
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/17/3167683

42A Gloucester Road, Bournemouth BH7 6HZ

- 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 Mike Adams against the decision of Bournemouth Borough Council.
 - The application Ref 7-2016-3597-B, dated 13 October 2016, was refused by notice dated 23 November 2016.
 - The development proposed is described as "demolition of existing unused stores and residential development of two 1 bedroom flats on a site to the rear of a residential dwelling, formally used as stores. Change of use from B8 to C3".
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - (i) whether the loss of the existing employment site would be justified having regard to its location and suitability for employment use;
 - (ii) the effect of the proposed development on the character and appearance of the surrounding area;
 - (iii) the effect of the proposal on the living conditions of occupiers of neighbouring properties with particular regard to outlook and privacy; and
 - (iv) the effect of the proposal on highway safety with particular regard to parking.

Reasons

Loss of an employment site

3. Policy CS27 of the Bournemouth Core Strategy¹ (CS) restricts development that results in the loss of sites or premises used or last used within use classes B1, B2 or B8 unless it can be demonstrated that either they cause environmental problems or the location of the premises is no longer suitable for employment use. Furthermore, it requires that where other non-employment uses are being considered it must be demonstrated that an alternative

¹ Bournemouth Local Plan: Core Strategy (2012)

employment use is not forthcoming and that it has been sufficiently and realistically marketed for a minimum of 12 months. This accords generally with Paragraph 22 of the National Planning Policy Framework ("the Framework") which indicates that the long term protection of employment sites should be avoided where there is no reasonable prospect of a site being used for that purpose.

4. The proposal would involve the loss of the existing employment site² and its replacement with a non-employment use. Although I accept that the existing access is restricted and would limit the type of vehicles which would be able to access the site, there are numerous other business activities that could be operated from the site without requiring vehicular access. Furthermore, the appellant has not provided any robust evidence which would establish that its retention for employment purposes has been fully explored or which would demonstrate that the site is no longer suitable for an alternative employment use. Without further information, for example in the form of marketing information as sought by CS Policy CS27, I am not persuaded that its loss would be justified.
5. The appellant has suggested that the requirement for 12 months marketing is too onerous and goes against the guidance set out within the Framework to deliver housing sites without delay or obstruction. However, a balance needs to be struck between the need to provide housing and the need to retain suitable premises for businesses where there is an identified local need. As such, it does not prevent authorities from developing local plan policies which are specific to the needs of their area. I consider CS Policy CS27 to be such a policy.
6. Consequently, based on the evidence before me, I am not persuaded that the loss of this employment site would be justified and, as such, find the proposal would be in conflict with CS Policy CS27.

Character and appearance

7. The appeal site is located in a backland location in an established residential area where properties front the road with gardens extending to the rear. Although there are some examples of backland development, these are mostly modest, single storey structures which have only a limited impact on their surroundings.
8. CS Policies CS6, CS21 & CS41 seek to ensure, amongst other things, that new residential development enhances the character and local distinctiveness of the area, contributes positively to the character of the neighbourhood and restrict development which would be detrimental to the character of the borough. Similarly, Saved Policy 6.8 of the Bournemouth District Wide Local Plan³ (LP) permits certain types of residential development subject to detailed considerations including its height and where it complements and respects the character and amenity of neighbouring development.
9. The proposal would result in the demolition of the existing building and its replacement with a two storey structure which would be subdivided into two 1 bedroom flats. In view of the limited contribution the present building makes to its surroundings, its loss would not in itself be materially detrimental to the character of the area. Nevertheless, in view of its single storey height, it is not

² Albeit that it is not currently in use.

³ (2002).

particularly prominent and appears subservient to the neighbouring two storey residential dwellings. Its replacement with a two storey structure would have a considerably greater impact on its surroundings than does the present building. It would be highly visible from neighbouring properties and its increased height and size would dominate this backland location, appearing prominent when viewed from the rear of the surrounding residential dwellings.

10. Furthermore, its considerable set back from the highway would fail to accord with the prevailing pattern of residential development and it would appear as an alien addition, failing to integrate well with either the surrounding residential development or the more modest single storey structures located to the rear of nearby properties. It would appear as an incoherent and discordant addition when viewed from the rear of the neighbouring properties as well as from within the site itself.
11. Consequently, I find the proposal would fail to enhance the local distinctiveness of the area and would negatively impact on its character. As such, it would be in conflict with CS Policies CS6, CS21 & CS41 as well as with Saved LP Policy 6.8.

