
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: 24 July 2017

Appeal Ref: APP/G1250/W/17/3173672
49 Elgin Road, Bournemouth BH3 7DJ

- 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 AJ Developments Ltd against the decision of Bournemouth Borough Council.
 - The application Ref 7-2017-7698-N, dated 24 January 2017, was refused by notice dated 23 March 2017.
 - The development proposed is to sever land and erect 1 no 4 bedroom detached house with parking.
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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.

Main Issues

3. The main issues are *firstly*, whether the detached house would preserve or enhance the character or appearance of the Meyrick Park and Talbot Woods Conservation Area; and *secondly*, whether the proposal would make adequate contribution to mitigate the effects of the scheme on designated biodiversity interests.

Reasons

Character and Appearance

4. The appeal site lies within a mostly residential area within the Meyrick Park and Talbot Woods Conservation Area. A notable feature of the area is its planned nature, with differing phases of development being readily apparent. The long straight north-south orientation of Elgin Road and the grid pattern of the roads leading off it is part of this, with the mostly detached houses fronting the highway, set back behind similar sized front gardens. Many of the houses are centrally positioned within the width of their plots, and have generous rear gardens. These characteristics give a spacious appearance to the conservation area and are a distinct feature of its significance.

5. 49 Elgin Road is a large detached house with a generous side garden that is part of a short row of properties to the north of the tennis club. These detached houses and those to the rear of the appeal site show a mix of styles and forms, along with a variety of plot shapes and sizes. Nevertheless, the repetition of large detached houses that mostly front the highway behind similar sized front gardens makes a positive contribution to the conservation area.
6. The form and architectural detailing of the proposed house along with the palette of materials from which it would be constructed would harmonise with the Arts and Craft Revival style that is a characteristic of the area. The height of the house would be similar to the height of the houses either side and it would also be of a similar width to 45 Elgin Road. The provision of a hipped roof with front gables would reflect the form of No 45, and also the style of many other houses nearby.
7. I accept that the proposed house and the residual rear garden of No 49 would be smaller than is found within many of the properties nearby. Nevertheless, the size of the gardens would retain the spacious nature of the conservation area. Although the proposed house would be centrally positioned within its plot, I share the concerns of the Council as regards its relationship to the other houses within the row to the north of the tennis courts. The appellant considers the proposed positioning of the dwelling would replicate the existing building line between Nos 49 and 45, but this has not been clearly shown within the evidence before me.
8. Even with the variety of dwellings present surrounding the appeal site, a feature of the area is that where houses are closely positioned, no one building significantly projects beyond those to either side. Whether the proposal would comply with this characteristic has not been robustly demonstrated. From the submitted drawings the relationship of the proposed dwelling with both its neighbours and also to the other houses within the row is at best uncertain. Moreover, the proposed porch would project away from the front elevation of the house, and this combined with the uncertainty of the dwelling's position, would be such that the house would appear unacceptably prominent in the street scene, to the detriment of the character and appearance of the conservation area.
9. I have considered the concerns of the Council that the grant of planning permission would set a precedent for other similar developments, and note that the appeal property has already been subdivided, albeit some time ago. Nevertheless, each application and appeal must be treated on its individual merits, in accordance with the requirements of the current development plan and all other material considerations, as I have undertaken in this instance.
10. 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, CS39 and CS41 of the Bournemouth Local Plan: Core Strategy (2012) (CS), Policies 4.4 and 6.8 of the Bournemouth District Wide Local Plan (2002), and the guidance within the Council's Meyrick Park and Talbot Woods Conservation Area Appraisal (2009). These seek amongst other things, high quality and well-designed development that contributes and

responds to the character of an area, and that which preserves or enhances the character or appearance of a conservation area, thereby reflecting objectives of the Framework.

11. 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 appellant considers the provision of a dwelling on the site would be its optimum viable use. However, the modest public benefit of providing an additional dwelling would not outweigh the adverse impact I have found to the conservation area.

Biodiversity Impact

12. 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 appellant had not committed to making an appropriate contribution towards mitigation measures to safeguard the integrity of these sites.
13. 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 European protected sites, such as the Dorset Heathlands. Based upon the evidence before me, including the Council's appeal statement, officer report and related guidance, I am satisfied that the sums sought would meet the tests required by Regulation 122 of the Community Infrastructure Levy Regulations (2010) (as amended) and within the Framework.
14. The appellant has indicated a willingness to enter into a planning obligation to make the appropriate level of contribution to mitigate the impact of the development upon the Heathlands. However, no such obligation has been provided. Consequently I cannot be certain that the proposal would not affect the integrity of sites that are internationally important for nature conservation.
15. Thus the proposal would fail to adequately mitigate the effects of the proposal on designated biodiversity interests, contrary to the requirements of CS Policy CS33 and the guidance in the Dorset Heathland Planning Framework Supplementary Planning Document (2016).

Other Matters

16. Occupiers of the surrounding properties are concerned that the proposed house would reduce privacy and levels of light to their properties, and have an overbearing impact. Due to the positioning of the houses around the appeal property a degree of mutual overlooking is already experienced. The proposed house would afford future occupiers with views over neighbouring properties, including 25 Roslin Road South.
17. The oblique angle of view from the rooflights of the attic room would not significantly harm the living conditions of the occupiers of No 25. The Council have referred to the provision of obscure glazing to the windows of the first floor second bedroom to reduce overlooking of No 25. Obscure glazing would

be acceptable for the proposed side window to this bedroom, but not for the primary window as it would give future occupiers an oppressive outlook. This would not afford future occupiers with satisfactory living conditions. However, as I am dismissing the appeal for other reasons this matter has not been decisive.

18. I appreciate the house would change the views from surrounding properties, but its positioning within the plot and the level of separation between it and the surrounding houses, including No 49, would be such that it would not be unacceptably overbearing. Nor for these reasons would it significantly reduce levels of light to nearby properties.
19. Local residents have raised a number of other concerns, including drainage and surface water issues. In the absence of any technical substantiation to support the concerns of the residents, and noting the lack of objection from the Council, I have no evidence before me that there would be an unacceptable impact on resulting from the proposal.
20. Finally, the concerns of local residents as regards the felling of trees and shrubs within the site, and also those of the appellant regarding the Council's handling of the application and the consistency of its decision making, are procedural matters. Such concerns fall to be pursued by other means separate from the appeal process and are not for me to consider.

Conclusion

21. For the reasons given above and having considered all other matters raised, the appeal is dismissed.

J J Evans

INSPECTOR