



Appeal Decisions

Hearing Held on 16 October 2018

Site visit made on 16 October 2018

by Robert Parker BSc (Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 October 2018

Appeal A Ref: APP/F1230/W/18/3199626

Land adjoining Watton Park, Watton Park, Bridport DT6 5NJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant consent, agreement or approval to details required by a condition of a planning permission.
 - The appeal is made by Mr Tom Biddle of Baker Estates Ltd against the decision of West Dorset District Council.
 - The application Ref WD/D/17/001566, dated 16 June 2017, sought approval of details pursuant to condition No 2 of a planning permission Ref WD/D/15/000521, granted on 29 March 2016.
 - The application was refused by notice dated 24 January 2018.
 - The development proposed is development of 33 dwellings, open space and landscaping.
 - The details for which approval is sought are: appearance, landscaping, layout and scale.
-

Appeal B Ref: APP/F1230/W/18/3199634

Land adjoining Watton Park, Watton Park, Bridport DT6 5NJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Tom Biddle of Baker Estates Ltd against the decision of West Dorset District Council.
 - The application Ref WD/D/17/001638, dated 26 June 2017, was refused by notice dated 24 January 2018.
 - The development proposed is change of use from agricultural land to residential curtilage (Use Class C3).
-

Decision

1. Appeal A is dismissed.
2. Appeal B is allowed and planning permission is granted for change of use from agricultural land to residential curtilage (Use Class C3) at Land adjoining Watton Park, Watton Park, Bridport DT6 5NJ in accordance with the terms of the application, Ref WD/D/17/001638, dated 26 June 2017, subject to the conditions set out in the attached schedule.

Procedural Matters

3. A revised layout plan was submitted during the appeal process. This shows Plots 13 to 16 moved northwards by 1.45 m. No party would be prejudiced by my determining Appeal A on the basis of the amended plan.

4. Since the Council's decisions, reserved matters approval has been given for an alternative scheme and planning permission granted for an identical proposal for change of use from agricultural land to residential curtilage. The latter has a bearing on Appeal B which I shall return to later. I have not been supplied with a copy of the approved plans for the housing scheme but the parties were agreed that these are not directly relevant to my consideration of Appeal A. I have determined that case on its own merits.
5. The application form for the reserved matters submission indicates that approval is being sought for appearance, landscaping, layout and scale. The decision notice for the outline indicates that permission was granted with all matters reserved. Notwithstanding the absence of access details, it is clear from the site layout plan (which is before me for consideration) that access would be from Watton Park. I have considered the scheme on this basis.

Main Issues

6. The main issues in these cases are:
 - a) the effect of the proposed housing development on the character and appearance of the area, having particular regard to the location of the site within the Dorset Area of Outstanding Natural Beauty (AONB); and
 - b) whether Plot 25 would provide an acceptable living environment for its occupants, with reference to the provision of external amenity space.

Reasons - Appeal A

Character and appearance

7. The appeal site comprises a field of approximately 1.45 hectares on the edge of Bridport and within the Dorset AONB. The field has been described as a transition zone between the urban area and countryside but its character is resolutely rural. The land is on a steep gradient, sloping upwards from the south-eastern corner to a high point at the rear of properties on Skilling Hill Road. A public footpath bisects the site at its midpoint.
8. The principle of developing the land for 33 dwellings has been established by the grant of outline planning permission. The outline submission was accompanied by an illustrative layout and additional material in the form of illustrative site sections was submitted during the application process. That information would have been helpful to understanding how the site might be developed, but it does not bind the local planning authority to accepting the detail, notwithstanding the references to two-storey houses and maximum ridge heights within the Design and Access Statement.
9. Indeed, the decision notice contains a note to the applicant advising that no dwellings on the more elevated parts of the site should exceed single storey in height with potentially rooms in the roof space. Although informatives such as this have no legal standing, it was a clear indicator that the Committee's acceptance of housing on the site did not extend to the scale parameters contained within the documentation. All matters were reserved for subsequent approval and therefore the Council was fully entitled to seek an alternative form of development to that shown on the illustrative plans. For this reason, I give limited weight to the argument that the appeal scheme should be considered against the baseline of the illustrative plans submitted at the outline stage.

