Planning Inspectorate

Appeal Decisions

Site visit made on 5 December 2024

by C Butcher BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 January 2025

Appeal A Ref: APP/V1260/W/24/3341363
Beech Lawn, 51 Hinton Wood Avenue, Christchurch BH23 5AE

- 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 Glass Harbour Developments Ltd against Bournemouth Christchurch and Poole Council.
- The application Ref is 8/23/0739/FUL.
- The development proposed is the demolition of the existing building and erection of 2 detached dwellings with associated access and parking arrangements.

Appeal B Ref: APP/V1260/W/24/3347144
Beech Lawn, 51 Hinton Wood Avenue, Christchurch BH23 5AE

- 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 Glass Harbour Developments Ltd against the decision of Bournemouth Christchurch and Poole Council.
- The application Ref is 8/24/0221/FUL.
- The development proposed is the demolition of the existing building and erection of 2 detached dwellings with associated access and parking arrangements.

Decision

Appeal A

1. The appeal is dismissed.

Appeal B

2. The appeal is dismissed.

Preliminary Matters

3. The proposals for Appeals A and B are similar and the main issues are the same. As such, to avoid repetition I have provided one reasoning section, detailing my findings for both appeals. Notwithstanding this, each proposal and appeal has been considered individually, and on its own merits.

Main Issue

4. I have determined Appeal A on the basis of the Council's failure to determine the planning application within the statutory timescale. However, I have had regard to the Council's evidence, in so far that it provides clarity on the reasons why the Council would have refused planning permission had it been able to do so.

5. As such, the main issue for both Appeal A and Appeal B is the effect of the proposed development on the character and appearance of the area.

Reasons

6. The appeal site is located in a fairly low-density residential area which is predominantly characterised by detached single storey dwellings that are set back from the road within relatively large plots. In combination with the abundance of mature trees and other vegetation, this provides the surroundings with a pleasantly spacious and verdant character. The appeal site reflects the appearance of the immediate surroundings and therefore makes a positive contribution to the street scene.

7. The proposals for both Appeal A and Appeal B would involve the demolition of the existing dwelling and the construction of a pair of two storey detached dwellings. In both cases the sub-division of the existing plot, and the subsequent increase in built form, would inevitably erode the existing spacious feel of the site to a great extent. Indeed, in my view, both proposals would have a cramped appearance when considered in the context of the surrounding area. Furthermore, both proposals would involve the provision of a significant amount of hardstanding in front of the dwellings. As such, the existing verdancy of the site, which can currently be appreciated to some extent from the driveway entrance, would be significantly diminished. The provision of a large boundary wall and sliding gate would screen the hard standing most of the time. However, these elements themselves would appear as being quite imposing and would again erode the spacious nature of the immediate area.

8. With regards to Appeal A, the two proposed dwellings would be of a highly modern design. While innovative designs like this are to be welcomed in certain contexts, the houses would clearly appear to be completely out of place and incongruous in this location. The design of the two dwellings within Appeal B would be more traditional and so the harm would not be as obvious. However, with this proposal, the erosion of spaciousness would be greater due to the provision of a garage block close to the street.

9. In relation to Appeal A, I note that the Council has raised concerns about the effect of the proposed hardstanding on the root system of the oak tree labelled on the plans as T7. It seems to me that this would also be of relevance to Appeal B. However, the appellant has provided an Arboricultural Impact Assessment, prepared by Alderwood Consulting Limited in October 2023 (the AIA). The AIA sets out that the hardstanding could be provided using a ‘no-dig’ form of construction which would minimise any ground disturbance thereby avoiding harm to the tree. I am satisfied that this mitigation could be secured via an appropriately worded condition.

10. Nevertheless, I have found that both proposals would result in significant harm to the character and appearance of the area, and as such in either scenario, there would be conflict with Policy HE2 of the Christchurch and East Dorset Core Strategy - Local Plan Part 1 (2014) and Policy HWNP11 of the Highcliffe and Walkford Neighbourhood Plan (January 2023). The relevant aspects of these policies seek to ensure that new development is well designed and that it conserves character and appearance.

Other Matters

11. I note that the site is within close proximity to areas that are designated as Special Protection Areas and Special Areas of Conservation. However, as I am dismissing the appeal, I am not required to consider this matter any further.

Planning Balance and Conclusion

12. It is not in dispute that the Council cannot currently demonstrate a 5-year supply of deliverable sites for housing. Indeed, the current shortfall is significant, and I have no evidence before me to suggest that this position is likely to improve in the short-term. In such circumstances, Paragraph 11d and footnote 8 of the National Planning Policy Framework (the Framework) require that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole.

13. In this instance, the benefits of both proposals include a net gain of one dwelling on a previously developed site that would assist in meeting need in the area, and support local facilities. Despite the shortfall in housing land supply, I still only afford limited weight to these benefits given that they are relatively minor in nature.

14. I have concluded that there would be material harm to the character and appearance of the area. The support for the principle of development within the Framework is countered by the importance it places on the provision of development that is well designed and that preserves character and appearance. For both Appeal A and Appeal B, the harm would be significant and enduring. As a result, when assessed against the policies in the Framework taken as a whole, the adverse impacts would significantly and demonstrably outweigh the benefits. Consequently, for the reasons given, the proposed developments conflict with the development plan as a whole, and there are no other considerations, including the provisions of the Framework, that outweigh the identified harm. The appeals are therefore dismissed.

C Butcher

INSPECTOR