
Appeal Decision

Site visit made on 6 April 2017

by Andrew Dawe BSc(Hons) MSc MPhil MRTPI

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

Decision date: 26 April 2017

Appeal Ref: APP/G1250/W/16/3166346

23 Western Avenue, Bournemouth BH10 5BN

- 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 Scott against the decision of Bournemouth Borough Council.
 - The application Ref 7-2016-26295-A, dated 1 October 2016, was refused by notice dated 5 December 2016.
 - The development proposed is new semi detached bungalows.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The Council, in its decision notice, refers to its Residential Development: A Design Guide (the Design Guide). I have applied some weight to that document due to its role in supporting the relevant development plan policies.

Main Issues

3. The main issues are the effect of the proposed development on:
 - i) the living conditions of the neighbouring occupiers of Doveshill Mobile Home Park in respect of outlook; and of surrounding occupiers in respect of noise and disturbance relating to the proposed access and parking and turning areas;
 - ii) the character and appearance of the surrounding area.

Reasons

Living conditions

4. The proposed dwellings would be positioned side on and very close to the southern site boundary and immediately to the rear of one of the adjacent mobile homes. That dwelling has habitable room windows facing the site and a small rear yard area adjacent to the boundary. The depth of the proposed nearest dwelling would reduce upwards towards the roof apex, enabling some degree of skyward viewing from that adjacent property. However, its steep roof pitch and resulting significant height would still contribute to a substantial gable end massing effect. Together with the close proximity to that adjacent mobile home, the proposed development would have an overbearing and unacceptably enclosing effect when seen from those neighbouring habitable room windows. This would be regardless of them relating to a bedroom,
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- particularly as the extent or nature of use of such a room cannot be assumed to relate solely to the hours of darkness. That same effect would also be experienced from the adjacent yard area relating to that mobile home.
5. I have also received no substantive evidence to indicate that the mobile home concerned is not occupied as a dwelling as opposed to temporary holiday accommodation, in terms of the longevity of that harmful impact.
 6. There is an existing fence between the site and mobile home park, together with some vegetation alongside the boundary. However, the fence is only of a fairly modest height, sufficient to provide some privacy screening whilst the vegetation is not particularly dense. Those features do not therefore create a comparable effect to that which would be caused by the proposed development.
 7. The appellant refers to a fall-back position relating to permitted development rights to construct a building incidental to the enjoyment of the existing dwelling in a similar position or nearer to the boundary with the mobile home park than proposed. However, I have received no substantive evidence as to the likelihood of such a building being constructed. In any case, those permitted development rights, as set out in the Town and Country Planning (General Permitted Development)(England) Order 2015, would relate to a potential building of significantly lower height than that proposed, particularly if in similar close proximity to the site boundary. The effect of such a building would therefore be unlikely to have a comparable degree of impact to that of the proposed development in respect of this issue.
 8. In respect of the issue of noise and disturbance, the existing house has a side access drive which serves a parking area, including a former, now demolished garage, to the rear. As such, there is currently the potential for vehicle activity relating to that single dwelling in close proximity to the rear habitable rooms and garden of No 21. However, the proposed development would be likely to materially intensify that activity as well as extending it to further into the site where the access drive and parking and turning area would run immediately alongside the boundaries of two of the mobile homes and the rear gardens of No 25 Western Avenue and No 1 Doveshill Crescent.
 9. The back land location relating to the appeal site and surrounding properties represents a pleasantly fairly quiet environment, partially protected from significant road noise by the existing buildings and the degree of separation from the street.
 10. In that context, the engine noise from additional cars, used independently by the separate occupiers of the proposed dwellings and No 23, manoeuvring on both the access drive and the parking and turning area deeper into the site, and in close proximity to the rear of neighbouring properties, would be likely to be noticeably intrusive. That would be likely to be accentuated if generated during quieter periods such as late evening through to early morning, and also by activity such as the slamming of car doors.
 11. The appellant refers to the situation at No 17a which relates to a dwelling set back from those on the road frontage. However, any vehicle movements to the rear of those frontage houses in that case relate only to that single dwelling, a materially different circumstance to that concerning the appeal scheme, which I have in any case determined on its own merits.

12. The appellant suggests that acoustic boundary treatment could be secured by condition if necessary. However, I have received no evidence as to the design or degree of effectiveness of any such treatment to enable sufficient certainty that this would provide appropriate mitigation in this case and would not harmfully affect the outlook from those neighbouring properties.
13. For the above reasons, I conclude on this issue that the proposed development would cause unacceptable harm to the living conditions of the neighbouring occupiers of Doveshill Mobile Home Park in respect of outlook; and of surrounding occupiers in respect of noise and disturbance relating to the proposed access and parking and turning areas. As such, in respect of this issue, it would be contrary to policies CS21 and CS41 of the Bournemouth Local Plan: Core Strategy (the Core Strategy), saved policy 6.8 of the Bournemouth District Wide Local Plan (the Local Plan) and the Design Guide in terms of their requirement, together, for residential development to respect residents' amenities. In respect of this issue, it would also be contrary to the National Planning Policy Framework (the Framework) which in paragraph 17 states that planning should, amongst other things, always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.

Character and appearance

14. The site comprises a large portion of the existing back garden to No 23. That garden is larger than most in the vicinity and adjacent to a fairly high density development of mobile homes to the south, with the two storey back land dwelling of No 17a beyond that. There is also a two storey dwelling immediately to the south-west of the site. There is therefore already a significant degree of back land development in the immediate vicinity of the site. Those surrounding dwellings also exhibit a variety of designs including both bungalows and full two storey properties.
15. The proposed dwellings, with their steep pitched roofs, would be noticeably higher than the mobile homes. However, they would not stand out as being obtrusive or jarring in the context of that general variety of surrounding properties, including in back land locations. They would be relatively small plots, closely confined within the side boundaries. However, in that respect they would be set in the context of the similarly fairly tightly positioned adjacent mobile homes. Furthermore, they would only be clearly seen from the street via the limited vantage point directly in front of the proposed access drive. Together with the significant set back from the road, they would not be prominent or dominating features within the streetscene.
16. For the above reasons, I conclude on this issue that 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, saved policy 6.8 of the Local Plan and the Design Guide in terms of their requirement, together, for residential development to complement and respect the character and appearance of the area. In respect of this issue, it would also accord with the Framework which in paragraph 17 states that planning should, amongst other things, take account of the character of different areas.

Other matters

17. One of the Council's reasons for refusal 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. The appellant agrees that such a financial contribution would be necessary, however a completed planning obligation has not been provided in order to secure this and to address that reason for refusal. As I am dismissing the appeal for other reasons, it is not necessary for me to consider this matter in any further detail.
18. The appellant claims that the proposed creation of turning space for cars would result in safer exit from the site. However, I have received no substantive evidence of the existing circumstances representing such a hazard as to pose a risk to highway and pedestrian safety. I have therefore applied little weight to this factor.

Conclusion

19. 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.
20. I have found that the proposed development would not cause unacceptable harm to the character and appearance of the surrounding area. Furthermore, I accept that the proposal would be in a sustainable location in terms of access to local and larger centres. However, these factors would not outweigh the unacceptable harm that I have found would be caused to the living conditions of surrounding occupiers in respect of the first main issue.
21. Therefore, for the above reasons, and taking account of all other matters raised, I conclude that the appeal should be dismissed.

Andrew Dawe

INSPECTOR