10. The most prominent parts of the appeal site are those elevated sections of land west of the public footpath. It is this area which has the greatest sensitivity to change in landscape and visual terms. The top corner is on the steepest incline and this is proposed to be set aside as informal public open space. The area closer to the footpath is also on a significant slope and here it is proposed to construct a series of detached two and three-storey houses.
11. Plots 25 to 29 would be split-level, designed to take advantage of the topography. These units would present three-storey elevations to the front with the first floor reception rooms opening onto gardens at the rear. The ground floors would be largely taken up by garaging which in most cases would need to be dug into the hillside.
12. An artist's impression illustrates how these dwellings would progressively step up the slope with varied eaves and ridge lines and further articulation of building massing arising from the use of stone plinths and the setting back of the upper floors to create balconies. The architecture is not poor by itself, but the combined height and bulk of the dwellings – bearing in mind the minimal separation between them – would be striking and uncompromisingly urban. The frontage landscaping would not be sufficient to offset this.
13. The vertical scale of the dwellings, including the roofs of Plots 23 and 24, would be apparent to footpath users entering the town from the countryside. The site has been consented for housing and its character will inevitably transform as a result. Nevertheless, the height and density of buildings proposed for the upper sections of the site would be discordant with the remainder of the scheme and out of context with the established housing to the north of the site which comprise suburban bungalows and larger properties in generous plots.
14. During my site inspection, I made visits to a number of vantage points which had been agreed between the parties. The main views of the development would be from the public footpath as it rises towards Skilling Head and from the Monarch's Way between the leisure centre playing fields and the A35. The development would be visible in the context of existing built form in both cases. However, whereas the lower part of the development would nestle unobtrusively within the landscape, those houses on the upper portions of the site would be more conspicuous, notwithstanding the mellow materials being proposed.
15. The ridgelines of these units would sit below the ground floor level of dwellings on Skilling Hill Road. However, their concentration of massing would be directly at odds with the more open arrangement of properties on Skilling Hill Road which are framed by trees and vegetation. Existing planting on the southern boundary would provide some screening from the footpath, but this will be less effective in the winter months and its long term retention cannot be guaranteed, given the lack of any reliable mechanism to ensure that individual householders do not selectively remove trees to reduce the negative effects of garden shading or improve views. Although there was discussion at the hearing of using a condition I am not convinced by the efficacy of this approach.
16. In determining this appeal I have a statutory duty to have regard to the purpose of conserving and enhancing the natural beauty of the AONB. Government policy contained within Paragraph 172 of the National Planning Policy Framework (the Framework) is that great weight should be given to conserving and enhancing landscape and scenic beauty.

17. Overall, I find that the proposal represents an unsympathetic and inappropriate design response to the site's sensitive location on the edge of Bridport. The scheme fails to take the opportunities available for moderating the adverse impact of housing development in this countryside location and it would cause material harm to the AONB. There would be conflict with Policies ENV1, ENV10 and ENV12 of the West Dorset, Weymouth and Portland Local Plan 2015 (LP) insofar as these policies seek high quality design which respects the surrounding context and protects the character of the Dorset AONB consistent with the objectives of the AONB Management Plan.

Living environment

18. Concerns have been raised regarding the adequacy of the garden for Plot 25. This 5-bedroom dwelling would have the potential to accommodate a large family and the external amenity space should be commensurate with this, to ensure that the day-to-day needs of the household can be met. The appellant contends that there would be 96 m² of useable amenity space, once the boundary landscaping has been deducted. However, the area would be awkwardly shaped and of limited depth. This would compromise its amenity value. Whilst I note the argument that occupiers of the unit would derive benefit from the informal public open space onto which the dwelling would front, this is no substitute for providing a suitably proportioned area of private amenity space for the dwelling itself.
19. At the hearing the Council confirmed that it does not have any minimum standards in relation to garden sizes and therefore each case must be considered on its own merits. In my judgement, the garden provision for Plot 25 in this case would be unacceptably poor. There would be conflict with LP Policy ENV16 and paragraph 127 of the Framework insofar as they seek a high standard of amenity for future residents.

