The Planning Inspectorate

Appeal Decision

Site visit made on 4 July 2017

by J J Evans BA (Hons) MA MRTPI

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

Decision date: 21 July 2017

Appeal Ref: APP/G1250/W/17/3173124
6 Merlewood Close, Bournemouth BH2 6JQ

- 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 Hurst and Hurst Estates against the decision of Bournemouth Borough Council.
- The application Ref 7-2016-526-CC, dated 12 December 2016, was refused by notice dated 10 February 2017.
- The development proposed is to demolish existing and erect block of 7 flats with parking.

Decision

1. The appeal is dismissed.

Procedural Matters

2. The appeal site is within the Meyrick Park and Talbot Woods Conservation Area. As required by Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) I have paid special regard to preserving or enhancing the character or appearance of a conservation area.

3. During the appeal process a signed Unilateral Planning Obligation (UPO) was submitted by the appellants committing to the provision of a contribution to provide mitigation for the impact of future residents upon the Dorset Heathlands. The Council have considered the UPO, and I have had regard to those comments made and the obligation in my decision.

Main Issues

4. The main issues are *firstly*, whether the demolition of the existing house and erection of a new block of flats would preserve or enhance the character and appearance of the Meyrick Park and Talbot Woods Conservation Area; and *secondly*, whether the proposal would make adequate contributions to mitigate the effects of the proposal on designated biodiversity interests.

Reasons

Character and Appearance

5. The appeal site lies within a mostly residential area that comprises a mix of ages and styles of dwellings and blocks of flats. 6 Merlewood Close is one of a short row of modern detached houses within a residential cul-de-sac that is within the Meyrick Park and Talbot Woods Conservation Area. The generous size of the plots within which the houses and flats are positioned, along with

the mature trees and planting gives a verdant and spacious character and appearance to the conservation area. This slyvan nature is readily apparent due to the steeply sloping dramatic topography, and is a distinctive feature of the significance of the conservation area.

6. Of particular note within the cul-de-sac is 7 Merlewood Close, which is identified in the Meyrick Park and Talbot Woods Conservation Area Appraisal (2009) as being a positive contributor to the area. No 7 is a large red brick villa at the end of the Close and its historic appearance with rich architectural detailing is very different to the modern buildings around it. This and the generous size of its garden and the mature trees and landscaping present within it, makes it a distinctive feature within the area.

7. There is no disagreement between the main parties that the existing house is not a positive contributor to the conservation area. From the evidence before me, including what I saw at my visit, I have no reason to disagree. The redevelopment of the site would replace the existing house with a proposed block of flats that would have a modern style. There are a variety of styles present within the conservation area, including close by, and having regard to this and the dominance of the flats above the appeal site, the principle of modern design upon the site could therefore be acceptable.

8. Having regard to the variety of materials found nearby within the conservation area, I do not share the concerns of the Council as regards the quality of the proposed materials. The use of red brick if sensitively selected would harmonise with that present on No 7. Compared to the flats further up the hillside, the staggered roof form of the proposed building would reflect the topography of the site.

9. Flats are a common feature within the area and in most cases they are positioned within generous plots, thereby retaining the verdant, spacious appearance of the conservation area. Although a block of flats was approved at appeal in 2009 (ref: APP/G1250/A/08/2091500 & APP/G1250/E/08/2092940), the scheme before me is very different. I do not have the full details of those permissions before me, but from what has been provided the building had a different form, greater articulation and was positioned within a much larger site.

10. In this instance the proposed building would be tall, having a strong vertical emphasis as well as being in very close proximity to the rear and western boundaries. In addition, the provision of the bin and cycle stores to the rear of the site would add to the bulk of the building, and even though the block as a whole would be set down within the hillside, its height and size, when combined with its proximity to the site boundaries would make it appear unacceptably cramped.

11. Although there would be some limited articulation present, the front elevation of the building would be dominated by the repetition of large windows particularly on the first three floors. Despite the variety of architectural ages and styles present in the Close, the amount and repeated pattern of the glazing within the front elevation would harmfully exaggerate the width of the block.

