
Appeal Decision

Site visit made on 31 August 2016

by Rory Cridland LLB (Hons)

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

Decision date: 7 October 2016

Appeal Ref: APP/G1250/W/16/3151594
5a New Park Road, Bournemouth BH6 5AB

- 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 Barry Tollet against the decision of Bournemouth Borough Council.
 - The application Ref 7-2016-16919-B, dated 11 January 2016, was refused by notice dated 20 April 2016.
 - The development proposed is described as "severance of plot and erection of a two-bed detached house with parking".
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The Council's third reason for refusal relates, in part, to the absence of a legal agreement in respect of affordable housing contributions. However, the Council has confirmed that it wishes to withdraw this part of the refusal reason following a recent decision of the Court of Appeal. I have no reason to disagree with the Council's approach and accordingly have not considered it in my reasoning below.
3. The current development plan consists of the Bournemouth Local Plan Core Strategy (2012) and the Bournemouth District Local Plan (2002). Together these constitute the Local Plan (LP) for the purposes of determining this application.

Main Issues

4. The main issues are the effect of the proposed development on:
 - (i) the character and appearance of the surrounding area; and
 - (ii) the living conditions of occupiers of No 5a New Park Road, with particular regard to outdoor amenity space and those of future occupiers with particular regard to outdoor amenity space and privacy.

Reasons

Character and appearance

5. The appeal site fronts onto New Park Road, a residential street consisting of a mixture of building types. It currently forms part of the external amenity area of No 5a, one of two self-contained flats formed by the sub-division of the original building. The section of street in which it is located consists of period buildings which are aligned to the curve of the highway. Although there is some variation, many of the
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- properties have distinctive two-storey projecting bay windows and are of similar appearance and style. This helps create a general sense of cohesiveness within the street scene and makes a positive contribution to the character of the surrounding area. The plot itself is an irregular shape and is considerably smaller than those of the neighbouring properties or that which is typical in the surrounding area.
6. The proposed development would essentially constitute infill. LP Policy 6.8 permits such development subject to detailed considerations of, amongst other things, site coverage. It expects new development to complement and respect the character and amenity of neighbouring development.
 7. The layout of the proposed development would result in a considerable amount of site coverage in an area where coverage is generally lower. This would appear out of keeping with the more spacious plots in the immediate vicinity and result in a cramped and overdeveloped appearance. Furthermore, this would be exacerbated by its siting forward of the established building line increasing its prominence and resulting in a harmful addition to the street scene.
 8. In addition, its design, and in particular the lack of a two storey projecting bay gable, would be out of keeping with that of the surrounding properties and would fail to reflect some of their key features. As such, it would fail to reinforce local distinctiveness.
 9. While I note that the appellant has referred to other nearby properties where there are similar levels of site coverage, I observed these properties during my site visit and noted that they were not of a similar size, scale or design that they would act as a justifiable precedent for the development proposed.
 10. Consequently, I find that the proposal would be harmful to the character and appearance of the surrounding areas. As such, it would be contrary to LP Policy 6.8. It would also be contrary to LP Policies CS20, CS21 and CS41 which, amongst other things, requires new development to respect the character and appearance of its surroundings. It also fails to accord with the Council's Residential Design Guide which advises new buildings be integrated with the existing character by retaining building lines, reinforces the positive features of context and ensure they enhance the character of the area.

Living conditions

11. The existing property located on the appeal site consists of 2 self-contained flats; one on the ground floor (No 5) and one on the first floor (No 5a). Drawing P101A indicates that, at present, the external amenity space available for each of these flats, while of a different shape, is of a similar size. The land upon which the proposed development would be sited currently forms part of what is essentially the external amenity space of the first floor flat.
12. The proposal would result in a significant reduction in external amenity space for the residents of No 5a. While they currently benefit from a reasonable amount of private usable outdoor space, this area would be lost and that which would remain would consist of a paved area, triangular in shape, part of which houses a metal staircase providing access into the flat. It is currently used as an area for, amongst other things, the storage of refuse and recycling - significantly limiting its value as an external amenity space. This reduction in both size and quality would be detrimental to the living conditions of the occupiers of that flat and would be insufficient to meet their day-to-day needs. While I note that some first floor flats will not have the

benefit of a garden area, that does not provide sufficient reason to permit the development proposed.

13. Accordingly, I find that the reduction in both space and quality which would result would be harmful to the living conditions of the occupiers of No 5a. This would be contrary to LP Policies CS21 and 6.8 both of which require new development to respect the amenity of neighbouring residents.
14. Turning then to future occupiers, the proposal would provide a small family dwelling. However, the considerable amount of site coverage would result in a small external amenity space with a considerable amount being used to accommodate the parking area. Overall, the useable external space available would be limited. It would not provide sufficient space to meet the reasonable needs of future occupiers and, as such, would provide inadequate outdoor amenity space to the detriment of future occupiers.
15. The Council has also raised concerned that the proposal would result in the occupiers of No 5a having direct views into the proposed utility room of the new dwelling. However, while I note that there may indeed be a line of sight into this area, being a non-habitable room the impact on privacy is limited. As such, I do not consider that the privacy of future occupiers would be materially compromised by the layout proposed.
16. Accordingly, although I have found that the proposal would not materially compromise the privacy of future occupiers with regard to privacy, I have nevertheless concluded that it would provide insufficient external amenity space for the occupiers of No 5a and future occupiers. As such it would fail to accord with LP Policies CS21, CS41 and Policy 6.8. These policies, in addition to their requirements on design and appearance, require new development to respect the amenity of future and neighbouring occupiers.

Other matters

17. The reasons for refusal set out in the decision notice refer to the impact that the proposed development would have on the Dorset Heathlands Special Protection Area, RAMSAR Site and Dorset Heath Special Area of Conservation. If the circumstances leading to the grant of planning permission had been present, in the absence of any secured mitigation measures, it would have been necessary to give further consideration to the impact of the proposal on these areas in accordance with the Habitats Regulations. However, I have found above that the proposal would conflict with a number of LP policies and accordingly, I am satisfied that no such assessment is required.

Conclusion

18. For the reasons set out above I conclude that the appeal should be dismissed.

Rory Cridland

INSPECTOR