



Appeal Decisions

Site visit made on 18 June 2024

by Alexander O'Doherty LLB (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 October 2024

Appeal A Ref: APP/V1260/W/23/3330624

6 Burton Road, Poole BH13 6DU

- 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 T Cullen (CBV Burton Ltd) against the decision of Bournemouth Christchurch and Poole Council.
 - The application Ref is APP/22/01769/F.
 - The development proposed is demolition of the existing house and construction of a pair of linked detached houses in replacement.
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Appeal B Ref: APP/V1260/W/23/3330076

6 Burton Road, Poole BH13 6DU

- 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 T Cullen (CBV Burton Ltd) against the decision of Bournemouth Christchurch and Poole Council.
 - The application Ref is APP/22/01767/F.
 - The development proposed is demolition of the existing house and construction of a replacement house.
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Decisions

Appeal A

1. The appeal is dismissed.

Appeal B

2. The appeal is dismissed.

Application for costs

3. In relation to Appeal B, the appellant made an application for costs. This application for costs has been dealt with in a separate decision.

Preliminary Matters

4. As set out above there are 2 appeals on this site. I have considered each proposed development and appeal on its individual merits. However, to avoid duplication I have dealt with the 2 schemes together, drawing distinctions between the 2 as necessary.
5. In relation to Appeal A, amended plans were submitted to the Council before it made its decision. As the Council determined the application on the basis of those amended plans, Appeal A has likewise been determined on the basis of those amended plans.

6. In relation to Appeal A, an amended site plan¹ was submitted at the appeal stage. This plan does not substantially alter the nature of the proposed development, and I am satisfied that the parties' interests, including those of interested parties, would not be prejudiced by the plan being considered in Appeal A. Therefore, I have considered the plan as part of Appeal A.
7. In relation to Appeal B, the appellant has stated that the application plans were amended during the course of the application following discussions with the Planning Officer, and that the decision notice references the original plans in error. However, the conduct of the Council during the processing of the planning application, including whether or not the Council acted in error in this respect, lies outside of my remit in determining Appeal B.
8. Amended plans were submitted at the appeal stage, in relation to Appeal B. During the course of the appeal, the Council was asked to confirm whether their decision was made on the basis of those amended plans. The Council confirmed in an e-mail of 25 September 2024 that, apart from a revised Location and Block Plan², the Council did not determine the application on the basis of the amended plans and that the amended plans are not shown on Council's public-facing website.
9. I have considered the latest guidance in the Procedural Guide: Planning appeals – England. The guidance states that the appeal process should not be used to evolve a scheme and there are no provisions within the Rules for amendments to be submitted, and that it is important that what is considered by the Inspector at appeal is essentially the same scheme that was considered by the Local Planning Authority and by interested parties at the application stage.
10. In this regard, the amended plans submitted for Appeal B involve a substantially different proposed development when compared with the original plans, particularly in terms of the design of the proposed dwelling. Moreover, as interested parties and local residents have not had the opportunity to comment on the amended plans in relation to Appeal B, it would be procedurally unfair for those plans to be considered at the appeal stage. For these reasons, apart from the revised Location and Block Plan referred to above which I have taken into account, Appeal B has been determined on the basis of the plans originally submitted to the Council.

Main Issue

11. The main issue with respect to both appeals is whether the proposed developments would preserve or enhance the character or appearance of the Branksome Park Conservation Area.

Reasons

12. The appeal site comprises 6 Burton Road (No 6), a detached split-level bungalow situated in a predominantly residential area. 8 Burton Road (No 8), known as 'Bagatelle', is situated adjacent to No 6. No 8 is a locally listed building. No 8 is described in the Branksome Park Conservation Area Character Appraisal and Management Plan: Supplementary Planning Guidance (adopted 2006) (CACAMP) as a late 19th century Regency style building.

