
Appeal Decision

Site visit made on 15 May 2017

by Rory Cridland LLB (Hons), Solicitor

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

Decision date: 23 June 2017

Appeal Ref: APP/G1250/W/17/3167004
5 Ferncroft Road, Bournemouth BH10 6BY

- 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 E R Shearing & Mrs M Fallon against the decision of Bournemouth Borough Council.
 - The application Ref 7-2016-3094-E, dated 31 October 2016, was refused by notice dated 28 December 2016.
 - The development proposed is demolition of existing bungalow and the erection of 4 semi-detached houses and associated parking area.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The appellant submitted a revised plan with the appeal that did not form part of the planning application determined by the Council (Ref FB5629/100C). This updates Plan Ref FB5629/100B to show the correct alignment of the existing building. I have considered these drawings under the principles established by the Courts in *Wheatcroft*¹. I am satisfied that these drawings do not change the nature of the scheme to such a degree that to consider them would deprive those who should have been consulted on the change, the opportunity of such consultation. I have therefore determined the appeal on the basis of the drawings submitted with the application and the revised plan.

Main Issue

3. The main issues are the effect of the proposed development on the character and appearance of the surrounding area and the living conditions of occupiers of No 1348 Wimbourne Road with particular regard to outlook.

Reasons

4. The appeal site is located in a residential street characterised by mostly two storey detached dwellings set back from the road and within reasonable sized plots. The appeal site itself, however, consists of a detached bungalow situated within a larger than average plot with a frontage that occupies most of the width of the site. To the west is No 1348 Wimbourne Road, a modest detached bungalow which sits in close proximity to the boundary with the appeal site. Its

¹ Bernard Wheatcroft Ltd v. Secretary of State for the Environment [1982] JPL 37.

side elevation contains a number of windows and an entrance which faces towards the appeal site.

5. Policy CS21 of the Bournemouth Local Plan: Core Strategy (2012) (CS) requires proposals for new development to, amongst other things, positively contribute to the character and function of the neighbourhood, maintain and enhance the quality of the street scene and respect residents' amenities. Similarly, CS Policy CS41 seeks to ensure that all development is well designed, respects its surroundings and enhances the character, local distinctiveness and amenities of neighbouring residents. In addition, saved Policy 6.8 of the Bournemouth District Wide Local Plan (2002) (LP) permits certain development where it complements and respects the character and amenity of its surroundings.
6. The proposal would involve the demolition of the existing bungalow and its replacement with four, two storey dwellings arranged as two pairs of semi-detached properties. They would include appropriate sized rooms with adequate light and outlook, and although their gardens would be smaller than others in the vicinity, they would nevertheless be appropriate for the size of the proposed dwellings. Although it would introduce semi-detached dwellings into an area consisting of mainly detached properties, it is clear from their proposed design that their semi-detached nature would not be particularly noticeable and they would appear as two detached properties when viewed from the road. As such, they would integrate well with the surrounding development and would not appear at odds with the existing street scene.
7. Furthermore, although the proposal would result in smaller plot sizes to those which are the norm, this would not be particularly evident from the public realm and I do not consider they would appear cramped within their setting. Consequently, I do not consider the proposal would be harmful to the character and appearance of the surrounding area and as such find no conflict with CS Policies CS21, CS41 or LP Policy 6.8 in this respect.
8. Nevertheless, the proposed dwellings on Plot 1 would be both higher and extend further into the site than the present bungalow. This, in view of the limited separation between it and neighbouring No 1348 Wimbourne Road, would have a considerably negative impact on the outlook currently enjoyed by the occupants of that property. It would appear overbearing and dominant, particularly when viewed from the ground floor windows along its side elevation and the dormer windows located at first floor level. This would be exacerbated by the elevated ground levels between the properties and would result in a material diminution in outlook for the occupants of No 1348. While I note that the appellant has sought to limit its impact by replacing the gable end with a hip roof which slopes away from the neighbouring dwelling, this does not provide sufficient mitigation to overcome the harm identified above.
9. Accordingly, I find that the proposal would fail to respect the amenities of neighbouring residents and would be harmful to their living conditions with particular regard to outlook. As such, I find that it would be contrary to CS Policies CS 21, CS41 and LP Policy 6.8 all of which seek to protect against such harm.

Other Matters

10. The reasons for refusal set out in the Council's decision notice also refer to the impact of the development on the Dorset Heathlands Special Protection Area, Ramsar Site and the Dorset Heaths Special Area of Conservation. The Council's adopted Supplementary Planning Document (Dorset Heathlands Planning Framework 2015 – 2020) ("the SPD") requires a financial contribution to be made for each new residential dwelling to fund a range of mitigation measures to deal with the impact of new development on these protected sites. In accordance with the requirements of the SPD, and in order to address this part of the reason for refusal, the appellant has submitted a Unilateral Undertaking (UU) in respect of the contributions sought. Had the circumstances leading to the grant of planning permission been present, it would have been necessary to consider whether the UU secures the necessary mitigation measures. However, as I am dismissing for other reasons, I have not considered this matter any further.

Conclusion

11. Although I have found above that the proposal would not be harmful to the character and appearance of the surrounding area, I have nevertheless found that it would result in a material diminution of outlook for the occupiers of No 1348 Wimbourne Road. As such, it would be contrary to a number of development plan policies. Accordingly, for the reasons set out above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Rory Cridland

INSPECTOR