12. Moreover, the size of the building, the removal of several mature trees, and the extent of the associated servicing areas and remodelling of the rear of the site would leave little opportunity for landscaping. There would be hedges to the

rear and eastern boundaries, but they would not have the same impact as mature trees, and the site would appear much more open, thereby exaggerating the dominance of the building. This, when combined with the removal of several large trees from the site would unacceptably erode the verdant character and appearance of the conservation area. I note that the appellants consider some of the trees to be removed are low quality and that the trees do not have a significant skyline impact. Nevertheless, the steepness of the slope gives a prominence to the remaining trees within the site and they make an important contribution to the slyvan nature of the area.

13. The National Planning Policy Framework (the Framework) requires that great weight should be given to the significance of designated heritage assets. For the reasons given the proposal would neither preserve nor enhance the character or appearance of a conservation area. This would be contrary to the requirements of Policies CS21 and CS41 of the Bournemouth Local Plan: Core Strategy (2012) (CS), Policies 4.25, 4.4 and 6.10 of the Bournemouth District Wide Local Plan (2002), and the guidance within the Council's Residential Development: A Design Guide (2008). These seek amongst other things, high quality and well-designed development that contributes positively to an area, and that which preserves or enhances the character or appearance of a conservation area, thereby reflecting objectives of the Framework.

14. The Framework also requires that where a development proposal would lead to less than substantial harm to the significance of a designated heritage asset, that this harm should be weighed against the public benefits of the proposal. In this case the proposal would result in less than substantial harm due to the comparative size of the scheme compared to that of the conservation area as a whole. The appellants have pointed out that the Council have given no weight to the significant benefits of providing new homes in a sustainable location. This would be a public benefit of the scheme, but it would be a modest benefit and as such would not outweigh the adverse impact I have found to the conservation area.

Biodiversity Impact

15. The Council have identified a need for the scheme to make contributions towards the mitigation of the impact of future occupiers upon the Dorset Heathlands Special Protection Area, Ramsar Site and Dorset Heaths Special Area of Conservation. At the time of the Council refusing the application, the appellants had not committed to making an appropriate contribution towards mitigation measures to safeguard the integrity of these sites. Under the Conservation of Habitats and Species Regulations 2010 (as amended) planning permission has to be refused where development would be likely to have a significant adverse impact on the integrity of the European protected sites, such as those referred to above.

16. During the appeal the appellants provided a signed UPO which the Council have approved. Notwithstanding this, the copy before me has not been dated in the body of the agreement, and refers to a draft version of the Dorset Heathlands Planning Framework 2015-2020 Supplementary Planning Document (2016) (SPD).

17. As I am dismissing the appeal for other reasons, I have not pursued these matters further with the main parties. Nonetheless, as it stands and for the reasons given in the previous paragraph I am not satisfied that the UPO could

be executed and relied upon to secure contributions, or therefore that the proposal would not affect the integrity of sites that are internationally important for nature conservation. Consequently, the proposal would fail to accord with CS Policies CS32, CS33 and CS34 and the guidance within the SPD, which require that development will not lead to an adverse effect upon the integrity of the Dorset Heaths.

Other Matters

18. Local residents have raised a number of matters, including access and parking concerns, increased noise and pollution, service provision and capacity issues, the loss of a view and the loss of wildlife. In addition other matters have been raised that are not directly connected with the planning considerations of the proposal, such as property devaluation. With regard to the matters raised, following my findings on the main issues, I have no need to consider them further.

19. Finally, the concerns of local residents regarding the Council's handling of the application and the unauthorised felling of trees within the site are procedural matters. Such concerns fall to be pursued by other means separate from the planning appeal process and are not for me to consider.

Conclusion

20. Thus for the reasons given above and having considered all other matters raised, the appeal is dismissed.

J J Evans

INSPECTOR