



Appeal Decision

Site visit made on 4 February 2025

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

an Inspector appointed by the Secretary of State

Decision date: 10th March 2025

Appeal Ref: APP/V1260/W/24/3354929

126 Purewell, Christchurch BH23 1EU

- 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 Libra Homes Limited against the decision of Bournemouth Christchurch and Poole Council.
 - The application Ref is 8/24/0078/FUL.
 - The development proposed is the conversion of existing dwelling to offices including alterations, replacement dwelling and demolition of workshop to provide car parking area.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. 126 Purewell is within the Purewell 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 a conservation area.

Main Issues

3. The main issues in this case are:
 - The effect of the scheme upon the character and appearance of the area, having particular regard to the protected beech tree and the contribution it makes to the Purewell Conservation Area;
 - Whether the scheme would comply with national and local policy to reduce flood risk; and
 - Whether the proposed offices would be in an appropriate location.

Reasons

Character and Appearance

4. Accessed via the undercroft of 124 Purewell, the appeal site lies to the rear of this property and comprises a single storey workshop and a detached dwelling, along with associated gardens and hardstanding. Within the rear garden of the dwelling there is a copper beech tree. There are a mix of uses within the area, including the historic properties along the main road and modern residential estates. In addition to the residential uses, there are a variety of other uses occurring within

the buildings along Purewell, and there is a cluster of large retail and service premises concentrated near to Purewell Cross.

5. As identified in the Christchurch Borough-Wide Character Assessment (2003) the general character of the area is defined by the main street, with the Purewell Conservation Area having an essentially linear form focused upon this main road that leads into the centre of Christchurch. Towards Purewell Cross there are a variety of uses present within the buildings, mostly on the ground floor, as well as some local landmark buildings such as a nearby public house and the medical centre. The presence of mostly two-storey buildings adjacent to the public footway provides a defined enclosure and focus onto the public realm, and this enclosure makes a distinct contrast with the open nature of the gardens to their rear. Many of the buildings along Purewell have deep plots, and within some of these gardens there are mature trees. The height and size of many of these trees, along with their scattered positioning to the rear of Purewell, is such that they form leafy skylines and settings to the buildings. These features are all part of the significance of the conservation area.
6. There is no disagreement between the main parties that the conversion of the existing dwelling to offices and the erection of the new house would preserve the character and appearance of the conservation area. The alterations to the existing building would harmonise with that of nearby buildings, and the change of use would complement the mix of uses found within this part of the conservation area. The demolition of the single storey outbuilding to provide for parking would have a neutral impact upon the conservation area as the creation of an open space to the rear of the buildings along Purewell would harmonise with the grain of the area. There are other homes within the rear gardens of the buildings along Purewell, which the positioning of the new dwelling would replicate.
7. The copper beech is an impactful tree, and one that contributes to the distinct character and appearance of the conservation area, as recognised by its protection with a Tree Preservation Order. It is a healthy, mature tree, having the domed crown typical of beech, and given its height and size it can be seen from long distances away, both from public and private views. The tree forms a verdant backdrop to the houses along Purewell, as well as making a leafy skyline. It is a distinctive tree, particularly so in this case due to its striking leaf colour, and it makes a positive contribution to the character and appearance of the conservation area.
8. Part of the proposed dwelling would be within the tree's root protection area (RPA), with the appellant's Arboricultural Impact Assessment and Method Statements (2023) advising the use of piled foundations. Notwithstanding such measures, given the proximity of the house to the tree such works would have an impact upon its health. Although fencing and ground protection measures during construction works would cover an extensive part of the site, where works and storage would occur has not been demonstrated. Whilst temporary, if these occurred within the RPA they would have an impact upon the long-term health of the tree, including from soil compaction. It might be that service provision could avoid the RPA by being routed from Dairy Close, but this has not been demonstrated as being achievable. Even with the ground protection area, the extent of the works within the RPA along with the constraints that it poses to the development of the site are such that there is uncertainty that the health and vitality of the tree would be maintained.

9. The tree has not been managed for some time, and there is clearance under its crown for pedestrian access. As well as works within the RPA, there would also be significant works to the crown of the tree as it would be raised by 4m and reduced by 1.5m. Large amounts of leaf bearing structure would be removed, and the tree would be trying to heal numerous wounds, including some large diameter limbs, at the same time as works would be occurring to the roots. The totality of the works to the crown along with the impact of the development upon the roots would have a significant impact upon the health and vitality of the tree. As the beech makes an important contribution to the conservation area, any harm to its health and longevity would be to the detriment of the distinctive appearance of the area.
10. Furthermore, the tree would be very close to the windows and balcony of the house. Even if crown raised and reduced, the tree would form an imposing and dominating outlook for future residents, and as it would be to the south of the house it would also reduce light levels and sunlight. In addition, much of the rear garden of the house would be under the crown of the tree. The Council would have control over future works, but the proximity of the tree to the house would necessitate a frequent and regular need to maintain the tree, and such ongoing onerous commitments might well result in any future residents wishing to fell it.
11. For these reasons, the scheme would unacceptably impact upon the protected beech, and in turn the harm to the tree would detract from the character and appearance of the area, neither preserving nor enhancing the character or appearance of the conservation area. The scheme may respect and complement existing buildings and patterns of development as required by Policy BE4 of the Christchurch Local Plan (2001), but the harms to the tree and to the conservation area would be contrary to the Act, and to the requirements of Policies HE1, HE2 and HE3 of the Christchurch and East Dorset Core Strategy (2014) (CS). As these seek, amongst other things, high quality development that reflects and enhances local distinctiveness, that which is compatible with its surroundings including its relationship to mature trees, and the conservation and enhancement of heritage assets and the protection of landscape character, the scheme would fail to accord with these requirements.

