
Appeal Decision

Site visit made on 31 January 2017

by Jacqueline Wilkinson B. Arch Dip Cons Studies (York) IHBC

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

Decision date: 07 March 2017

Appeal Ref: APP/G1250/W/16/3163099

21-23 St Clements Road, Bournemouth BH1 4DU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr C Marsango against the decision of Bournemouth Borough Council.
 - The application Ref 7-2016-23687-B, dated 11 June 2016, was refused by notice dated 26 September 2016.
 - The development proposed is demolition of nos 21 and 23 St Clements Road and replacement with 4 no 2 bedroom flats, 10 no 1 bedroom flats and 1 no studio.
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Procedural matters

1. The application was in outline with access, layout and scale to be considered at this stage and appearance and landscaping to be reserved matters.
2. Whilst appearance is a reserved matter, I have assessed this appeal on the basis that the submitted plans Elevations and Floor Plans give a full indication as to the scale, height, roof form and internal layout of the proposed block.

Decision

3. The appeal is dismissed.

Main Issues

4. The main issues are the effect on: i) the character and appearance of the area, ii) the living conditions of the future occupiers of the proposed flats in terms of internal and external amenity space and of the existing occupiers at 19 St Clements Road in terms of aspect, and iii) the area in terms of parking and highway safety.

Reasons

Character and appearance

5. The appeal buildings are two unusually wide Victorian semi-detached houses. The street scene is characterised by semi-detached houses of subtly varying designs, but with a generally similar eaves line, hipped roofs and scale. 13 to 19 St Clements Road are two pairs of semi-detached houses whose roof profiles have been altered by ungainly mansard roof extensions with half gables. Although they are now part of the street scene, these top heavy roofs are not a positive feature. This middle section of the road has also been affected by the unsympathetic treatment of the access road and gates to the

commercial property to the rear of the appeal site and an over dominance of hard surfaced forecourts and parking. Other flatted developments are to be found in the area, for example Curtis Lodge, but these also tend to be negative features. Notwithstanding these detractors, the area retains an attractive low scale traditional residential character, with a fine church and churchyard at its centre.

6. The ridge and eaves line of the proposed block of flats would be lower than those of 13 to 19, but the half gabled mansard profile would appear contrived and bulky in comparison to the other more typically lower traditional hipped roofs nearby. It would be particularly prominent in views along Knole Road and its bulky roof form would dominate the open churchyard opposite. Its deep side profile would be apparent when seen at a wide angle across the adjacent access road to the rear.
7. The Council has referred to the impact on the setting of the Grade 1 Church of St Clement and various other heritage assets¹ in the locality. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on the decision maker to have special regard to the desirability of preserving a listed building or its setting. The Grade 1 listed status of the Church indicates that it has a very high significance, but in the absence of any further information about the Church or the other heritage assets or an assessment of the contribution that its setting makes to the significance of the Church, it is not possible to discharge this duty.
8. Whilst not raised by the Council, the row of parked vehicles across the front of both forecourts would also be harmful to the character of the area, especially given the proximity to the historic churchyard. Excessive frontage parking is a negative feature of this part of St Clements Road and the enclosed front lawn of 23 helps soften the impact of this. The proposed parking bays would be separated by a relatively narrow path and two strips. Given the need for door swings and access to the vehicles, there would be no room in practice for landscaping to soften the harmful impact of this regimented line of parked vehicles.
9. The appellant points out that the scheme approved in 2008 had a wholly hard surfaced frontage, with the loss of the front garden at 23. However, the proposal must now be assessed under the requirements of the National Planning Policy Framework (the Framework), which was published in 2012. This sets out in paragraph 17 *Core planning principles* that planning should always seek to secure high quality design and take account of the different roles and character of different areas.
10. Local Plan² saved policy 6.10 *Flats*, Core Strategy³ policy CS21 *Housing distribution* and policy CS41 *Quality design* all require that development should contribute positively to the character of the area, particularly the public realm. I therefore conclude that the proposed development, due to its bulky roof form and over dominant forecourt parking, would fail to support the aims of these policies.