¹ Site Plan – Showing Ground Floor Plan (Drawing No. 2216 02B)

² Location and Block Plan (Drawing No. 2216 01B)

13. In common with much of the Branksome Park Conservation Area (conservation area), within which the site is located, Burton Road has a spacious sylvan character. The conservation area terminates on the opposite side of Burton Road to the site. The CACAMP highlights the area around Burton Road as being characterised by large plots and abundant landscaping forming a low density pattern of development.
14. The CACAMP further notes that architectural styles in the conservation area are varied, and that designs are of an architectural style contemporary with their construction or typical of older buildings in the area. In a similar vein, the Inspector in appeal decision Ref APP/V1260/W/21/3274572 noted that architectural style is of little importance to the historic interest of this conservation area, with most buildings representing the prevailing style at their time of construction. Similarly, the Inspector in appeal decision Ref APP/Q1255/W/17/3189976 stated that visual character in the conservation area is derived more from the landscape than from the buildings.
15. The variation in architectural stylings in the conservation area does not however displace the requirement in Policy PP27 of the Poole Local Plan (adopted 2018) (Local Plan) that a good standard of design is required in all new developments. Similarly, paragraph 135 b) of the National Planning Policy Framework (the Framework) provides that, amongst other things, planning decisions should ensure that developments are visually attractive as a result of good architecture, layout and appropriate and effective landscaping.
16. I observed all of the examples of contemporary buildings in the conservation area, referred to by the appellant. Several of these buildings exhibit striking yet attractive contemporary designs which draw the eye. I have also taken note of the extant consents for contemporary buildings in the conservation area, referred to by the appellant.
17. As noted by the Inspector in appeal decision Ref APP/V1260/W/21/3274572, the existing dwelling on site is unremarkable and no harm would come to the character and appearance of the area from its removal.
18. The main section of the proposed buildings for both appeals would be sited on the footprint of the existing building on site. Their heights would be broadly similar to 4 and 4A Burton Road, and lower than the height of No 8. Their widths would not exceed that of the existing building on site. As such, the proposed buildings for each appeal would be subservient in height and scale to No 8. Additionally, the main section of No 8 is set away from the boundary with the site and the proposed buildings would be appropriately set-in from that boundary. In relation to both appeals, a planning condition could be imposed to require that the details of the external materials of the proposed buildings are approved by the Council. These details could include the use of the specific materials specified in Code 4 of the CACAMP, if deemed necessary by the Council.
19. In relation to Appeal A, due to these factors, whilst the proposed contemporary design of the proposed development would result in a more prominent structure in the street scene when compared with the existing unassuming dwelling, the resulting building on site would not detract from the ability to experience the architectural grandeur of No 8 when seen from public viewpoints.

20. The Inspector noted in appeal decision Ref APP/V1260/W/21/3274572 that the scheme under consideration in that appeal would be of a domestic scale and have the proportions of a large house that would not be dissimilar in scale to a number of other properties along Burton Road. The buildings proposed for both appeals would share these characteristics. Even so, in contrast to the front elevation as shown on the submitted plan relating to appeal decision Refs APP/V1260/W/22/3307952 & APP/V1260/W/23/3314779 which has variety and interest, the proposed dwelling for Appeal B would suffer from a very limited amount of variation throughout its design, which would give the impression of a commercially-orientated rather than a domestic appearance.
21. The proposed dwelling for Appeal B would introduce a box-like structure with repetitive motifs, including numerous large regularly-spaced windows on its front elevation. Hence, the proposed dwelling for Appeal B would appear as an overpowering and visually unappealing structure when seen in conjunction with No 8. This would diminish No 8's positive visual contribution to the street scene. Furthermore, although buildings exist elsewhere in the conservation area with a horizontal emphasis and an extensive use of glazing including full-height windows (such as 15B Bury Road and 26 Bury Road), I observed that the glazing in those cases is incorporated within attractive and distinctive designs, which would not be the case with respect to the proposed development for Appeal B.
22. It follows that the proposed dwelling for Appeal B would not constitute an innovative contemporary design in the terms of paragraph 9.25 of the Local Plan, but instead would lack the visual attractiveness required by paragraph 135 b) of the Framework, referred to above. It would accordingly appear as a jarring and discordant feature in the street scene. The proposed dwelling for Appeal B would thereby not adhere to Code 12 of the CACAMP which provides that, amongst other things, all new buildings must be carefully considered to avoid adverse impacts and demonstrate that proposals are not uncharacteristically bold, prominent or jarring with the prevailing character of the area. Thus, in this case the design of the proposed dwelling would not preserve the appearance of the conservation area.
23. In relation to Appeal A, whilst the 2 proposed dwellings would be linked to create the appearance of a single dwelling (similar to the approach taken at 2 De Mauley Road), and the building would not have a significantly different overall footprint than the existing dwelling on site, the presence of 2 dwellings on site would directly conflict with the guidance given in CACAMP, which advises that development should reflect the low-density pattern of the area, retaining detached houses in large well landscaped plots.
24. Specifically, the sizes of each resulting plot would not be reflective of those often found both on the site's side of Burton Road, or in the conservation area as a whole. The proposed dwellings for Appeal A would accordingly appear fairly cramped in their context, which would conflict with the established pattern of development in the area which contributes to significance of the conservation area. The uplift in density would be apparent from public vantage points, due to the increased comings and goings (including delivery vehicles) and the likely noticeably increased residential activity on site. The proposed development for Appeal A would not therefore contribute to the vision for the conservation area as outlined in the CACAMP. The established character of the conservation area would be undermined as a result.

