



Appeal Decision

Site visit made on 28 January 2025

by **J J Evans BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 19 February 2025

Appeal Ref: APP/V1260/W/24/3347059

75 Canford Cliffs Road, Poole BH13 7AH

- 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 Davis against the decision of Bournemouth Christchurch and Poole Council.
 - The application Ref is APP/24/00148/F.
 - The development proposed is described as “alter driveway access”.
-

Decision

1. The appeal is allowed and planning permission is granted for the alteration of the driveway access at 75 Canford Cliffs Road, Poole BH13 7AH, and subject to the following conditions:-
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved drawings:- Existing block and location plan (Drg no 1340.5-Plan-01), Proposed site plan (Drg no 1340.5-Plan-02), Existing and proposed street scene (Drg no 1340.5-Plan-03), and Tree survey and protection plan (Drg no 1693-Driveway).
 - 3) An arboricultural method statement providing comprehensive details of construction works in relation to trees shall be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of demolition/development. All works shall subsequently be carried out in strict accordance with the approved details. In particular, the method statement must provide the following:-
 - a) a specification for protective fencing to trees during both demolition and construction phases which complies with BS5837 - Trees in Relation to Design, Demolition and Construction (or an equivalent British Standard if replaced) and a plan indicating the alignment of the protective fencing;
 - b) a specification for scaffolding and ground protection within tree protection zones in accordance with BS5837 - Trees in Relation to Design, Demolition and Construction (or an equivalent British Standard if replaced);
 - c) a schedule of tree works conforming to BS3998 - Tree Work: Recommendations (or an equivalent British Standard if replaced);
 - d) details of general arboricultural matters such as the area for storage of materials, concrete mixing and use of fires;
 - e) a full specification for the construction of any arboriculturally sensitive structures and sections through them, including the installation of boundary

treatment works, the method of construction of the access driveway including details of the no-dig specification and extent of the areas of the driveway to be constructed using a no-dig specification; and
g) details of all other activities which have implications for trees on or adjacent to the site.

- 4) The external materials required for the works to the wall hereby permitted shall match those used in the existing wall.
- 5) Concurrently with the construction of the development hereby permitted, the first 5.5 metres of the access crossing, measured from the near side edge of the carriageway, shall be laid out, constructed, hardened and surfaced, in accordance with details to be submitted to, and approved in writing by, the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 6) Prior to commencement of works, a scheme showing precise details for the provision of pedestrian visibility splays on either side of the approved vehicle access to the site must be submitted to and approved in writing, by the Local Planning Authority. The development shall be carried out in accordance with the approved details and the approved scheme must be constructed before the development hereby permitted is brought into use and will require the visibility splays to be cleared/excavated to a level not exceeding 0.6 metres above the relative level of the adjacent carriageway and must thereafter be maintained and kept free from all obstructions, with no features or structures above 0.6m in height being permitted within these splays.

Preliminary Matters

2. The National Planning Policy Framework (the Framework) was revised on 12 December 2024. The comments of the main parties have been sought, and consideration has been given to those received in reaching the appeal decision.
3. 75 Canford Cliffs Road is within the Branksome Park and Chine Gardens Conservation Area. As required by Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) special regard has been paid to preserving or enhancing the character or appearance of the conservation area.
4. The description of development in the heading above has been taken from the planning application form. However, in Part E of the appeal form it is stated that the description of development has not changed, but nevertheless a different wording has been entered. Neither of the main parties has provided written confirmation that a revised description has been agreed. Accordingly, that provided with the original application has been used above and in the formal decision.

Main Issue

5. The main issue in this case is the effect of the proposed access upon the safety of users of Canford Cliffs Road.

Reasons

6. 75 Canford Cliffs Road (No 75) is a detached house positioned within a generous garden. There are a variety of ages and styles of mostly detached houses and

bungalows within the area. The presence of numerous tall trees to both sides of the road and within the gardens creates a distinct verdant cohesion to the area, as well as providing leafy settings to the houses and a means of enclosure separating the public and private realms.