¹ Bethany House, Knole Road and Churchill Gardens conservation areas

² Bournemouth District Wide Local Plan 2002

³ Bournemouth Local Plan: Core Strategy adopted October 2012

Living conditions

11. The Council is concerned that many of the proposed flats would have smaller floor areas than those set out in the Technical Housing Standards – *Nationally described space standards*, published by the Government in 2015. However, these standards are optional and I have no evidence that the Council has adopted these or any other standards. I cannot therefore give lack of compliance with the *Nationally described space standards* weight. That said, the liveability of the proposed units in amenity terms is a key factor in the sustainability of the proposed development.
12. The two ground floor flats 1 and 5 would be especially restricted in size, with a disproportionate amount of hall space and narrow living areas. All the windows to habitable rooms would face parked cars at close quarters, with no space on the forecourt for landscaping to effectively screen the cars. The internal amenity of these occupiers would therefore be unacceptably poor. Flat 3 would have an unacceptably small and narrow living/kitchen area and it would be solely north facing, which would give this small unit an oppressive internal amenity. The first floor flat 8 is a 1 bed/ 2 person flat with an unacceptably narrow and small living/kitchen area and it would be solely north facing, which would give this small unit an oppressive internal amenity.
13. Whilst a part typical section is shown with the floor plans this is not sufficient to assess whether the usable headroom space within the proposed 1 bed/2 person units under the roof slopes would be adequate, particularly in the bedrooms which are in the corners of the roof slopes. The proposed studio flat 13 would be solely north facing, which would give this unit an oppressive internal amenity.
14. The communal external amenity space would be limited in size, but with thoughtfully designed hard and soft landscaping and the provision of defined defensible spaces for the ground floor flats, there is scope within this area to provide a reasonable level of amenity. The nearby open space around the Church opposite would augment this. I therefore conclude that there would be adequate external amenity space for the future occupiers.
15. 19 St Clements Road has windows to habitable rooms at the rear facing north and east towards the appeal site. The proposed building would be much closer to the boundary than the existing and it would extend further back. This would create a significantly oppressive outlook for the occupiers of this dwelling in terms of aspect. I have insufficient information to assess the impact on daylight or sunlight light.
16. Notwithstanding that I have found that the future occupiers of the proposed flats would have good external amenity (subject to landscaping details), I conclude that the proposal would fail the requirements of policy CS21 *Housing* and CS41 *High quality design* to provide a high standard of amenity for existing and future occupants. It would also be contrary to the requirement set out in paragraph 17 *Core planning principles* of the Framework, which is that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.

Parking and highway safety

17. Core Strategy policy CS16 *Parking standards*, requires that parking provision is in accordance with the Council's adopted parking standards. Supplementary Planning Document (SPD) *Parking*, adopted July 2014, sets out a zonal approach to parking standards and the requirements take into account that demand for parking would be lower closer to town centres. This approach accords with the requirements set out in paragraph 39 of the Framework.
18. There would be parking for 7 vehicles on the forecourt, with cycle parking in two places at the sides of the proposed building, accessed along paths. The Council requires 12.3 unallocated spaces and it states that this is a "benchmark" figure.
19. The SPD discusses the possibility of variations from this standard and sets out an approach to the assessment of parking stress when assessing the parking capacity of nearby streets. The Highway Authority (HA) also points out that this approach accords with the approach set out in the Written Ministerial Statement of March 2015, which emphasises the need for adequate parking provision, not capped by maximum standards. The HA has also referred to recent appeal decisions⁴ which have supported this approach and I have no reason to take a different view to the conclusions reached by these Inspectors with reference to parking standards.
20. A Parking Assessment and Survey, September 2015, revised October 2016, has been submitted by the appellant. Three parking surveys were carried out on Sunday 6 September at 13:00, Wednesday 9 September at 19:40, and on Thursday 10 September (no time specified). Of the 42 spaces available within 100m of the appeal site, the first showed that there were 33 spaces available, the second that there were 28 and the third that there were 29.
21. The HA makes the case that there is no capacity to take the overspill demand of 5 cars from the appeal site in the nearby streets, based on its own observations and parking survey. This was carried out on Tuesday 10 January 2017 at 14.00 and showed that there were 2 spaces available. However, the HA lists 30 available spaces in contrast to the appellant's 42, which may be accounted for by the waiting restrictions. As I do not have marked plans for the appellant's survey I cannot be certain that the surveys are comparing like-for-like data.
22. On the basis of the appellant's evidence, evening and weekend capacity would be likely to be available. However, the conclusion to be drawn from the HA's survey is that there is a significant daytime/weekday parking problem. This was confirmed by my own experience when making the site visit at approximately 11.00 am on a Tuesday, which was that there were no spaces available within those stretches of street. It is likely that the users of the five cars or those displaced by them would have to drive around searching for spaces, adding to congestion, poor air quality and the likelihood of illegal or inconsiderate parking, especially near the school.