25. In relation to Appeal A, a planning condition could be imposed to require details of a landscaping scheme for the boundary line between the 2 proposed rear gardens to be agreed with the Council. This would however have little effect in reducing the increased residential activity on site, referred to above.
26. As the harm to the character of the conservation area resulting from the proposed development for Appeal A, and the harm to the appearance of the conservation area resulting from the proposed development for Appeal B, would each be localised, the proposed developments would cause less than substantial harm to the significance of the conservation area as a designated heritage asset. Nevertheless, these instances of harm are of considerable importance and weight. The Framework advises that such harm should be weighed against the public benefits of the proposed developments.
27. In relation to Appeal A, the proposed development would add an additional dwelling to the local housing stock, thereby contributing to both the Government's objective of significantly boosting the supply of homes and to local housing supply, which is particularly needed bearing in mind that the Council is currently unable to demonstrate the supply of housing sites as required by the Framework. In relation to Appeal A, the additional dwelling on site would bring economic benefits in terms of its future occupiers contributing to the economic and community life of the area.
28. The proposed developments for both appeals would be located near to services and facilities. Regular bus services to elsewhere in Poole and further afield are found within walking distance of the site. The proposed developments for both appeals would provide work for construction professionals, and would thereby contribute to the local economy.
29. The proposed developments for both appeals would in principle make an efficient use of the site, which is encouraged by the Local Plan, which seeks to optimise the use of land. However, taking account of my findings above, the proposed developments for both appeals would not comply with paragraph 128 e) of the Framework which provides that, amongst other things, planning decisions should support development that makes efficient use of land, taking into account the importance of securing well-designed places. This matter has therefore been given very little weight in support of the proposed developments for both appeals.
30. In relation to both appeals, a planning condition could be imposed to ensure that renewable energy sources are appropriately utilised for the proposed dwellings, in accordance with Policy PP37 of the Local Plan. Additionally, each of the proposed dwellings would benefit from a good supply of daylight, and appropriate levels of insulation, which would help to reduce energy usage on site. As few details have been provided to quantify the benefits in these respects over-and-above the existing dwelling on site, little weight has been given to these matters in support of the proposed developments for both appeals.
31. The submitted Ecological Assessment Reports do not demonstrate that the biodiversity enhancements put forward for each proposed development would result in an appreciable net gain for biodiversity on site. This matter provides little weight in support of the proposed developments for both appeals.

32. The Framework makes clear that great weight needs to be given to designated heritage assets' conservation. As the proposed development for Appeal A would only provide one new dwelling over-and-above the current dwelling on site, the scale of the public benefits would not be significant. As the proposed development for Appeal B would maintain one dwelling on site, the public benefits arising would likely be even less than those for Appeal A. Hence, moderate weight has been given to the public benefits for Appeal A, and little weight has been given to the public benefits for Appeal B. The public benefits for both appeals would not outweigh the harm that would be caused to the significance of the conservation area.
33. I therefore find that the proposed development for Appeal A would not preserve the character of the conservation area, and that the proposed development for Appeal B would not preserve the appearance of the conservation area.
34. In relation to Appeal A, the proposed development would conflict with part (1)(a)(i) of Policy PP27 of the Local Plan which provides that, amongst other things, development will be permitted provided that, where relevant, it reflects or enhances local patterns of development and neighbouring buildings in terms of layout and siting, and with part (2) of Policy PP28 of the Local Plan which provides that, amongst other things, residential proposals involving plot severances or plot sub-divisions will only be permitted where there is sufficient land to enable a type, scale and layout of development including parking and usable amenity space to be accommodated in a manner which would preserve or enhance the area's residential character.
35. In relation to Appeal A, the proposed development would conflict with part (1)(b)(i) of Policy PP30 of the Local Plan which provides that, amongst other things, developments within conservation areas should enhance or better reveal the significance and value of the site within the street scene and wider setting.
36. In relation to Appeal B, the proposed development would conflict with part (1)(a)(vi) of Policy PP27 of the Local Plan which provides that, amongst other things, development will be permitted provided that, where relevant, it reflects or enhances local patterns of development and neighbouring buildings in terms of visual impact, and with part (1)(b)(i) of Policy PP30 of the Local Plan which provides that, amongst other things, developments within conservation areas and affecting locally listed buildings should enhance or better reveal the significance and value of the site within the street scene and wider setting.
37. In relation to both appeals, the proposed developments would conflict with chapter 16 of the Framework which seeks to conserve and enhance the historic environment.

