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# Appeal Decision

Site visit made on 13 November 2024

**by C Rose BA (Hons) BTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 6 December 2024**

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**Appeal Ref: APP/V1260/W/24/3340581**

**13 Ridgeway, Poole BH18 8DY**

- 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 Pure Town Planning against Bournemouth Christchurch and Poole Council.
  - The application Ref is APP/23/01328/F.
  - The development proposed is sever the plot and erect a detached dwelling with associated access and parking.
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## Decision

1. The appeal is dismissed and planning permission to sever the plot and erect a detached dwelling with associated access and parking is refused.

## Background and Main Issues

2. The description of development in the banner heading above has been taken from the application form. I have however removed reference to 'revised scheme' as this is not an act of development.
3. During the appeal the Council confirmed that it would have refused planning permission had it retained the power to determine the application. The Council have produced an officer report that references five reasons for refusal and the policies of the development plan to which the Council considers a conflict.
4. The first reason states that the proposal introduces a dominant form of development uncharacteristic of the area causing harm to the setting of the Broadstone Conservation Area. The second reason states harm to the living conditions of neighbouring occupiers at No.13 Ridgeway by reason of reduction in daylight, sunlight and outlook. The third reason states that the proposal fails to supply additional information to show an independently accessible cycle store with appropriate cycle stands with sufficient capacity. The fourth and fifth reasons relate to the failure to demonstrate no harm to a Site of Special Scientific Interest (SSSI), Dorset Heathlands Special Protection Area and Ramsar Site, Dorset Heath Special Area of Conservation and the Poole Harbour Special Protection Area, SSSI and Ramsar site.
5. However, during the course of the appeal a signed legal agreement under S.106 of the Town and Country Planning Act 1990 (as amended) was submitted to mitigate any effects from the proposal on the SSSI, Dorset Heathlands Special Protection Area and Ramsar Site, Dorset Heath Special Area of Conservation and the Poole Harbour Special Protection Area, SSSI and Ramsar site. The Council have confirmed that this satisfactorily addresses the fourth

and fifth reasons for refusal, and as I have no reason to disagree, it does not form a main issue in the consideration of the appeal.

6. In light of the above, the main issues are:

- the effect of the proposal on the character and appearance of the area, including the effect on the significance of the Ridgeway and Broadstone Conservation Area with regard to its setting;
- the effect of the proposal on the living conditions of neighbouring occupiers at No.13 Ridgeway with particular regard to light and outlook; and,
- whether the proposal provides convenient and practical bicycle storage.

## **Reasons**

### *Character and appearance*

7. The appeal site comprises part of the former garden to No.13 Ridgeway. It has a frontage to Ridgeway Road but adjoins the gardens to neighbouring dwellings to its other three boundaries.
8. The immediate area is characterised by detached predominately two and three-storey residential properties set apart from each other in fairly spacious plots. The wider area is verdant in nature with significant planting within and to the plot frontages.
9. The appeal site lies just outside of the Ridgeway and Broadstone Conservation Area (CA). The boundary to the CA runs along the site frontage with Ridgeway. The CA comprises sizable residential properties set back from their frontages behind boundary walls. The plots have generally irregular building lines and orientation with the buildings finished in brick and clay roof tile within a verdant spacious setting. The CA is representative of a Victorian settlement laid out in a garden suburb with significant planting. These elements form the significance of the CA.
10. By reason of its position bounding the CA and fronting Ridgeway visually and physically related to the CA, the appeal site forms part of the setting to the CA. While the character and appearance of the appeal side of Ridgeway is slightly different comprising marginally smaller plots positioned closer to the road, it nonetheless retains a spacious verdant appearance by reason of the dwellings being set in from their side boundaries in a landscaped setting. This helps to form the setting of the CA.
11. The appeal proposal would result in an additional dwelling within the original plot to No.13 Ridgeway. As a result of the narrow width of the resultant plot and width of the proposed dwelling, it would be positioned in very close proximity to both side boundaries. By reason of the position close to the side boundaries at full height, and particularly the close position to the side of No.11 Ridgeway, the proposed dwelling would appear cramped and would fail to respect the wider spacious and verdant character of the area causing harm to the setting of the CA. This would be the case despite the proposal adequately respecting the building line created by No's 11 and 13 Ridgeway.
12. Furthermore, by reason of a combination of the plot width and built form close to the road and both side boundaries, the plot would appear considerably smaller than the others to this part of Ridgeway, alien to the prevailing street

scene. This would be exacerbated by the smaller plot depth than those adjoining, that would be particularly visible from surrounding properties.

13. While the design of the dwelling comprises a first floor within the roof resulting in a slightly top-heavy appearance, given the very varied design and scale of dwellings along Ridgeway and Westheath Road, and use of appropriate materials, I do not find this harmful in itself. Furthermore, the use of gables and dormers are not uncommon in the immediate area and would not appear as dominant features in the street given their relatively small scale.
14. It follows from the above that I conclude that the proposal would harm the character and appearance of the area and have a harmful effect on the significance of the Ridgeway and Broadstone Conservation Area with regard to its setting. As such, it is contrary to Policies PP27, PP28 and PP30 of the Poole Local Plan November 2018 (LP). Amongst other things, these seek a good standard of design, permits development that reflects or enhances local patterns of development and neighbouring buildings, preserve or enhance the area's residential character, historic, architectural and archaeological significance of heritage assets and their settings.
15. Given the small scale and localised effect of the proposal, it would result in 'less than substantial harm' to the setting of the Conservation Area as a designated heritage asset. It is important to note that 'less than substantial harm' does not equate to a less than substantial planning objection.
16. Paragraph 208 of the Framework requires that 'less than substantial harm' should be weighed against the public benefits of the proposal. I acknowledge the proposal would result in some public benefits from the provision of an additional dwelling in a location accessible to a range of services and facilities, make an efficient use of land, boost supply of housing, create jobs during construction with future residents supporting shops, services, and facilities. However, given the small scale of the proposal the benefits are limited and do not outweigh the 'less than substantial harm' to the CA as a whole.

