme to be unacceptable for other reasons, it has not been necessary to consider this matter in any further detail.
21. A number of interested parties have raised concerns regarding conflict with the Ballard Estate Development Guidelines, over matters including roof pitch. I have no details of these guidelines, but have considered the effect of proposed roof above. Nevertheless, the guidelines appear to be private covenants and

² Paragraph 129

are not part of the development plan or any supplementary guidance. Such covenants are a civil matter that are outside of my role to determine the appeal in accordance with planning law.

Planning Balance

22. The Council has found no unacceptable harm in relation to matters including the principle of residential development in this location, highway safety, neighbouring living conditions, parking, the wider AONB landscape, and biodiversity. Having reviewed the evidence, I see no reason to reach a different conclusion. I have also found the effects on flood risk and coastal erosion to be acceptable. 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 proposal.
23. I have found that the proposal would have an unacceptably harmful effect on the character and appearance of the area. Against this, the proposal would offer economic benefits including through employment opportunities created during the construction phase. There would also be environmental benefits associated with improved energy efficiency of the proposed dwelling and inclusion of renewable energy technologies, along with ecological enhancements. There would also be minor improvements to passive surveillance of the adjacent road. However, given the small scale of the proposal, I afford these benefits limited weight and conclude that they would not outweigh its harmful effect on the character and appearance of the area.
24. Even if the 'tilted balance' of paragraph 11d) of the Framework was engaged, this harm would significantly and demonstrably outweigh the limited benefits of the proposal when assessed against the policies of the Framework as a whole.

Conclusion

25. The proposal conflicts with the development plan and 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