Other Matters

38. Reference has been made to a planning permission at 14 Dover Road³. However, as plans have not been provided for that permission, the extent to which that scheme is comparable with the proposed developments for both appeals is unclear. Moreover, as the Officer's Report for that permission has not been provided, it has not been possible to assess the logic employed by

³ Local Planning Authority reference: APP/22/01429/F

the Council in that case. This is not a matter which changes my findings on the main issue above.

39. In relation to Appeal A, reference has been made in the second and third reasons for refusal in the Council's decision notice to designated conservation sites. However, as Appeal A is being dismissed for other reasons, there is no need to consider the potential implications of the proposed development in these respects, nor is it necessary to consider the submitted Unilateral Undertaking (deed dated 12 April 2024) in any further detail. I therefore make no further comments on these matters.

Planning Balance

40. I have had regard to the planning permission⁴ to alter and remodel No 6. I have no reason to doubt that this permission would be implemented, in the event that these appeals are dismissed. It is apparent from the submitted plans relating to that permission that whilst No 6 as altered and remodelled would share several design cues in common with the proposed developments for both appeals, as it would appear as a single-storey dwelling when seen from the footway it would be far less imposing in the street scene when compared with the proposed 2-storey dwelling in relation to Appeal B. As a single dwelling on site, it would not result in adverse impacts to the character of the conservation area, in contrast to the proposed development for Appeal A.
41. As the extant permission would be less harmful in terms of its impact on the character and appearance of the conservation area, it provides minimal support for the proposed developments for both appeals. For these reasons, very little weight has been given to the fall-back position, for both appeals.
42. Whilst each of the proposed developments would receive support from the development plan with respect to the public benefits identified on the main issue above, the combined public and private benefits of the proposed developments would be constrained by the limited quantum of development proposed, which for Appeal A would be an increase of only one residential unit on site, with Appeal B maintaining the same quantum of residential development on site as at present. Even taking account of the fact that the Council is currently unable to demonstrate the supply of housing sites as required by the Framework, these benefits would not be significant. In terms of the proposed developments' compliance with the relevant policies of the development plan, Appeal A attracts moderate weight, and Appeal B attracts little weight.
43. Paragraph 9.24 of the Local Plan provides that given the irreplaceable contribution heritage assets make to the cultural, social and economic fabric of the town, it is important that the Borough's assets and their settings are safeguarded as a reminder of the history and evolution of Poole through sensitive enhancement and high quality design. Considering this, and as the Framework advises that great weight should be given to designated heritage assets' conservation, great weight has been given to the proposed developments' conflict with the relevant policies of the development plan, for both appeals.

⁴ Local Planning Authority reference: APP/22/00543/F

44. As a matter of planning judgement I therefore find that the matters advanced in support of each of the proposed developments (including the fall-back position mentioned above), do not, either individually or collectively, outweigh the adverse impacts identified for both appeals, nor the conflict with the development plan identified for both appeals. Each of the proposed developments would conflict with the development plan when considered as a whole.
45. Paragraph 11 d) i. of the Framework provides that permission should not be granted if the application of policies in the Framework that protect areas or assets of particular importance, including designated heritage assets, provide a clear reason for refusing the development proposed. As mentioned above, the benefits of the proposed developments for both appeals would not be sufficient to outweigh the harms identified to the conservation area. This provides a clear reason for refusing the proposed developments for both appeals. It follows that the proposed developments for both appeals would not benefit from the presumption in favour of sustainable development, found at paragraph 11 of the Framework.
46. The proposed developments for both appeals would conflict with the development plan when considered as a whole. None of the other considerations in these cases, including the Framework, indicate that these appeal decisions should be taken otherwise than in accordance with the development plan.

Conclusions

47. For the reasons given above, having considered the development plan as a whole, the approach in the Framework, and all other relevant material considerations, I conclude that Appeal A should be dismissed and that Appeal B should be dismissed.

Alexander O'Doherty

INSPECTOR