
Appeal Decision

Site visit made on 24 January 2017

by R J Jackson BA MPhil DMS MRTPI MCMi

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

Decision date: 10 February 2017

Appeal Ref: APP/G1250/W/16/3163369
2 Benellen Avenue, Bournemouth BH4 9LY

- 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 & Mrs Hope against the decision of Bournemouth Borough Council.
 - The application Ref 7-2016-4108-CL, dated 22 August 2016, was refused by notice dated 19 October 2016.
 - The development proposed is to demolish existing dwelling and erect two semi-detached dwellings.
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Decision

1. The appeal is dismissed.

Preliminary matter

2. The Council granted planning permission in June 2016 for the erection of two dwellinghouses with integral garages on the appeal site. This was for a pair of semi-detached houses with two upper storeys and a garage, entrance hall and ancillary accommodation in what is described on the approved drawing as the 'lower ground floor'. The current appeal proposal involves a re-design upon, essentially, the same floor area but with a third upper storey. This appeal decision needs to be read in the context of the previous permission.

Procedural matter

3. The appeal was accompanied by a Planning Obligation by way of Unilateral Undertaking dated 30 December 2016 under the provisions of Section 106 of the Town and Country Planning Act 1990 (as amended) which makes provision for a contribution towards mitigation of the effects of the development on the Dorset Heathlands¹. I will cover this later in this decision.

Main Issues

4. The main issues are the effect on:
 - the character and appearance of the area; and
 - the Dorset Heathlands.

¹ Dorset Heathlands Special Protection Area, Dorset Heathlands Ramsar Site, Dorset Heathlands Special Area of Conservation and Dorset Heathlands Special Area of Conservation (Purbeck and Wareham) and Studland Dunes.

Reasons

Character and appearance

5. The appeal site lies on the corner of Benellen Gardens and Benellen Avenue. Ground levels on the appeal site and surrounding area rise up to the north. Properties in the immediate surrounding area are generally detached in a mixture of styles being houses and chalet bungalows with the latter being characterised by their large roofs. Because of the change in levels a number of the properties in Benellen Gardens have garages and other accommodation 'dug' into the land creating semi-basements.
6. To the south of Benellen Gardens between that road and Branksome Wood Road is a substantial strip of vegetation consisting of trees and shrubs. This strip marks a distinction between the development on Branksome Wood Road, which is characterised by more dense development and flats, and the more spacious individual dwellings in both Benellen Gardens and Benellen Avenue.
7. The proposed semi-detached dwellings would have three upper storeys with the uppermost floor being accommodated within a mansard roof form with flat roof dormer windows in the elevations facing Benellen Gardens and Benellen Avenue.
8. The Council has published a guidance document 'Residential Development: A Design Guide' (the Design Guide). This sets guidance for the built form of development² designed to ensure that the three dimensional form is right for the circumstances. This indicates that development should reflect the scale, height, bulk and mass of the site context and the roof forms characteristic in the street. It continues that providing variety to the roof line and form is generally only appropriate where variation in the roof form is already characteristic in the area. As the Design Guide was adopted following public consultation and seeks to deliver high quality design, an objective found in national planning policy, I give this document significant weight.
9. The appeal site is an important component in the street scene as it can be seen through the gap at the entrance of Benellen Avenue from Branksome Wood Road. This would make the proposed building highly visible and prominent in the street scene. However, it would be set back into the site away from the corner and would not provide a successful corner feature.
10. From what I saw at the site visit mansard roofs are not a common feature for the individual dwellings that make up Benellen Gardens and Benellen Avenue. This roof form would therefore be an incongruous feature in the street scene and would not respect the surroundings of the site.
11. When looked at from Benellen Avenue the property would be of similar height in absolute terms when compared with the adjoining property, No 4. However, because of the change in levels it would appear taller and would not provide the start of the existing consistent pattern of properties stepping up along Benellen Avenue.
12. Again in absolute terms the property would be of similar height to 1 Benellen Gardens, but that property is a chalet bungalow with an extensive pitched roof which slopes away from Benellen Gardens. This means that when viewed from

² Section 3.8

the lower level of Benellen Gardens itself, the roof recedes reducing the apparent height. The proposed property would have a full two upper storeys, and a prominent mansard roof form, meaning that the apparent height would not recede in the same way. This means that, when viewed from Benellen Gardens and the lower ground level at the junction of Benellen Gardens and Benellen Avenue, the proposal would appear out of scale with other properties in both roads.

13. The appellant has referred to number of other properties in the vicinity of the appeal site, particularly along Branksome Wood Road. However, as I have noted above the vegetated area between Benellen Gardens and Branksome Wood Road means that the two areas are visually distinct and have different characters.
14. Consequently, the proposed development would be harmful to the character and appearance of the area. It would therefore be contrary to Policies CS22 and CS41 of the adopted Bournemouth Local Plan: Core Strategy (the BCS) which indicates that development will only be permitted where the scale and appearance is in keeping with the surrounding area, and new development should, through its scale, character and appearance, contribute positively to the appearance of the public realm and that development, which by virtue of its design would be detrimental to the built environment or character of any part of the Borough, will not be permitted. The proposal would also be contrary to Policy 6.8 of the Bournemouth District Wide Local Plan which expects development to complement and respect the character of neighbouring development. It would also be contrary to the provisions of the Design Guide as set out above. Finally, it would also be contrary to paragraph 58 of the National Planning Policy Framework (the Framework) which indicates that development should respond to local character.

Dorset Heathlands

15. The site lies beyond 400 m but within 5 km of the Dorset Heathlands. Natural England, the Government's specialist advisor, indicates that in this location, in the absence of suitable mitigation, additional residential development will have, in combination, a significant adverse impact on the integrity of the sites. This is taken through in Policy CS33 of the BCS. In addition the relevant Councils have published "The Dorset Heathlands Planning Framework 2015 - 2020 Supplementary Planning Document" (the SPA SPD) to provide a mechanism of providing mitigation through a range of measures which are identified in the document.
16. The appellant and the Council agree that a contribution is needed towards mitigation of the effects of the development through a Planning Obligation providing contributions towards Strategic Access Management and Monitoring (SAMM). In order to protect the Dorset Heathlands I concur that an appropriate contribution is necessary, and as set out in the SPA SPD, would be directly related to the development and fairly and reasonably related in scale and kind to the development. As I understand it SAMM does not represent 'infrastructure' within the terms of the Community Infrastructure Levy Regulations 2010 (as amended) and thus Regulation 123 is not engaged.
17. The Planning Obligation provides the appropriate mitigation for the net increase in population on the appeal site to ensure that the development, either on its own or in combination with other plans or projects, does not adversely affect

the integrity of the Dorset Heathlands. As such the proposal would comply with Policy CS33 of the BCS and the SPA SPD. It would also comply with the terms of the Conservation of Habitats and Species Regulations 2010 (as amended) and paragraph 118 of the Framework which seeks adequate mitigation for European sites.

Conclusion

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

RJ Jackson

INSPECTOR