Reasons – Appeal B

20. This site comprises a triangular shaped parcel of land measuring approximately 36 m² which indents into the housing site's southern boundary. This area did not benefit from the outline planning permission but is proposed for incorporation into the development as garden to Plots 11 and 12. Planning permission was refused on the grounds that, in the absence of an approved reserved matters scheme for the housing site, the proposal would constitute an isolated and piecemeal residential use of land. However, the Council has since granted planning permission under a fresh application which was considered concurrently with the successful reserved matters submission. Given that Appeal B relates to an identical proposal and planning permission already exists independent of any reserved matters scheme, there are no grounds to dismiss this appeal.

Conditions

21. In addition to the standard commencement condition I have imposed a condition specifying the relevant drawings as this provides certainty. In the interests of the character and appearance of the area, a further condition is necessary to ensure that the southern site boundary is properly landscaped. The condition wording used by the Council in the extant permission (Ref WD/D/18/001400) is adequate for the purpose and therefore I have used this for consistency.

Other Matters

22. The refusal reason makes reference to the uncomfortable relationship between identified plots in the southern portion of the site and existing boundary planting. The Council withdrew its objection in relation to Plots 13 to 16 following the submission of the revised layout plan. However, concerns remain in respect of Plots 11, 12 and 20. The proximity of these units to the boundary means that there may be some pressure from future residents for the removal or cutting back of trees due to shading. Whilst I daresay that minor adjustments to the positions of the affected plots would be beneficial, the risks of vegetation removal would not be so significant as to warrant dismissal of the appeal on this point.
23. The planting plans show a number of proposed English oak trees on the northern boundary. This would be inappropriate, given the likely shading effects of this large species on the neighbouring bungalows. However, the parties agreed at the hearing that a planning condition could be used to secure necessary adjustments to the landscaping scheme.
24. It is argued that in contesting these appeals the Council is delaying the provision of much needed housing. Clearly this is not the case as the site now benefits from reserved matters approval for the maximum number of dwellings permitted under the outline planning permission. There is no substantive evidence to demonstrate that this fallback position is not deliverable. Therefore the appellant's housing supply arguments carry limited weight.
25. I have given careful consideration to all other matters raised in representations, but none is of sufficient substance as to outweigh my findings on the main issues.

Conclusion

26. For the reasons given above, I conclude that the Appeal A should be dismissed and Appeal B allowed.

Robert Parker

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Caroline Waller	Solicitor, Clarke Willmott LLP
Graeme Fuell	Architect and Member of RIBA, Clifton Emery Design
Clare Brockhurst	Chartered Member and Fellow of the Landscape Institute, Tyler Grange

FOR THE LOCAL PLANNING AUTHORITY:

Robert Burden	Senior Planning Officer
Katherine Van Etten	Senior Landscape Architect
Graham Cox	Senior Tree Officer
Richard Brown CMLI	Dorset AONB Landscape Planning Officer

INTERESTED PERSONS:

John Berwick	Local resident
Mike Jack	Local resident
Robin Wilkinson	Local resident

ADDITIONAL DOCUMENTS PROVIDED AT HEARING

- 1) Outline planning permission decision notice
- 2) Drawing No. 2401 Rev P01 External Levels Plan
- 3) Map and aerial photograph marked with agreed viewpoints for site visit

SCHEDULE OF CONDITIONS (APPEAL B)

APP/F1230/W/18/3199634

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing nos. 160805 L 01 09 and 160805 L 01 10.
- 3) The use hereby approved shall not be commenced until a landscaping scheme (including tree protection measures) relating to the southern site boundary has first been submitted to and approved in writing by the local planning authority. The scheme shall also include details of the means of protection/means of enclosure installed on implementation of this permission and provision for the maintenance and replacement as necessary of the trees and shrubs for a period of not less than 10 years from the use coming into effect. The agreed additional planting scheme shall be implemented during the planting season November – March inclusive immediately following commencement of the development, unless otherwise agreed in writing by the local planning authority. Details of the arrangements for long-term management of the landscaping shall also have been submitted to and agreed in writing by the local planning authority prior to commencement of the use. The scheme shall not be carried out otherwise than in accordance with the agreed details unless otherwise agreed in writing by the local planning authority.

Richborough Festival