Flooding

12. The National Planning Policy Framework (the Framework) makes it clear that inappropriate development in areas at high risk of flooding should be avoided by directing development away from areas at the highest risk of flooding, whether an existing or future risk. If necessary in such areas, the development should be made safe for its lifetime. Undertaking a Sequential Test (ST) ensures that a sequential, risk-based approach is followed to steer new development to areas with the lowest risk of flooding.
13. The appeal site is within an area with a medium risk for current flooding (Flood Zone 2), albeit that risk is anticipated to increase to high risk as a result of climate change (Flood Zone 3a). Although the new dwelling has been described by the appellant as a replacement, the scheme comprises two discrete elements that have no functional or physical linkage. The Framework explains that changes of use, such as is occurring with that of the existing dwelling into offices, would not require an ST. However, the new dwelling would comprise more vulnerable

development within an area at a high risk of future flooding, and given this an ST would be necessary.

14. The Council has referred to there being a number of sites that could accommodate a single dwelling within a lower flood zone. Irrespective of this, no ST has been provided to demonstrate that it is not possible for the dwelling to be located in an area at a lower risk of flooding, and as advised in the Planning Practice Guidance even small sites or parts of larger ones could provide an alternative reasonably available location for the dwelling. In the absence of an ST it is not necessary to apply the Exceptions Test, as this test is not a tool to justify development in flood risk areas where there are other reasonably available, lower risk sites available. Notwithstanding this, the appellant has pointed out the dwelling would incorporate measures to make it safe for its lifetime, such as raised finished floor levels, but irrespective of such measures, why the house has to be positioned in a location at risk of flooding has not been justified.
15. Moreover, the Framework requires that when determining any planning application, flood risk should not be increased elsewhere. Even with the demolition of the workshop, the dwelling would result in a displacement of flood waters to neighbouring properties and areas, and details of flood plain compensation have not been provided. The appellant's GeoSmart report (2023) advises that a separate assessment of floodplain storage should be considered to ensure that the development does not displace flooding, pointing out that the use of stilts and voids cannot be relied upon to compensate for this loss. There are also other unresolved matters concerning emergency access and egress, as climate change would extend the flood zone areas during the lifetime of the development thereby preventing escape.
16. A range of sustainable urban drainage measures have been proposed, including rainwater harvesting, permeable paving, soakaways and a ground crate, albeit the GeoSmart report advises further investigation of the measures proposed. In addition, the Council has raised concerns as regard the suitability of the ground conditions for infiltration, and what level of protection could be achieved. Given the extent of the unresolved issues that remain, there could be no certainty that conditioning the provision of sustainable drainage would result in suitable provision.
17. For these reasons the scheme would fail to reduce flood risk, and the suggested conditions would not overcome these fundamental harms. There would be conflict with the Framework and also with CS Policy ME6 as this requires that all development demonstrates that it would not increase flood risk.

Location

18. Offices are defined within the Framework as main town centre uses, and such uses should be located in town centres, then in edge of centre locations, and only if suitable sites are not available, should out of centre sites be considered. This approach is reflected within CS Policy KS7 which requires a sequential assessment for main town centre uses that are not in an existing centre to ensure that all in-centre options have been thoroughly assessed before less central sites are considered.
19. CS Policy KS6 identifies Purewell as a local centre, and the proposed offices would be just to the north of this boundary. This is an adopted plan and the policy

area includes uses other than retail ones, such as the workshop on the appeal site and also the mix of service and commercial properties fronting Purewell.

20. The scheme would result in additional town centre uses being located outside any district, town or local centre. Whilst the appellant describes the increase as negligible, the thrust of national and local policy, including CS Policies CH2 and CH7, is to ensure the vitality and viability of town and district centres. The provision of offices outside either of these or the local centre would need to be justified through the provision of a sequential assessment so as to maintain the town and district centres.
21. In this case no assessment has been provided to demonstrate that the change of use would not impact upon the vitality and viability of the nearby town centre or the local centre itself. Reference is made by the appellant to there being no directly comparable office space in the town centre, but this is disputed by the Council who refer to town centre properties for sale and rent. It might be that Purewell is a thriving local centre, but there is no evidence of marketing and whether there are other vacant premises within the local and town centres, nor of the need and demand for offices of this size in this particular location.
22. For these reasons the provision of a main town centre use outside the town and local centre has not been justified. The scheme would thereby be in conflict with national and the above referenced development plan policies.
23. Reference has been made to CS Policy KS5. This is a strategic policy identifying the provision of employment land sites within the plan area. The appeal site is not within these allocations and so this policy has little bearing upon the consideration of the appeal scheme.

Other Matters

24. Local residents have raised a number of concerns, including loss of wildlife and an increase in road traffic and parking. However, following the findings on the main issues there is no need to consider these matters further.

Planning Balance

25. The Council cannot demonstrate a five-year housing land supply, and a family home would make a small but important contribution to supply given the acute level of shortfall of provision in the Council's area (at about 1.6 years as referenced by the appellant). However, the scheme does not propose an additional dwelling, and consequently such benefits would be tempered. Moreover, whilst a key aim of the Framework is to significantly boost the supply of housing, when read as a whole the Framework does not suggest this should happen at the expense of other considerations. Irrespective of the Council's housing land supply shortfall, the policies within the Framework that protect assets of particular importance, in this case the conservation area and areas at risk of flooding, provide strong reasons for refusing the scheme.

Conclusion

26. There would be conflict with the development plan when considered as a whole, and there are no other considerations, including the requirements of the Framework, that outweigh this finding. Thus, for the reasons given above and having considered all other matters raised, the appeal is dismissed.

J J Evans

INSPECTOR