
Appeal Decision

Site visit made on 2 September 2016

by John D Allan BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 28 September 2016

Appeal Ref: APP/G1250/W/16/3150388

2a King George Avenue, Bournemouth, Dorset BH9 1TU

- 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 Phillips against the decision of Bournemouth Borough Council.
 - The application Ref 7-2015-8237-R, dated 26 October 2015, was refused by notice dated 24 December 2015.
 - The development proposed is to erect a self-contained 1-bed flat at first floor level.
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Decision

1. The appeal is dismissed.

Background and Main Issues

2. The Council's reason for refusal included reference to the absence of any provision for contributions towards affordable housing. The Council has subsequently confirmed that they would not be pursuing such contributions in light of the revised advice contained within the Planning Practice Guidance following the order of the Court of Appeal dated 13 May 2016.
3. In light of this the main issues are:- (i) the effect of the proposal on the character and appearance of the area; (ii) the effect of the proposal on the living conditions at 843-847 Wimborne Road and at the ground floor unit 1 at 2a King George Avenue, with particular regard to visual impact; (iii) the effect of the proposal on highway safety with regard to the level of parking provision; and (iv) whether the proposal should make provision to mitigate its effect upon nature conservation designations.

Reasons

Character and Appearance

4. The appeal property is a single-storey, flat roofed building that is partly attached to the rear of a two-storey corner property at 843, 845 and 847 Wimborne Road. Wimborne Road is a busy main traffic route lined with a variety of retail and commercial uses. King George Avenue is a predominantly residential street comprising mostly detached, two-storey dwellings. Although I was unable to gain internal access to No 2a during my visit I am told that it is
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occupied as two residential units (Units 1 and 2) in accordance with a planning permission that was granted in 2015 (Ref: 7-2015-8237-Q).

5. The proposal would add a first floor over the forward-most part of the existing building, retaining a flat roof area across its width to the rear. It would also include a new two-storey extension to accommodate a staircase for the first floor flat and positioned to the side of the existing building nearest to the rear of Nos 843-847.
6. There are many residential roads similar to King George Avenue that run perpendicular to Wimborne Road. In most cases there is a two-storey corner property that returns along the secondary road's frontage and I saw numerous examples of infill development to the rear of these corner buildings, often bridging a gap with the first dwelling positioned along the residential road. Specific examples of these have been given by the appellant at Cowper Road, Kind Edward Avenue, Elmes Road, Oswald Road, Tennyson Road and Ashton Road. Of those that I saw in the immediate area of the appeal site the developments took a variety of forms. However, in the significant majority of cases they were either fully integrated as extensions to the corner property or otherwise stood in isolation as detached buildings. In almost every instance the development stood comfortable within the street scene and was well separated from the first original building extending along the secondary road's frontage. In some instances, as is currently the case at the appeal property, the space to the rear of the corner property was filled with a single-storey building. But in those instances I found that space retained above the low rise and subservient form of the building allowed the prevailing two-storey pattern of development in any particular location to prevail and dominate.
7. In this instance, despite the attachment of 2a to Nos 843-847 at ground floor, the new first floor would be separated from the rear elevation of the corner building by a gap measuring just less than 2.5m. Although this gap would be eroded to some degree by the presence of the new external stair-well, its recessed position would ensure overall that reasonable separation would be perceived between the pitched roof form and two-storey scale of both buildings.
8. To the opposite side however the two-storey scale of No 2a would abut the site's shared boundary with the neighbouring two-storey dwelling at 4 King George Avenue. No 4 is positioned almost adjoining this boundary but with reasonable separation to its neighbour on the other side consistent with the spacing and pattern of development that continues along the length of King George Avenue. The side eaves line of the new first floor to No 2a would almost touch the side eaves to No 4 and in my assessment the absence of any meaningful separation between both properties would create a cramped form of development that would appear poorly related with its neighbour.
9. The appellant has highlighted the past history of the appeal site which I have noted. Planning permission was given in 2011 (Ref: 7-2011-8237-L) for the erection of a 2-bedroom maisonette and a 1-bedroom flat. Planning permission was also given in 2015 (Ref: 7-2015-8237-P) for the erection of 2 houses and the formation of parking spaces. I recognise that in both instances a form of development at first floor level on the appeal site has been accepted. However, the Council would have applied their policies and guidance in those

instances with regard to the specific circumstances of the proposals. I have no evidence before me to suggest that either scheme is directly comparable to the current appeal proposal in terms of scale, massing or spacing at first floor level, and particularly in terms of any new building's future relationship with No 4.

10. Although I am not persuaded that the flat roof form of the staircase, or that of a proposed cycle store to the front, would necessarily detract from the appearance of the building, overall I share the Council's view that, due to its scale and position, the development would be out of keeping with the prevailing pattern of development along King George Avenue and the wider area. The failure of the proposal to contribute positively to the character of the area or to maintain or enhance the quality of the street scene would conflict with Policy CS21 of the Bournemouth Local Plan: Core Strategy 2012 (CS). For the same reasons there would also be conflict with CS Policy CS41 which deals with design quality and with 'saved' Policy 6.10 of the Bournemouth District Wide Local Plan (LP), adopted in 2002, which specifically permits flat developments in the built-up area but subject to meeting five specific criteria, including respect for the character and appearance of the area.

