



Appeal Decision

Hearing held on 8 October 2024

Site visit made on 9 October 2024

by Bhupinder Thandi BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 January 2025

Appeal Ref: APP/V1260/W/24/3347236

17 Danecourt Road, Poole BH14 0PG

- 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 J Hacker of Beechvale Construction Limited against the decision of Bournemouth Christchurch and Poole Council.
 - The application Ref is APP/23/01254/F.
 - The development proposed is construct two blocks of 8.no two-bedroom flats and 3.no detached three bedroom houses with associated access and parking.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by Beechvale Construction Limited against the decision of Bournemouth Christchurch and Poole Council. This decision is the subject of a different decision.

Preliminary Matters

3. The appellant has submitted an Air Quality Assessment following determination of the application. Consequently, the Council advise that they no longer wish to defend the fifth reason for refusal. On the evidence before me I have no reason to find otherwise. I therefore have not addressed this matter in the reasoning below.
4. The revised National Planning Policy Framework (the Framework) has been published since the appeal was submitted. My decision is made in the context of the revised Framework and I am satisfied that no interested party has been prejudiced by my approach.

Main Issues

5. The main issues are:
 - The effect of the proposed development upon the character and appearance of the area;
 - The effect of the proposal upon the living conditions of existing neighbouring occupiers;
 - Whether adequate living conditions for the intended occupants of the development would be provided;

- The effect upon highway safety;
- Whether or not the proposed development would make appropriate provision for affordable housing; and
- The effect of the proposal upon the Dorset Heathlands Special Protection Area and Ramsar site and Dorset Heath Special Area of Conservation; Poole Harbour Special Protection Area and Ramsar site.

Reasons

Character and appearance

6. The appeal site comprises a rectangular parcel of land located on the northern side of Danecourt Road. The site was formerly occupied by a single dwelling, but this has been demolished and the site has been since cleared.
7. When travelling along Danecourt Road from a westerly direction the northern side of the road is characterised by detached dwellings that stand in large plots and that have been altered and enlarged. Whilst dwellings are close to one another the spacing between the built form is noticeable providing glimpses of mature vegetation and dwellings behind. Once beyond the appeal site the scale and form of dwellings becomes more modest with more pronounced spacing between the built form. The size and depth of plots and the mature landscaping are more appreciable at this point. Whilst there are variations in the scale of the built form and spacing between buildings the road has a verdant suburban character.
8. Numbers 13 and 15 Danecourt Road, neighbouring the site, are formed of two detached two and a half storey apartment blocks. Because of its large scale and form that development is a rather prominent feature within the street scene. The tight spatial relationship between the blocks and side boundaries together with a frontage dominated by hard surfacing and vehicles with limited soft landscaping means it is somewhat at variance to the more spacious and mature character of the area.
9. The Council accept that a two-storey flatted development with accommodation in the roof space would be acceptable in principle. Based on the evidence before me and having regard to the character of the area I see no reason to reach a different view. That said, the apartment blocks proposed would be unduly large occupying a large area of the site. The overall footprint of the blocks combined with their elongated form would appear as monolithic structures resulting in an unduly prominent and obtrusive form of development.
10. The proposed dwellings positioned deep into the site and their small plots would be at odds with plots locally which tend to be more generous in size, undermining the character of the area and the prevailing sense of spaciousness that exists.
11. The quantum of development spread over a great deal of the site would result in an uncharacteristic concentration of built form. The introduction of large apartment blocks, dwellings to the rear of the site and associated infrastructure would give the impression of an unduly intensive and urban form of development that would not be in keeping with the spacious and mature suburban character of the area.