#### *Living conditions*

17. No.13 Ridgeway is a corner plot with elevations fronting both Ridgeway Road and Westheath Road. Despite this, the front door and front elevation of the dwelling directly face the appeal site.
18. The proposal seeks the provision of a dwelling over two floors positioned fairly centrally within the plot. It would present a side elevation to No.13 Ridgeway that would be located in very close proximity to the boundary and front elevation of No. 13.
19. While I acknowledge that the dwelling has been designed at a lower height to a previous proposal, and with the first floor within a roof with half-hipped gable ends, by reason of the close relationship to the front of No.13 Ridgeway and resulting bulk of the building above the boundary fence, the proposal would be highly visible from the adjacent garden area and front windows to No.13 and result in an overbearing and oppressive outlook.
20. Furthermore, by reason of the position of the proposed dwelling directly to the south of No.13 Ridgeway in close proximity, it would result in some overshadowing and loss of sunlight to its adjoining garden during the winter months in particular. While this is unlikely to result in a harmful loss of light to

the rooms within No.13 due to the extra distance to the dwelling, it would nonetheless still be overbearing and oppressive.

21. I have had regard to the plot having been separated from the garden of No.13 Ridgeway before it was sold, but this does not justify or overcome the harmful effect by reason of the proposed height and close relationship of the proposed dwelling to the garden and front elevation of No.13 Ridgeway.
22. It follows from the above that the proposal would harm the living conditions of neighbouring occupiers at No.13 Ridgeway with particular regard to light and outlook. As such, the proposal is contrary to Policy PP27 of the LP. Amongst other things, this requires a good standard of design in all new developments, not result in a harmful impact upon amenity for both local residents and future occupiers considering privacy and whether the development is overbearing or oppressive.

#### *Cycle storage*

23. Table 10 of the Council's Parking Standard Supplementary Planning Document January 2021 (SPD) details the requirement to provide 1 secure covered cycle space per bedroom. In relation to this appeal, 4 cycle spaces are required. Paragraph 3.3.33 of the SPD further states that each cycle space should be accessible and not obstructed by other cycles in the store.
24. The plans detail the provision of a Secure Cycle Box in the rear garden. While the plan illustrates the storage of two bicycles, the manufacturer's brochure states that for the size of box proposed it is capable of accommodating five adult bikes. Nonetheless, it is not clear from the plans that 4 spaces could be provided without each bike obstructing others and the plans do not detail the type of stands proposed.
25. Notwithstanding this, there is space within the rear garden for the provision of a suitably sized store(s) and a condition could be imposed on any grant of planning permission to ensure the submission and approval of cycle storage details that comply with the SPD.
26. In light of this, and subject to a condition, the proposal would provide convenient and practical bicycle storage. As such, it would be capable of complying with LP Policy PP27 (b) and the SPD. Amongst other things, these seek to provide convenient and practical bicycle storage.

#### **Other Considerations**

27. I have had regard to the proposal meeting the Nationally Prescribed Space Standards, provision of a suitable access, car parking and outdoor space, and use of renewable energy sources and principles of sustainable drainage. However, as these are requirements of local and national planning policy and guidance, they carry very little weight in my consideration.
28. It is not a matter of dispute between the parties that the Council cannot currently demonstrate the required supply of deliverable housing sites and I have no reason to take a different view. While there would be some limited benefits from the provision of a new dwelling boosting supply in an accessible location, making an efficient use of land and from spend and jobs associated with construction and future occupiers, I have found above that the proposal would cause harm to the significance of the Ridgeway and Broadstone

Conservation Area with regard to its setting. This is contrary to the policies in Chapter 16 of The Framework that protects such heritage assets. Furthermore, given footnote 7 to Paragraph 11 d) 1. of the Framework, and the harm I have identified to the asset of particular importance, there is no need to carry out the assessment in Paragraph 11. d) ii.

29. I note the appellant's comments in relation to the processing of the planning application, however these have no bearing on my decision which is based on the planning merits of the development.
30. As I am dismissing the appeal for other reasons, I do not need to consider the legal agreement or any likely significant effects on the SSSI, Dorset Heathlands Special Protection Area and Ramsar Site, Dorset Heath Special Area of Conservation and the Poole Harbour Special Protection Area, SSSI and Ramsar site and the related duties under the Conservation of Habitats and Species Regulations 2017 further.

### **Conclusion**

31. Although I have found no harm with regard to the effect on cycle parking provision, I have found harm to the character and appearance of the area, significance of the CA with regard to its setting, and living conditions of neighbouring occupiers. In my view, these are the prevailing considerations, and the proposal should be regarded as being in conflict with the development plan, when read as a whole.
32. Material considerations, including the Framework do not indicate that the proposal should be determined other than in accordance with the development plan. Having considered all other matters raised, I therefore conclude the appeal should be dismissed.

*C Rose*

INSPECTOR