

Appeal Decision

Site visit made on 3 April 2017

by Robert Parker BSc (Hons) Dip TP MRTPI

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

Decision date: 26 April 2017

Appeal Ref: APP/G1250/W/17/3167013
59 Huntly Road, Bournemouth BH3 7HQ

- 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 and Mrs David and Patricia Edwards against the decision of Bournemouth Borough Council.
 - The application Ref 7-2016-13944-D, dated 28 September 2016, was refused by notice dated 22 December 2016.
 - The development proposed is demolition of existing garage and erection of a detached 3 bedroom cropped roof house within existing side garden. New attached garage to be added to the existing house.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are:
 - a) the effect of the proposal on the character and appearance of the area;
 - b) whether the development would provide adequate living conditions for future occupiers, with regard to privacy and sunlight in the garden; and
 - c) the effect on the living conditions of the occupiers of 59 Huntly Road, with particular reference to outlook.

Reasons

Character and appearance

3. Huntly Road and the streets surrounding it have a strongly defined character, comprising mainly two-storey detached dwellings laid out in straight rows with a consistent building line and good sized plots. The blend of architectural styles and mature trees contribute to making this an attractive residential environment.
 4. No 59 Huntly Road occupies a corner plot at the junction with Alford Road. This road is unusual in that it has no properties fronting onto it, its sole purpose being to link adjoining parallel streets. Nearby Carrbridge Road fulfils a similar role. From these connecting streets it is possible to appreciate the sense of space which is a direct consequence of the long rear gardens and generous back-to-back spacing between the dwellings in Huntly Road and those in neighbouring Glenferness Avenue and Keith Road.
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5. The proposed dwelling would be set directly behind No 59 with its principal elevation facing onto Alford Road. This in itself would appear slightly incongruous given the context I have described above. The spacing between the two buildings would be similar to that which exists in Huntly Road. However, in that case the houses form part of a formal street frontage and the juxtaposition of dwellings does not appear out of place.
6. The appeal scheme by contrast would give the impression of an isolated dwelling shoehorned into the rear garden of No 59. The severed plot would be substantially smaller than others in the vicinity and this would be at odds with the prevailing local character. Furthermore, the proximity of the new building to the northern site boundary would give the development an unduly cramped appearance, particularly when viewed from No 61 Huntly Road.
7. I have been given examples of infill and plot subdivisions in nearby Roslin Road South but these developments lie within existing built-up frontages and are on larger plots. Whilst No 43 and No 47 Roslin Road South do have shallow rear gardens this is not representative of the area as a whole. For this reason these cases do not weigh in favour of the appeal scheme.
8. Although the design of the dwelling itself would be unobjectionable, its siting on this constrained plot would appear contrived and discordant with the pattern of development in the locality. Accordingly, I conclude that the proposal would cause material harm to the character and appearance of the area. It would thus conflict with Policies CS6, CS21 and CS41 of the Bournemouth Local Plan: Core Strategy (2012) (CS) and saved Policy 6.8 of the Bournemouth District Wide Local Plan (2002) (LP). Amongst other things, these policies seek high quality development the density and layout of which respects the site and its surroundings.

Living conditions for future occupiers

9. The appeal scheme would be located in what is presently part of the garden belonging to No 59. The parent property has a pair of first floor windows looking onto this area. If the site is developed as proposed, the occupants of Bedroom 3 would have uninterrupted views across the back garden of the new dwelling. I accept that in urban areas a degree of overlooking is inevitable – this is acknowledged in the Council's own design guidance. However, in this case the impact would be more intrusive due to the direct nature of the views and the position of the window less than 5 metres from the boundary.
10. Although it is contended that a silver birch would provide a degree of screening, the crown height and canopy spread of this tree mean that it would not be effective in providing the necessary level of privacy.
11. The Council is also concerned that the rear amenity space would be cast into shade by established trees and vegetation. No substantive evidence has been presented to support this objection. Nevertheless, based on my observations it seems to me that any interference with sunlight is unlikely to be so great as to render the garden unusable.
12. Nonetheless, there would be poor levels of privacy in the rear garden of the proposed dwelling and this would lead to unacceptable living conditions for its occupiers. As such, the proposal would conflict with the requirement of Policy

CS41 of the CS that development should be designed to provide a high standard of amenity to meet the day to day requirements of future occupants.

Living conditions for existing occupiers

13. The Council has raised the additional concern that the proposal would be overbearing for the occupiers of No 59. However, I note that the intention is to reconfigure the existing accommodation to provide enlarged window openings on the south-west elevation. Given this, and the position of the new dwelling in relation to the principal habitable rooms and area of retained garden, I do not share the view that the development would be overbearing.
14. Consequently, I find that there would be no material harm to the living conditions of the occupiers of No 59 and no conflict with Policies CS21 and CS41 of the CS and saved Policy 6.8 of the LP insofar as they seek to ensure that development respects neighbours' amenities.

Other Matters

15. I have taken into account the contribution the proposal would make to the delivery of housing in the borough. However, the harm identified above outweighs the very modest benefit in this regard.
16. The submitted unilateral undertaking would secure a financial contribution towards mitigating the effect of the proposal on the integrity of European protected sites. However, this does not address my fundamental concerns regarding the scheme and therefore it has not been material to my decision.

Conclusion

17. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should fail.

Robert Parker

INSPECTOR