12. The tight arrangement of the apartment blocks in relation to one another, the side boundary with Nos 13 and 15 and established built form and the small plots sizes of the dwellings would give the impression of a far less spacious and unduly cramped development. As such, it would not successfully integrate into the area undermining its character and appearance.
13. Despite the slope of the site the proposed dwellings would be reasonably well screened from the public realm, with only glimpsed views likely through the access. While this would mitigate the visual impact to some extent, it does not justify a scheme that I have found to be harmful to the character of the area. Moreover, the cramped and incongruous nature of the dwellings in the rear of the site would still be discernible from the private views of neighbouring residences.
14. A condition for a soft landscaping scheme could be imposed. However, it is apparent that there is limited space to the front of the apartment blocks to plant meaningful greenery so as to provide an appropriate setting that reflects the mature soft landscaping that exists along much of Danecourt Road.
15. I acknowledge that there is design variety locally and that the appellant is not wedded to the materials and colour palette indicated on the submitted plans. However, I share the Council's view that the ad-hoc size and position of the fenestration, dormer windows and embellishments including the projecting balconies and external staircases only serve to accentuate the bulk of the buildings and its incongruity within the street scene.
16. There was much discussion at the Hearing regarding whether the development at Nos 13 and 15 set a benchmark for development locally. This development has both successful and not so successful elements, as opined by both main parties, however my attention is focused upon the merits of the appeal scheme before me.
17. The appellant has also directed my attention to a number of backland schemes granted planning permission in the area. Based on the submitted information I am not satisfied that they are comparable to the appeal scheme before me. In any event every appeal must be considered on its own merits, as I have done. The examples provided do not justify the harm that I have identified in relation to this main issue.
18. I conclude that the proposed development would adversely affect the character and appearance of the area contrary to Policies PP27 and PP28 of the Poole Local Plan (2018) (LP) which, amongst other things, seek a good standard of design that reflects or enhances local patterns of development including in terms of layout and siting, height and scale and bulk and massing and that the subdivision of plots respect and enhance local character.

Living conditions of existing occupiers

19. The access road leading to the dwellings to the rear would be sited along the boundary with 19 Danecourt Road extending almost its entire length. There is no doubt that this arrangement would result in comings and goings from vehicular movements and more intensive residential activity at the back of the site adjoining No 19's rear garden. However, the access would serve just three dwellings, and, given its small-scale nature I am not persuaded that the associated vehicular and pedestrian comings and goings and residential activity

would unacceptably impact the living conditions of the residents of No 19 in respect of noise and disturbance.

20. Block B includes several windows at first floor and in the roof space, including a dormer window, serving habitable and non-habitable rooms facing the boundary with No 19. Whilst I accept that there would be a degree of overlooking this would not result in significant harm to the living conditions of the occupiers of this property given that views would be screened by the position of the dwelling and the detached garage. Views from the proposed dormer window would be oblique and limited to a small area of the garden. Furthermore, conditions requiring non-habitable and secondary windows and the lower half of the dormer window to be obscure glazed would satisfactorily maintain the living conditions of the occupants of No 19 in terms of overlooking.
21. Even though actual overlooking could largely be mitigated through the imposition of conditions, the residents of this property would be subject to a great impression of being overlooked due to the number of windows in the side elevation of Block A emphasised by the elevated position of the upper floor windows. The perception of overlooking would be oppressive affecting the enjoyment of their house and garden adversely affecting the living conditions of the occupiers.
22. Facing the appeal site in the side elevation of No 15 are habitable room windows positioned at ground and first floor. The sole windows to two bedrooms at flat 2 and 5 respectively, face the site. Whilst one of the first-floor windows is a secondary window and the ground floor windows, to some extent, are obscured by the existing boundary fence the height and the position of Block A in very close proximity to this building would be visually intrusive. The proximity of Block A would therefore have a significant overbearing effect on the occupiers of these properties. This would severely diminish the living conditions of existing occupiers of flats 2 and 5 in terms of loss of sunlight, daylight and outlook.
23. I acknowledge that close relationships between properties are not uncommon in dense urban areas. However, Danecourt Road and the surrounding area is a spacious and mature suburb. As such, the tight arrangement of the built form as proposed would not be appropriate in this location.
24. I conclude that the proposed development would unacceptably affect the living conditions of the occupiers of No 15 and No 19 in respect of loss of light, outlook and perceived overlooking. Thus, it would be contrary to LP Policies PP27 and PP28 which, amongst other things, require developments to not result in a harmful impact upon amenity for both local residents and future occupiers including in respect of sunlight and daylight, privacy and outlook.

Living conditions of future occupiers

25. I acknowledge that there is no adopted numerical guidance in respect of distances between properties and amenity space. In this regard, the consideration of the impact of apartment block A upon the living conditions of the future occupiers of House 2 is one of planning judgement based on the merits of the scheme.