7. Canford Cliffs Road is a wide, long straight road that is flanked to either side by mostly detached residential properties. To both sides there are public footways. Many of the properties to the eastern side of the road have broad frontages, and there are a variety of boundary treatments evident, including walls, fences, railings, and mature hedges. The deliberate separation of the public and private realms is a repeated feature of the area, providing a defined edge to the road, as well as privacy for the occupiers of the houses.
8. The existing vehicular access to No 75 is positioned to the northern side of the plot, close to the boundary with the neighbouring property. A brick wall abuts the public footway, beyond which are a row of western red cedars and a tall timber fence. The existing access leads into a gravelled drive that provides parking to the front and side of the house. The drive sweeps round towards the public highway to the southern side of the plot, terminating at the timber fence, beyond which there is a gap in the hedgerow trees.
9. The proposed access would be positioned close to the southern boundary and would link to the existing driveway. A section of the wall would be demolished to provide the access, which would be of a comparable width to the existing one. There would be no gates to the access, nor piers provided to the wall ends, and it would have a plain, functional appearance. Given the breadth of the access, it would afford both pedestrians and cyclists views of vehicles exiting the property. The suggested crown raising of the trees either side of the access would further improve visibility, and this, and the breadth of the access would combine to allow drivers exiting the property to see approaching pedestrians and cyclists.
10. The road is described by the Council as being relatively busy with vehicular traffic. Notwithstanding this, it is speed restricted to 30mph, and there are some stretches of double yellow lines, but mostly there is unrestricted on-street parking along much of its length. There are numerous private accesses onto the road, some of which have restricted visibility for other users of the highway, including because of tall boundary treatments. In this case, the on-site provision of turning space would enable drivers to go into and out of the property in forward gear, as advised within the Council's Parking Standards Supplementary Planning Document (2021). Such an arrangement would also minimise the opportunity for conflict with other highway users.
11. The second access may not be essential to serve the needs of the occupiers of the dwelling, but it would provide an alternative exit from the property with improved visibility compared to the existing situation. As the existing access is positioned near to the top of a steep slope the separation of the proposed access from the hilltop would provide improved views of approaching traffic coming from the north, thereby improving safety for all users of the highway.
12. Given these findings the additional access would not significantly impact upon the safety of other users of the road. The scheme would accord with the requirements of Policies PP34 and PP35 of the Poole Local Plan (2018) as they seek to retain the safety and attractiveness of alternatives to the private car, provide safe access

to the highway, and contribute to attractive, safe and accessible places and routes for pedestrians and cyclists, requirements that reflect those of the Framework.

Other Matters

13. The appeal property is within the Branksome Park and Chine Gardens Conservation Area. As described in the Character Appraisal and Management Plan (2006) for the conservation area, it is characterised by mostly detached houses within generous gardens. The presence of numerous mature trees of a variety of species creates an attractive verdant tapestry, with the trees and hedges providing leafy enclosure and settings to the highways and the houses. The dominance of the trees and hedges, the presence of detached homes mostly within large gardens, and the undulating nature of the topography, are all part of the significance of the conservation area.
14. There would be no gates to the access, nor piers provided to the wall ends, resulting in it having a simple, unadorned appearance. In a residential area comprising numerous properties with a variety of front boundary and access treatments, including other properties with dual access arrangements, that proposed would preserve the character and appearance of the conservation area, particularly as it would utilise an existing gap in the hedgerow trees. The access would be seen as one of many along the road, and as such it would not erode the significance of the conservation area.
15. The Council has referred to a previously dismissed appeal for an unauthorised vehicular entrance to the property (appeal ref: APP/Q1255/C/08/2086204). The details of this case have not been provided to establish whether it forms a direct comparison with the appeal scheme, and it was also determined several years ago under different national and local policy. Nevertheless, the Council has drawn attention to references within it to there being no essential need for an additional access, that it would create a precedent for similar schemes with the cumulative effect of increased highway danger, and harm to the sylvan character and appearance of the area. For the reasons given above, the scheme would not result in significant safety concerns for other users of the highway, nor erode the verdant character and appearance of the area. There are several other properties with dual accesses, and they mostly have broad frontages. Allowing the appeal would not create a precedent as the consideration of any such proposal would depend upon the individual circumstances of each case, as has occurred with the current appeal.
16. The appellant has raised concerns regarding the Council's handling of the application. Such matters fall to be pursued by other means and have no bearing on the consideration of the merits of the case.

Conditions

17. The conditions suggested by the Council have been considered against paragraph 57 of the Framework. Where necessary and in the interests of clarity and precision they have been altered to better reflect these requirements.
18. The standard time condition has been imposed, as has one requiring the development to be carried out in accordance with the approved plans to avoid doubt. The trees within the site are protected by a Tree Preservation Order and consequently a condition requiring a method statement for the installation of the

access has been imposed to ensure the works would not harm nearby trees and the contribution they make to the conservation area. Similarly, a condition requiring matching materials for the making good of the wall ends has been imposed to maintain the character and appearance of the area. The suggested conditions of the Council concerning the construction of the access, and the provision of pedestrian visibility splays have also been imposed, to ensure that the scheme minimises harm for other users of the highway.

Conclusion

19. Thus, for the reasons given above, and having considered all other matters raised, the appeal is allowed.

J J Evans

INSPECTOR