Living conditions

12. The Council has also raised a number of concerns regarding the effect of the proposed development on the living conditions of occupiers of neighbouring properties. In particular, it considers that, in view of its proximity to the boundary and its proposed height, it would have an oppressive and overbearing impact on the outlook currently enjoyed by neighbouring residents. For similar reasons to those set out above, I consider these concerns to be well founded. The introduction of a two storey building to the site would result in a structure that would dominate this backland location and would significantly erode the open outlook currently enjoyed by the occupiers of the surrounding properties.
13. Furthermore, while I do not consider the addition of the proposed balcony would materially increase levels of noise or disturbance to the occupiers of neighbouring properties, it would result in direct views into the rear gardens of those properties. This would materially affect the privacy levels currently enjoyed by their occupants. Such close and direct overlooking is not the norm and while I accept that varying levels of overlooking occur in many other urban locations, that does not justify the diminution in privacy for the occupiers of neighbouring dwellings which would result from this particular proposal.
14. Accordingly, although I do not consider that the proposal would result in unacceptable levels of noise or disturbance, I consider that it would result in an unacceptable erosion of privacy and outlook for neighbouring occupiers. As such, I find it contrary to CS Policies CS21 & CS41 and LP Policy 6.8, all of which seek to ensure, amongst other things, that new development enhances and respects the amenities of neighbouring residents.

Highway Safety

15. CS Policy CS16 requires parking provision for new development to be in accordance with the Council's *Parking Supplementary Planning Document (2014)*⁴ ("the Parking SPD") which sets out the approach to vehicle and cycle parking provision for new development within the area. For a development

such as that proposed, the parties agree the Parking SPD requires a total of 2 spaces to be provided on-site. Furthermore, where there is a proposed reduction in the number of spaces, it requires robust justification to be provided. Displacement parking into surrounding streets to accommodate the level of parking demand is not supported unless sufficient and adequate on-street capacity has been demonstrated, for example in the form of a parking survey and assessment.

16. The appeal site is located in a sustainable location with easy access to shops and local services. On the western side of Gloucester Road, there are traffic regulation orders restricting on-street parking between 8am and 7pm Monday to Sunday. On the eastern side of the road on-street parking is available. Many of the properties along this road do not have off street parking and therefore demand for on street parking is high.
17. The failure to provide the required number of parking spaces on-site would be likely to lead to additional off-site demand which would need to be met by the existing provision in the surrounding streets. The appellant has provided a parking survey which concludes that there is available spare capacity to accommodate the parking needs of the proposed dwellings. However, it provides limited information as to number of spaces available or how these conclusions have been reached. As such, I afford it only limited weight.
18. Nevertheless, at my site visit, I was able to park very close to the appeal site. However, I observed that there were very few other parking spaces available nearby and that there was some evidence of illegal and inconsiderate parking both on Gloucester Road and other nearby streets. Although this provides only a snapshot, it nevertheless accords with the results of the Council's parking survey, which indicates that there is significant parking pressure along Gloucester Road and the surrounding area. This shortfall in parking provision would increase the likelihood of illegal and inconsiderate parking, in turn increasing the risk of vehicular and pedestrian conflict. This would be detrimental to highway safety.
19. While I note the appellant's assertion that pedestrian safety would be improved, as currently vehicles seeking to exit the site would need to reverse over the footway, the evidence before me indicates that the access is neither suitable for modern vehicles nor generally in use. Accordingly, I am satisfied that any such benefits would be of limited value.
20. Consequently, I find that the proposal would be detrimental to highway safety. As such, it would be contrary to CS Policy CS16 and the guidance set out in the Council's adopted Parking SPD, both of which seek to guard against such harm. It would also be contrary to Policy CS41 which restricts development that would be detrimental to, amongst other things, the amenity of the area.

Other Matters

21. 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. The Council's adopted Supplementary Planning Document (Dorset Heathlands Planning Framework 2015 – 2020) 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 that 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

22. For the reasons set out above, I conclude that the appeal should be dismissed.

Rory Cridland

INSPECTOR