⁴ APP/G1250/W/16/3144749 17 May 2016
APP/G1250/W/16/3147200 29 June 2016
APP/G1250/W/16/3147066 25 July 2016
APP/G1250/W/16/3149898 20 July 2016

23. Whilst the appeal site is within reasonable reach of alternative modes of transport, given that the HA points out that levels of car ownership are increasing, I therefore conclude that an "exceptional" case for the reduction in off-street parking provision, as required by the SPD, has not been made.
24. The appellant points out that paragraph 32 of the Framework states that development should only be prevented or refused on transport grounds where residual cumulative impacts of development are severe. However, the Framework does not rule out local parking standards and sets criteria in paragraph 39, and I and other Inspectors have found the Council's approach to parking standards to be in accordance with these criteria. Whilst I cannot conclude that there would be an identifiable risk to highway safety, the proximity of the school is a factor which would justify a precautionary approach in this case.
25. I note that a scheme for 10 flats was approved in 2008 with the same level of parking but this permission lapsed some time ago and I am required to assess this scheme in the light of the current development plan and national policy requirements.
26. Policy CS41 *Quality design* encourages all new residential developments to meet Building for Life Standards. These standards are guidance only, but they set out the reasonable principle that there should be sufficient parking which does not dominate the street scene. The proposal would not meet this standard. I therefore conclude that the proposal would be contrary to the requirements of policies CS16 *Parking* and CS41 *High quality design*.

Other matters

Housing mix

27. Although not cited as a reason for refusal, the Council is concerned that the proposed flats would be too small to be long term sustainable housing for working couples and families. The Council points out that the Boscombe area is affected by transiency issues, with a disproportionate amount of privately rented accommodation, especially bedsits. It states that the proposal would fail to meet the aims of the *Boscombe Commitment and Action Plan 2015 – 2020* and *Homes for Boscombe Strategy (the Action Plan)*. This document identifies a prevalence of houses in multiple occupation (HMOs) in the area and a tenure imbalance of 62% private rented properties, coupled with identified social and health problems. It gives a commitment through partnership working to reduce the numbers of bedsits and HMOs and to encourage more working households to live in the area.
28. As I have set out in detail above, I have found that some of the flats would be unacceptably poor in terms of internal amenity. However, the development would provide self-contained housing to replace the HMO. It would not therefore be in conflict with the aims of policy CS6 *Delivering sustainable communities* to improve neighbourhoods through a number of measures, one of which is promoting a range of housing types and tenures.
29. The flat completion figures for recent years show an increase in the provision of one bed dwellings across the Borough and the *Action Plan* identifies a need for more family homes in this area. The Council has not spelt out a specific requirement for the mix of flat sizes in this development. The appellant points

out that he has included 4 two-bed flats to satisfy the Council's aspirations for more family housing in the area, although he expects that they will be more likely to be occupied by childless couples.

30. Policy CS21 *Housing distribution across Bournemouth* requires that proposals for residential development should reflect the housing size demands as identified in the Strategic Housing Market Assessment. The inclusion of a bedsit would be at odds with this policy and the aims of the *Action Plan*. However, the provision of 4 two-bed flats (subject to their having acceptable internal amenity) within the scheme would support the objectives of policy CS21 and the broad aims of the *Action Plan*.

Protected species/Affordable housing

31. A unilateral planning obligation dated 24 January 2017 has been submitted by the appellant. An affordable housing contribution of £57,074.00 plus £200.00 administrative fee would be made as well as a contribution of £2,920.00 towards Dorset Heathlands Mitigation Strategic Access Management and Monitoring. I am satisfied that the effect of the development on protected habitats would be adequately mitigated and that these contributions would be necessary, directly related to the development and fairly and reasonably related in scale and kind to the development. The contribution would also comply with the Community Infrastructure Regulations.

Conclusions

32. I have concluded that notwithstanding the higher roofs at 13 to 19 St Clements Road, the proposal in terms of its bulky roof profile would be at odds with the low scale character of the wider area. Although I have concluded that I am unable to assess the impact of this proposal on the setting of the adjacent Grade 1 Church of St Clement, the visual impact on the churchyard, which is a key landscape feature of the area, would be adverse due to the bulky roof profile and the car dominated forecourt.
33. I have concluded that the proposal would fail to provide adequate off-street car parking, to the detriment of the area through increased parking stress and air pollution and the shortfall has not been justified by any special circumstances. With the exception of the studio flat, the provision of self-contained flats would improve the housing mix and tenure over the existing situation. However, I have concluded that some of the flats would be unacceptably poor in terms of the internal living conditions of the future occupiers and that the living conditions of the existing occupiers at 19 would be unacceptably harmed.
34. The proposal would make a small contribution to the supply of housing in the area and it would reduce the number of HMO units in the *Action Area*. However these benefits would be modest and would not outweigh the harm that I have identified to the character of the area and the living conditions of existing and future occupiers.
35. For the reasons given above I conclude that the appeal should be dismissed.

Jacqueline Wilkinson

INSPECTOR