26. Block A includes bedroom windows, living room windows and balconies at first floor and within the roof space positioned approximately 9m from the rear garden of House 2. Because of the limited separation between the two buildings and the overall height and position of the upper floor windows in Block A I find that there would be unacceptable overlooking and a loss of privacy for the intended occupiers of House 2. Moreover, overlooking from a flat is likely to be more pronounced, compared to a two-storey house, as it would include living room and kitchen windows in addition to bedroom windows.
27. Furthermore, on account of the bulk of Block A and its closeness to House 2 the proposal would be visually intrusive and overbearing having a significant impact upon the living conditions of its intended occupiers. In coming to this view I have had regard to the position of the communal cycle store, however, I am not persuaded that this would mitigate the harm that I have identified.
28. The two apartment blocks would be positioned side by side with a gap of around 1.5m separating the buildings. At ground and first floor level would be bedrooms providing the sole source of outlook and natural light to these rooms.
29. I note that the windows would be slightly offset, however, the position of the windows in such close proximity would give rise to a degree of mutual overlooking. Whilst in practice the windows are likely to be screened by curtains or blinds for parts of the day, it is neither practical nor appropriate to rely on the actions of a third party to ensure that the proposal does not give rise to any unacceptable overlooking. This close spatial relationship and lack of separation between the blocks would also result in rooms with limited natural light resulting in dark uninviting rooms and an unacceptably oppressive environment for future occupiers with limited privacy and no relief from the built form.
30. As such, I conclude that the proposed development would not provide a satisfactory residential environment for future occupiers contrary to LP Policies PP27 and PP28 which, amongst other things, require developments to avoid harmful impacts upon amenity for both local residents and future occupiers including in respect of sunlight and daylight and privacy and not to be overbearing or oppressive.

Highway safety

31. Whilst the pedestrian visibility splays are shown on the submitted plans it is apparent that the splay on the eastern side is positioned within the access itself.
32. Therefore, drivers would not have a full view of pedestrians walking along the pavement when leaving the site. In my judgement the lack of visibility would increase the likelihood of collisions with pedestrians. Visibility along Danecourt Road is an especially important consideration when taking into account the level of footfall along the road associated with Bournemouth and Poole College opposite.
33. I acknowledge that there are footway crossings along the road and pedestrians would be aware of emerging vehicles from dwellings. But this is not sufficient justification to permit a substandard access point at the site.

34. In coming to my decision, I have paid regard to the predicted number of vehicle trips provided by the appellant and the potential desire lines of pedestrians, however, these factors do not lead me to reach a different conclusion on the matter.
35. Turning now, to the internal road arrangement. Given its small-scale residential nature I am satisfied that vehicle movements along the access including those from visitors and deliveries would not be significant. That said, given its limited width and absence of a dedicated walkway the proposal would not provide an environment conducive for pedestrian movements and therefore users of the access would be unduly inconvenienced and potentially endangered by vehicle movements along it and undermining highway safety.
36. The parking provision for Houses 2 and 3 would be in the form of a tandem parking arrangement. I concur that tandem parking on driveways within residential development is not unusual and it is not unreasonable to expect residents to manage their own driveway parking accordingly. I am not persuaded that drivers would have to make irregular or an excessive number of manoeuvres to exit the spaces but in any event any inconvenience to other residents whilst manoeuvring is likely to be for a very limited time.
37. I find it highly unlikely that drivers would reverse along the access and into Danecourt Road when sufficient space exists within the site to manoeuvre and exit in forward gear. As such, I give this aspect of the Council's argument limited weight in coming to my decision.
38. At the time of my site visit I observed some pressure for parking on both sides of the road within the vicinity of the site whilst spaces were available towards either end of Danecourt Road. Whilst this is a snapshot in time, based on my observations and the evidence before me it is evident that demand exists for parking during the day. It would not be unreasonable to suggest that this demand is associated with the nearby Bournemouth and Poole College.
39. Even if a small number of resident's vehicles or visitors were displaced onto Danecourt Road it is unlikely to lead to parking stress or unduly affect highway safety. It is more likely that residential parking demand would be greater in the evenings and at weekends when the college is likely closed and on street parking around the site has subsided.
40. As such, I find the proposed development would adversely affect highway safety contrary to LP Policies PP27 and PP35 which, amongst other things, seek to prioritise the needs of pedestrians before private cars and require safe access to the highway.

Appropriate provision for affordable housing

41. LP Policy PP11 relates to affordable housing and states that affordable housing will be sought on all housing schemes of 11 or more homes. Part (c) sets out that on schemes of between 11 and 20 units a commuted sum will be accepted in lieu of on-site provision. The financial contribution will be equivalent to that provided on site. Part (g) of the Policy and Policy PP40 set out that where an applicant wishes to demonstrate that the proposal is not viable this should be done through a residual land value viability assessment.

