



Appeal Decision

Site visit made on 10 December 2024

by C Rose BA (Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 January 2025

Appeal Ref: APP/V1260/W/24/3340793

130 Magna Road, Poole BH11 9NB

- 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 Mattadaw Ltd against the decision of Bournemouth Christchurch and Poole Council.
 - The application Ref is APP/23/01380/F.
 - The development proposed is subdivision of the site and erection of 2 detached dwellings with associated parking, landscaping and formation of new access.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. 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 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 legal agreement has been approved by the Council. I will return to this below.
3. Also, during the course of the appeal an updated version of The National Planning Policy Framework (the Framework) was published on the 12 December 2024. In light of this, both main parties were given the opportunity to comment on any implications for the appeal. I have taken the responses into account.

Main Issue

4. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

5. The immediate area surrounding the site is characterised by detached dwellings set behind low boundary walls fronting roads with generally open and undeveloped deep rear gardens. While the dwellings vary in appearance, they are unified in their plot form and spacious linear layout that positively contributes to the character of the area. From neighbouring dwellings, views of the site in combination with adjoining gardens provide an open outlook and sense of spaciousness.
6. The subdivision of the garden would represent a form of development that would be out of keeping with the prevailing pattern of residential dwellings and

neighbouring buildings immediately surrounding the site. The proposed dwellings, albeit bungalows and subservient in scale to No.130 Magna Road, adjoining the open rear gardens of neighbouring dwellings would be incongruous in their setting by reason of the lack of road frontage, smaller plot sizes and gardens and would diminish the open and spacious outlook from neighbouring buildings. In these regards, the proposal would alter the linear pattern of development and appear at odds with the prevailing character and appearance of the area.

7. Even though the proposal provides suitable access to serve the proposed dwelling and would be of a suitable footprint and materials, the creation of an additional access serving dwellings in a rear garden would not reflect or enhance the wider area. Although the proposal would increase housing density on the site, this would result in harm to the prevailing plot size. Despite the proposed dwellings being set back within the site, they would be visible down the access serving the dwellings contrary to the prevailing street scene.
8. While an outbuilding of a considerable scale could be constructed within the rear garden of the appeal property under permitted development rights, this would clearly be associated with No.130 Magna Road and would not comprise two separate dwellings, garden areas, parking, and associated activity. As a result, the possibility of the provision of an outbuilding would not result in the same effect on the character and appearance of the area.
9. I recognise that planning permissions have been granted for the construction of dwellings in the rear gardens of No's 121 and 125 Magna Road. However, these are corner plots with a road frontage and as such are not directly comparable to the appeal proposal. I have had regard to the grant of planning permission for two bungalows to the rear of No. 29 Magna Road, but this site is some distance from the appeal site, replaces an annex and I do not have full details of the proposal to be able to conclude that it is directly comparable to the appeal proposal. I have also had regard to the developments at 108, 128, 132 and 154 Magna Road but these are not for 'backland' development and as such are not directly comparable to the appeal proposal. I have noted the applications and appeal decisions at No's 100 and 144 Magna Road, but I am required to consider this appeal on its merits.
10. My attention has been drawn to development of a large urban extension immediately to the rear of the appeal site. This was under construction at the time of my site visit. While the urban extension is of a different development form comprising smaller plot sizes and gardens, it would not change the existing spacious linear pattern of development fronting Magna Road. By reason of the proposed position of the dwellings in the rear garden separated from the urban extension by the existing rear boundary line and accessed off Magna Road, the proposed development would not appear part of the urban extension. As a result, the proposed dwellings would relate poorly to both the urban extension and the existing development on Magna Road.
11. While the dwellings forming part of the urban extension would be partly visible through the appeal site from Magna Road, they would be located beyond the existing rear appeal site boundary. As such, they would not have the same prominence or visual presence from adjacent properties or from Magna Road as the proposed development that would be more clearly visible in the existing rear garden located closer to Magna Road.

12. Although the development plan, and the Framework, encourage urban intensification and allows plot subdivision, their acceptability is dependent on proposals respecting local character and, in this instance, I have identified harm in this regard.
13. In conclusion on this matter, the development would have a significant harmful effect on the character and appearance of the area. As such, it would conflict with Policies PP27 and PP28 of the Poole Local Plan November 2018 and paragraph 135 of the Framework. Amongst other things, these seek to ensure that development proposals are of a good standard of design, reflect or enhance local patterns of development and neighbouring buildings, only permits plot severance or plot sub-division which would preserve or enhance the area's residential character, and ensures that developments are sympathetic to local character.

Other Considerations and Planning Balance

14. I have had regard to a previous outline planning permission on the site in 2002. However, while this proposal may not have been refused on the effect on the character and appearance of the area, the decision pre-dates the current development plan and the Framework. As a result, I give it very little weight in my consideration.
15. The lack of harm to living conditions of neighbouring and future occupiers, trees, the provision of adequate parking and outdoor space, a minimum of 10% renewable energy output, biodiversity enhancements and a sustainable drainage system are requirements of local and national planning policy and guidance. In light of this, and given the small scale of the proposal, I give these matters limited weight in my consideration.
16. It is clear from the Council's reason for refusal that the principle of two dwellings in this location is acceptable and that it is well served by services and facilities along a sustainable transport corridor. I also acknowledge that the proposal would provide much needed housing, boost, and add to the supply and mix of housing, make an efficient use of land, and benefit the local economy from construction works and future occupiers using local services and facilities. It could also be built out quickly. These benefits, and related support from paragraphs 110, 115 and 129 of the Framework seeking the efficient use of land and the location of development served by a range of services and facilities, weigh moderately in favour of the proposal.
17. In contrast, I have found that the appeal proposal would cause significant harm to the character and appearance of the area. The relevant policies in this regard are largely consistent with the Framework where it states that planning decisions should reflect the character of an area and safeguard the environment. Therefore, the proposed development is contrary to the development plan as a whole and I give significant weight to the conflict with these policies.
18. The parties agree that the Council cannot demonstrate a five-year supply of deliverable housing sites and I have no reason to disagree. In light of the submission of the legal agreement referenced above, and given that the Council have approved the agreement, I have no reason to conclude that this would not adequately address the second and third reasons for refusal. As a result, matters related to habitats sites do not provide a strong reason for

refusing the development proposed under paragraph 11d) i. of the Framework and paragraph 11d) ii. is engaged.

19. As stated above, the appeal proposal would provide a number of benefits that I attribute moderate favourable weight. In contrast, the adverse impacts of granting permission would significantly and demonstrably outweigh those benefits when assessed against the policies in the Framework taken as a whole, having particular regard to policies in the Framework for directing development to sustainable locations, making effective use of land, securing well-design places and providing affordable housing, individually or in combination. This is because paragraphs 129, 135 and 139 of the Framework require that developments are sympathetic to local character and are well designed and as I have found above that the proposal would not achieve this resulting in significant harm in this regard.
20. The proposal does not therefore benefit from the presumption in favour of sustainable development given by paragraph 11 of the Framework.

Conclusion

21. The proposal would conflict with the development plan as a whole and there are no other considerations, including the provisions of the Framework, which outweigh this finding. Therefore, for the reasons given above, I conclude that the appeal should be dismissed.

C Rose

INSPECTOR