Living Conditions

11. There are flats at first floor level at Nos 843-847. These have windows to the rear that currently look over the single-storey height of No 2a. Two of these nearest to the road are obscurely glazed. The one furthest from the road is not and it is recognised by the appellant that this appears to serve a habitable room to a first floor flat. The appellant has stated that the position of this window does not appear to face directly towards the proposed first floor level extension but that instead it appears to look over the top of the roof lantern that already lights the ground floor Unit 1. Unfortunately neither the plans nor the photographs submitted by the appellant are conclusive on this matter and from my own observations from longer distance views at street level it was my assessment that the flank wall of the proposed first floor extension would be likely to overlap this window, at least in part. Regardless, the new first floor addition would be around just 2.5m away from this window and even if it did not block any direct line of sight from it, its visual presence would be clearly dominant within the wider aspect. In my opinion it would have an intrusive and overbearing presence that would impart an unreasonable sense of enclosure in the outlook from this living space.
12. I have again noted the site's planning history. I have only been presented with the plans for 7-2015-8237-P, the scheme for two houses. Although in that scheme the consented development extended deeper into the plot at No 2a, there was greater separation between the window and the development when compared with the appeal proposal. As with previously, I have no evidence to suggest that the circumstances in either previous case are directly comparable with the appeal proposal.
13. Turning to the living conditions at Unit 1. This dwelling has a recessed front entrance door that sits close to the rear elevation of Nos 843-847 and an adjacent window that serves the lounge area. These sit under a part solid and part corrugated plastic roof that extends in front of them. The new stair well would intrude into this already constrained space which is also shared with

those gaining entry to the rear ground floor of the original corner building. The stairwell would sit directly in front of Unit 1's front door, beneath which it would create a mostly hidden void. The result would be a cluttered and tightly enclosed entrance to a dwelling that would be devoid of any reasonable amounts of natural light or surveillance, appearing uninviting and cramped. Given the already restricted outlook from this unit, I find that the addition of the stairwell extension would diminish further the already limited quality of the existing residential environment. I note the previous permissions included some additional bin storage areas to the side of the existing building but from the information supplied to me these would not appear comparable in scale or impact to the development currently proposed.

14. I am not persuaded that the additional activity generated by anyone gaining access to the new first floor accommodation at No 2a would involve any degree of nuisance that would impact upon the living conditions of any existing adjoining occupiers. However, for reasons given I find that the proposal would harm the living conditions of existing and future occupiers of an upper floor flat within Nos 843-847 and at Unit 1 at the appeal property. This would be further contrary to CS Policies CS21 and CS41, and to LP Policy 6.10, insofar as they all relate to the need for development to respect the living conditions of nearby occupiers.

Highway Safety

15. CS Policy CS16 requires parking provision for new development to be in accordance with the Council's adopted parking standards. These are set out in the Council's Parking Supplementary Planning Document (Parking SPD), adopted in 2014. The Parking SPD bases its requirements upon zones within which the development would fall as well as the number of habitable rooms that are proposed. As such I am satisfied that the standards, which are up-to-date, take proper account of, amongst other things, the accessibility of a development; the type of development; and the availability of public transport; all in accord with paragraph 39 of the National Planning Policy Framework (the Framework).
16. There is no dispute between the parties that the Council's parking standards would require the provision of one off-street parking space to serve the development. The appellant has pointed to the previous permission in 2015 for the existing building to be occupied as two units. In that case it was accepted by the Council that the original forecourt parking on site providing space for 2 cars would be lost in favour of a landscaped frontage. However, as a result, increased on-street capacity would be provided in front of the site sufficient to accommodate two cars. There was therefore a natural balance to the overall parking capacity locally and a benefit of improvements to the visual amenities of the street scene. These improvements are not reliant upon the current appeal proposal which would increase parking demand in the locality by one space.
17. The Council has pointed to significant levels of parking stress locally and to a number of reported incidences of obstructions from parked vehicles in the wider area over a five year period between 2006 and 2011. Although this data is of some age, I have no reason to consider such incidences have declined in more recent times.

18. Despite the proposed provision of secure cycle parking, the proposal is deficient when measured against the Council's adopted car parking standards. The evidence provided by the Council supports the assertion that additional kerbside parking that cannot readily be accommodated can lead to more frequent incidences of illegal and anti-social parking and adverse highway safety impacts. In the absence of any substantive evidence to demonstrate that there is sufficient on-street capacity to accommodate the additional parking demand generated by the development, I find that the proposal would lead to conditions that would be detrimental to highway safety, in conflict with CS Policy CS16 and the Parking SPD.

Nature Conservation

19. The Council has identified the need for the proposal to make contributions towards the mitigation of environmental impacts on the Dorset Heathlands Special Protection Area (SPA), Ramsar Site and Dorset Heaths Special Area of Conservation.
20. Under the Habitats Directive and the Conservation of Habitats and Species Regulations 2010 (as amended) planning permission is to be refused where development would be likely to have significant adverse effects on a European Site such as the SPAs.
21. The appellant has indicated his willingness to enter into a legally binding planning obligation to make the appropriate level of contribution to mitigate the impacts of the development. However, no such obligation is before me. I therefore cannot be certain that the proposal would not affect the integrity of an internationally important site for nature conservation. In this regard the proposal would conflict with CS Policy CS33.

Conclusion

22. I recognise that the proposal would contribute to the Council's housing stock within an accessible, urban location. However, and despite other side road infill developments in the local area, I find that the proposal would be harmful to the character and appearance of the area. I also find that there would be harm to the living conditions at some existing adjoining properties and that there would be the potential for harm to conditions of highway safety. Added to this is the absence of any mitigation against the effects of the proposal upon internationally important sites for nature conservation. When seen in the round, I am not satisfied that the proposal would bring forward the social and environmental gains that the Framework deems necessary to achieve a sustainable development. Therefore for these reasons, and having regard to all other matters raised, the appeal is dismissed.

John D Allan

INSPECTOR