42. The appellant submitted a Financial Viability Assessment (FVA) with the application to justify why 40% affordable housing could not be provided either on site or by way of a financial sum.
43. The District Valuer (DVS) independently verified the submitted FVA and agreed with the appellant. Despite some variances in data values, including the proposed values of the apartments; the cost of the external work and services and finance costs the DVS agreed with the appellant that a policy compliant scheme, delivering 40% affordable housing, was not viable. However, they reached a different conclusion and found the scheme would be able to support a financial contribution of £132,889 towards affordable housing equating to a provision of around 9.2%.
44. The appellant has disputed some of the DVS adjustments. Accordingly, the DVS has issued a revised report, but which still concludes that an all private scheme is not viable. Despite the above, the appellant is offering £80,000 towards affordable housing in the area secured by way of a legal agreement.
45. Accordingly, although the scheme would not deliver the equivalent of 40% affordable housing it has been adequately demonstrated that the scheme is not viable. In such a circumstance a financial contribution, as proposed by the appellant, and mindful of the comments of the DVS and Council I find that the development would provide a fair contribution towards affordable housing in accordance with LP Policies PP11 and PP40.

Impact upon the Dorset Heath SPA, Ramsar and SAC and Poole Harbour SPA and Ramsar

46. The appeal site lies within close proximity to the Dorset Heathlands SPA, Ramsar site, the Dorset Heaths SAC and the Poole Harbour SPA and Ramsar site.
47. The Council's sixth and seventh reasons for refusal relate to the effect of the development upon the integrity of the SPA, Ramsar and SAC sites. However, as I have found harm in respect of the character and appearance of the area, living conditions and highway safety which are significant enough to dismiss the appeal there is no benefit in me pursuing this matter any further.

Other Matters

48. The appellant indicates that the emerging local plan expects new houses to come forward in part through windfall opportunities, most likely as a result of rear infill development on larger plots.
49. Paragraphs 49 and 50 of the Framework sets out how applications for planning permission should be determined in respect of emerging plans. The Framework advises that local planning authorities may give weight to relevant policies in emerging plans according to the stage of preparation; the extent to which there are unresolved objections to relevant policies and the degree of consistency of relevant policies in the emerging plan to the Framework.
50. Whilst consultation on the emerging local plan has taken place based on the evidence before me there are relevant policies which may well be subject to further consultation and modification. As such, I attach very limited weight to the emerging local plan with regard to the scheme before me. In any event I

am not persuaded that the emerging policies would lead me to reach a different conclusion on the matter.

Planning Balance

51. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise.
52. The Council accepts that they cannot demonstrate a deliverable five year supply of housing land as required by the Framework. Consequently, Paragraph 11 d) of the Framework, which is a material consideration of significant weight, is engaged. It states that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.
53. The provision of 19 dwellings would make a reasonable contribution towards the areas housing supply addressing a pressing need for housing in the area weighing significantly in favour of the development. The financial contribution towards affordable housing also attracts significant weight in the planning balance.
54. The site is located within a short distance of a range of day-to-day services. Future occupants would be able to reach these on foot and by public transport, providing them with transport choice and not an over-reliance on a car.
55. Turning to the economic implications – the construction of 19 dwellings would provide jobs, but this would largely be limited to the construction phase. Future residents would help maintain services and facilities in the local area through additional expenditure. These benefits would be moderate.
56. The wildlife corridor and payments towards mitigating the impact upon habitat sites are matters of neutral consequence.
57. The Framework makes it clear that good design is a key aspect of sustainable development. It also expects development to add to the overall quality of the area and be visually attractive as a result of good architecture and layout. In addition, development should create places with a high standard of amenity for existing and future users. Even taking into account the objective to promote the effective use of land and to significantly boost the supply of housing and the Council's housing land supply position, the conflict between the proposal and the most important policies in the development plan should be given very significant weight in this appeal.
58. In the context of the above, and taking into account the aforementioned other considerations, I find that the identified adverse impacts of the development would significantly and demonstrably outweigh the identified benefits of the proposal, when assessed against the policies in the Framework taken as a whole. Consequently, I conclude that the proposal would not deliver a sustainable form of development. Therefore, the appeal is dismissed.

Conclusion

59. For the reasons set out above the appeal does not succeed.

B Thandi

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Darryl Howells Darryl Howells Planning Consultancy

Mr P Casely Highway Consultant

FOR THE LOCAL PLANNING AUTHORITY:

Shelley Edwards Senior Planning Officer

Frances Summer Senior Planning Officer

Catherine Miles Urban Design and Heritage Manager

Steve Stace Transport Development Management/ New Works Officer