
Appeal Decision

Site visit made on 20 January 2017

by Andrew Dawe BSc(Hons) MSc MPhil MRTPI

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

Decision date: 01 March 2017

Appeal Ref: APP/G1250/W/16/3162069

6 Nelson Road, Dorset, Bournemouth BH4 9JA

- 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 1 Nelson Road Developments Ltd against the decision of Bournemouth Borough Council.
 - The application Ref 7-2016-15040-H, dated 29 March 2016, was refused by notice dated 25 August 2016.
 - The development proposed is erection of 5 dwelling houses and formation of parking areas.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of development in the fourth bullet point of the above header is taken from the original planning application form. However, I note from the submissions, including the drawings, that this was changed to be for four dwellings during the application process and is reflected as such on the Council's decision notice. I have determined the appeal on that basis.
3. The appellant and Council agree that the reference to policy CS22 of the Bournemouth Local Plan: Core Strategy (the Core Strategy) in the Council's decision notice is incorrect and that policy CS21 is instead the relevant one, as the site is not located outside of the preferred locations set out in the latter. I have no substantive basis to consider otherwise and so have determined the appeal on that basis.

Application for costs

4. An application for costs was made by 1 Nelson Road Developments Ltd against Bournemouth Borough Council. This application will be the subject of a separate Decision.

Main Issues

5. The main issues are the effect of the proposed development on:
 - i) the living conditions of the occupiers of neighbouring dwellings in respect of noise and disturbance;
 - ii) the character and appearance of the surrounding area.
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Reasons

Living conditions

6. The proposed development would increase the number of dwellings served by the existing access drive by three. That drive is in close proximity to several dwellings either side, including that at No 7 Nelson Road, flats at No 5 and bungalow at No 1 Branksome Mews to the rear of those flats. The flats at No 5 have habitable room windows facing that drive, whilst those other properties referred to have private rear garden areas in close proximity, albeit that it is the back section of No 7's that is more exposed due to the rest having intervening outbuildings adjacent to the side boundary.
7. Due to the degree of set-back from the road, with the referred to windows of the flats not directly facing it, and those rear garden areas concerned set behind existing buildings, there is a good degree of protection from wider noise sources. The site is close to a railway depot which I acknowledge would be a potential source of noise. However, that is on the opposite side of the road and beyond an associated parking area. Furthermore I note that noise associated with the A338 can be heard from the site although only in the background. The movement of cars along the site's drive would be a considerably more immediate, and therefore potentially more acute, noise source, from running engines in particular.
8. The inevitable increase in the number of car movements associated with three additional dwellings compared with the existing situation with just one house, would be likely to represent a material increase in activity along the drive. That, along with the close proximity to those neighbouring habitable rooms and rear garden areas referred to, would result in a significant increase in the potential for unacceptable levels of noise and disturbance from car engine noise, even if travelling fairly slowly and along a proposed smooth surface. In respect of the facing habitable rooms, that effect would likely be particularly acute in relation to bedrooms, if during normal sleeping hours. Furthermore, the significantly increased likelihood of cars having to wait, with engine running, at the eastern end of the drive for other cars to pass would further increase that potential to the garden areas referred to.
9. Existing screen fencing around 1 Branksome Mews and to the side of No 5 would have the potential to restrict noise from the driveway to the garden of the former and ground floor rooms of the latter to some degree. However, I have no evidence to indicate that the fencing is designed for sound proofing, so as to prevent the harm that I have identified in respect of those particular receptors.
10. I have also had regard to the close proximity of four of the proposed parking spaces to a sun terrace at the rear of the otherwise much lower level garden of No 4a Ipswich Road to the north-west of the site. That terrace is only a little lower than the site and currently well away from any existing substantive noise sources. The noise associated with the use of those parking spaces, including engines running and doors being slammed, would therefore be likely to materially detract from the current pleasantly fairly quiet environment for residents using that terrace.
11. The appellant highlights that the issue of noise and disturbance, in relation to other more intensive previous development proposals for the site, was only

raised in respect of activity within a proposed parking area and just in relation to the effect on residents of No 1 Branksome Mews. Nevertheless, I have determined this appeal on its merits based on all of the evidence before me and my site visit observations.

12. The appellant also draws attention to the access allowed to the adjacent flats at No 1 Nelson Road and to that relating to No 2a Ipswich Road by way of comparison in respect of this issue. However, the circumstances concerning the relationships of those accesses with adjacent properties are different to those of this appeal, which I have in any case determined on its own merits.
13. For the above reasons, and whilst having regard to the Council's urban intensification intentions, the proposed development would be likely to cause unacceptable harm to the living conditions of the occupiers of neighbouring dwellings in respect of noise and disturbance. As such, in respect of this issue, it would be contrary to policies CS21, CS38 and CS41 of the Core Strategy and saved policy 6.8 of the Bournemouth District Wide Local Plan (the Local Plan) in terms of their requirement, together, for residential development to respect residents' amenities including with regard to noise.

Character and appearance

14. The proposal would significantly increase the density of dwellings on the site in replacing an existing dwelling, with a significantly greater footprint. However, they would be seen in the context of a significant amount of existing adjacent backland development. This includes the substantial form and relatively high density relating to the townhouses to the south-east of the site at No 1 Nelson Road, the bungalow at No 1 Branksome Mews, and to a lesser extent due to the significantly lower land level, No 2a Ipswich Road.
15. They would also be set towards the south-eastern edge of the site, as is the existing house. As such, they would be unlikely to be dominant features when viewing the site from vantage points at the lower levels to the north, north-east and north-west. Importantly, the openness of the north-west side of the site would be retained.
16. In that context, despite the relatively small proposed plot sizes compared to some of the nearby existing houses, the proposed development would not cause unacceptable harm to the character and appearance of the surrounding area. As such, in respect of this issue, it would accord with policies CS21 and CS41 of the Core Strategy and saved policy 6.8 of the Local Plan in terms of their requirement, together, for residential development to complement and respect the character and appearance of the area.

Other matter

17. The second paragraph of the Council's reasons for refusal in its decision notice relates to the failure to make an appropriate contribution towards measures to mitigate any potential adverse effect of the proposal on the integrity of the Dorset Heathlands Special Protection Area, Ramsar Site and Dorset Heaths Special Area of Conservation. A planning obligation has been provided during the appeal process for the contribution, the amount of which complies with the Council's requirement. The Council has confirmed that this resolves its concerns. Therefore, as I am dismissing the appeal for other reasons it has not been necessary for me to consider this matter in any further detail.

Conclusion

18. The Framework sets out that there should be a presumption in favour of sustainable development and indicates that to achieve that, economic, social and environmental gains should be sought jointly and simultaneously through the planning system.
19. There is disagreement between the parties as to whether or not the Council can demonstrate a five year supply of deliverable housing sites and I have not received evidence which provides a conclusive answer to this. Nonetheless, even if there is not such a supply, I consider that the unacceptable harm that would likely be caused to the living conditions of the occupiers of neighbouring dwellings in respect of noise and disturbance would significantly and demonstrably outweigh my finding in respect of character and appearance and the small benefit of a net additional contribution of three dwellings, in a sustainable location, towards addressing the undersupply of housing. It would therefore not be a sustainable form of development.
20. Therefore, for the above reasons, I conclude that the appeal should be dismissed.

Andrew Dawe

INSPECTOR