



Appeal Decision

Site visit made on 30 July 2024

by S D Castle BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 August 2024

Appeal Ref: APP/D1265/W/24/3339613

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/2023/04646.
 - The development proposed is demolition of existing single storey dwelling and garage and erection of new single storey dwelling and garage.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr and Mrs Parton against the decision of Dorset Council. That application is the subject of a separate Decision.

Preliminary Matters

3. I have taken into account the revised version of the National Planning Policy Framework ('the Framework') published in December 2023. While there have been changes to paragraph numbers since the previous iteration, the parts of the Framework most relevant in this case have not significantly changed. I am satisfied, therefore, that the revised version of the Framework does not raise new considerations necessitating further submissions from the parties.
4. On 22 November 2023, all designated Areas of Outstanding Natural Beauty (AONBs) in England and Wales became "National Landscapes". However, the legal designation and policy status of these areas are unchanged. I have therefore referred to the Dorset National Landscape as the AONB where relevant.
5. 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 on the relevance of the new PLP to the case.

Main Issue

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

Reasons

Character and appearance

6. The appeal site is located on the Ballard Estate, a small and compact estate of bungalows that has its origins in an army camp laid out during the First World War. The layout of the estate is predominantly characterised by small rectangular plots that are laid out along three parallel tracks. Whilst many of the plots have been redeveloped, the height of the development has remained single storey, with houses predominantly of a modest scale and simple form.
7. The distinctive character of the estate is reflected by its designation as an Area of Distinctive Local Character by Policy STCD of the Swanage Local Plan (2017) (SLP). The estate also forms the majority of the 'Ballard Down' character type in the Purbeck Townscape Character Appraisal (2012) (PTCA). The PTCA advises that the distinct and simple character of the area is of interest for remaining reminiscent of the army camp from which it originated. The PTCA also identifies that the estate is dominated by its landscape setting, with Ballard Down rising to the north and extensive sea views to the west.
8. The western part of the estate, including the appeal site, has more variety in terms of building forms, orientation, building lines, and plot layouts. Indeed, the evidence indicates that the appeal site and its neighbouring plots to the north, east, and west, did not include buildings at the time of the original army camp. Despite the greater variety on the western part of the estate, the later additions have maintained the single-storey, modest scale, and simple form that characterises the wider estate. In doing so, the characteristic views out of the estate towards Ballard Down that are prevalent in the wider estate have been conserved.
9. The appeal site is a prominent corner plot that has road boundaries to the east and south. The modest scale and simple hip-roofed form of the existing bungalow at no 3, including its east-west oriented main ridge line, responds sensitively to the overarching character of the estate. Although mature hedgerows screen the garden area to the south of the plot, the form, scale and set-back of the bungalow allows for views towards Ballard Down from the South West Coast Path National Trail (SWCP) as it passes through the estate. The set-back of the bungalow at no 3 to the north of its plot is reflected by that of the dwellings at nos 1A and 1. The undeveloped areas to the south of these plots provides a verdant and spacious transition when entering or exiting the estate, allowing the more compact and uniform layout of the wider estate to be more legibly appreciated.
10. The proposed replacement bungalow would have an 'H' shaped footprint, comprising pitched roofed eastern and western wings joined by a flat roofed section. Although the maximum ridge height of the replacement dwelling would be approximately 0.7m lower than the ridge of the existing dwelling, the footprint of the replacement dwelling would be substantially greater. As a result, the built form of the replacement dwelling would extend a significant distance to the south of the existing bungalow.
11. Whilst I appreciate efforts have been made to break up the massing of the replacement dwelling, it would, nevertheless, be significantly more prominent than the existing bungalow. In particular, the eastern wing would be more

prominent by virtue of its position closer to the eastern boundary, and due to the additional projection of its southern gable and wide chimney to the south of the existing dwelling's rear elevation. The southern gable end and wide chimney would harmfully project into an otherwise verdant and spacious area, drawing the eye and blocking existing characteristic views towards Ballard Down from within the estate. The eastern wing would, therefore, be excessively dominant and fail to positively integrate with its surroundings, detrimental to the legibility of the distinct character of the estate.

12. The effect of the development on the character and appearance of the area would, therefore, conflict 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 exacerbate one of the weaknesses of the estate identified in the PTCA, of erratic redevelopment of properties reducing the visual cohesion of the estate.
13. I have had regard to the development of other dwellings within the Ballard Estate, including those on Ballard Lee, that display modern architectural styles and introduce a greater degree of variation of built forms within the estate. The appeal site, however, is not directly comparable given its particular prominence as a corner plot with visibility from the SWCP. Accordingly, redevelopment and modern architectural styles elsewhere on the estate do not provide a clear justification for the massing and architectural prominence of the dwelling proposed.
14. In conclusion on this main issue, 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, and which protect and enhance the distinctive local characteristics of the area. The development would also conflict with the guidance contained in the Design Guide and would not appropriately respond to the distinct character of the area identified in the PTCA. Furthermore, it would conflict with Sections 11 and 12 of the Framework insofar as they require developments to be sympathetic to local character and history, including the surrounding built environment.

Other Matters

15. The planning history to the site includes 2 dismissed appeals, one issued in 2013¹, and a recent decision issued on 02 August 2024². The 2013 dismissal related to a proposal to construct a new bungalow to the south of the existing dwelling, and the more recent dismissal related to a proposal for a development similar to the current appeal proposal. Whilst I have had regard to the past appeal decisions on the site as material considerations, I have determined this appeal on its own merits. Notwithstanding this, consistency in decision making is important, and my conclusion on the main issue is consistent with these past appeal decisions.
16. The site falls within 5km of the Dorset Heathlands, containing several international and European designations including the Dorset Heathlands

¹ Appeal ref: APP/B1225/A/12/2186764

² Appeal ref: APP/D1265/W/23/3324993

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. As the competent authority for this appeal, I would need to undertake an appropriate assessment in accordance with the Conservation of Habitats and Species Regulations 2017 (as amended) to confirm that the integrity of the European sites would not be adversely affected. However, it has not been necessary for me to pursue this further because the scheme is unacceptable for other reasons.

17. I have noted the many representations from interested parties. I have taken them all into account. The Council 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. I have been provided with no substantiated evidence which would prompt me to disagree with the Council's conclusions on these other matters, subject to the imposition of planning conditions.

Planning Balance

18. The proposal is for a replacement dwelling and would not, therefore, contribute to the Government's objective of significantly boosting the supply of homes. There would be some limited economic benefits associated with the construction of the dwelling. There would also be environmental benefits associated with the improved energy efficiency of the proposed dwelling, and through the inclusion of renewable energy technologies, along with ecological enhancements. However, in light of the small scale of the proposal, these benefits attract limited weight.
19. Weighing against the scheme are the above identified harms to the character and appearance of the area. The Council's policies seeking developments which positively integrate with their surroundings, and which protect and enhance the distinctive local characteristics of the area, are broadly consistent with the Framework. The identified conflict with the development plan therefore attracts significant weight. 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.
20. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission to be determined in accordance with the development plan, unless material considerations, including the Framework, indicate otherwise. The proposal would conflict with the development plan when read as a whole and there are no other considerations that outweigh that identified conflict.

Conclusion

21. For the above reasons, the appeal is dismissed.

S D Castle

INSPECTOR