



Appeal Decision

Site visit made on 4 July 2017

by Jonathon Parsons MSc BSc(Hons) DipTP Cert(Urb) MRTPI

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

Decision date: 1st August 2017

Appeal Ref: APP/G1250/W/17/3172611

7 and 9 Dalmeny Road, Bournemouth BH6 4BN

- 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 Mrs Theresa Wischhusen against the decision of Bournemouth Borough Council.
 - The application Ref 7-2016-24120-A, dated 12 October 2016, was refused by notice dated 23 February 2017.
 - The development proposed is the "Demolition of 2no existing dwellings: 5/6 bed chalet (No. 7 Dalmeny Road) and 3 bed bungalow (No 9 Dalmeny Road). Construction of 3 no 2 storey 3 bedroom detached dwellings with built-in garages. Alterations to vehicular and pedestrian access and boundary treatment. New landscaping."
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Decision

1. The appeal is dismissed.

Procedural Matters

2. A Unilateral Undertaking has secured a contribution towards Strategic Access Management and Monitoring measures. This would provide mitigation against any adverse effects of the development on the Dorset Heathlands Special Protection Area (SPA) and the Dorset Heaths Special Area of Conservation (SAC). I will comment upon this in my reasoning.
3. The Appellant suggested a scheme amendment which relates mainly to a reduction in the height of the dwellings. Given this is minor, it would not prejudice other parties' interests and the appeal has been considered on this basis.

Main Issues

4. The main issues are the effects of the proposal on (a) the character and appearance of the area, with reference to the setting of locally listed buildings, and (b) the living conditions of the occupiers of the neighbouring dwellings, having regard to privacy and outlook, and the future occupiers of the proposed dwellings, having regard to private outdoor space.

Reasons

Character and appearance

5. The appeal site lies within the Southbourne part of Bournemouth which contains an eclectic mix of interwar housing, post war housing and more recently, infill development including bungalows. The site comprises two 1950s

- dwellings, a bungalow and a chalet bungalow, which have been altered and extended. Conservatories have been erected limiting external space to the rear. There are also frontage parking areas and separate vehicular areas.
6. In the vicinity of the appeal site, the surrounding area consists of dwellings, bungalows and houses of varied designs in generally spacious plots. To the rear of the site, there is a terraced row of two storey dwellings known as Coastguard Cottages which are locally listed. The terrace and their long narrow gardens lie behind the appeal plot. Although their plots are narrow, these terraced properties have long gardens stretching down to Ferry Road. There is also a store building alongside the appeal plot which has been referred to as a coastguard store.
 7. The proposal would result in the demolition of the two existing dwellings and replacement with three dwellings respecting the established building line of the street. However this would result in noticeably narrower dwelling plots than those of other dwellings on both sides of Dalmeny Road and indeed the former dwellings on the site. Such narrow width plots would also result in congested frontages with parking and pedestrian access areas dominating and reduced scope for landscaping. In this regard, trees are proposed in an area that lacks them but the overall area available for planting would be small relative to the extent of development proposed. Together with increased building mass and height, the development would therefore be markedly at odds with other dwellings in the area which have more spacious plots and in the vicinity of the appeal site on Dalmeny Road, wider plots.
 8. The Appellant's Design and Access Statement urban syntax and morphology study confirms a variety of built forms, architecture and dwellings that have been adapted and extended that have evolved over time. In urban design terms, there is a rather 'disparate sensation' context as a result and a streetscene of the three dwellings shows a stepped scale of development from the roof extended bungalow at 11 Dalmeny Road to the large and dominant building at 45 Church Road.
 9. However it is the combination of the dwellings' scale, massing and development footprint (including hardstandings) on narrow plots which would intrusively stand out. Therefore the development would not satisfactorily complete a street 'bookend' with the dominant building at 45 Church Road. Similarly the variation in dwelling designs and forms would not disguise the adverse impact. Beyond the coastguard store building, there is further variety of built forms and architecture, with flats as well as houses. However the appeal site is more readily viewed in its close immediate context and not sections of Church Road because the road bends just past the store building.
 10. The Coastguard Cottages have a distinctive red brick with decorative buff brick architraves and chimney stacks and were built in 1872 for the Admiralty. Despite alterations and additions, they have still largely retained their original form and much of their construction detail. Although it is indicated their listing is due to local social history, they are of architectural and historical significance for these reasons. In terms of setting, the cottages are largely restricted to their immediate surroundings given their dense-knit terraced form in an urban context but would extend down to Ferry Road due to their lengthy curtilages in this area.

11. The new dwellings would be stepped back from the cottages but the contemporary design of the dwellings, with their higher and asymmetrical roof forms, would be quite different and visually at odds with the traditional design and form of the cottages. In views from Ferry Road and through gaps between the dwellings along Dalmeny Road, there would be harm to the setting of the locally listed cottages for these reasons.
12. The alternative scheme would result in only minor reductions in the height of the dwellings and the angles of their mono-pitch roofs. Therefore the adverse impact on the character and appearance would remain by reason of the scale and massing of the three dwellings on narrow and congested plots, and the contemporary design.
13. In conclusion, the development would harm the character and appearance of the area for these reasons. Accordingly the proposal would conflict with policies 6.8 of the Bournemouth District Wide Local Plan (LP) 2002 and policies CS22, CS40 and CS41 of the Bournemouth Local Plan Core Strategy (CS), which collectively and amongst other matters, requires development scale, appearance and density to be in keeping with the area, a high quality design and the protection of local heritage assets by supporting development proposals that sustain or enhance their significance.

Living conditions of residents

14. Two of the proposed dwellings, Units 1 and 2, would have first bedroom windows facing onto the Coastguard Cottage properties. Such windows would be positioned approximately 4.7m back from the garden boundaries of the new dwellings. Beyond this, there is a narrow footway and gardens of the cottages behind this. The new dwellings are within an urban area where some overlooking may be acceptable due to the density of development.
15. However these windows would be in close proximity to the garden of the closest cottage. The view from the bedroom window of unit 2 would only be partly obscured by the rear part of the cottage. The bedrooms would mostly be used for sleep during the night but residents could look out of windows at other times during the day for any number of domestic reasons. Therefore there would be significant loss of privacy to the occupiers of the neighbouring property using their garden.
16. In terms of the loss of privacy to the rear windows on the Coastguard Cottages, any views from bedroom windows of Units 1 and 2 would be so oblique as to not result in any significant loss of privacy. There would be increased built scale, vertical alignment and roof height in relation to the cottages. However there would be no significant loss of outlook due to the separating distance between the units and these neighbouring dwellings.
17. Turning to the dwelling at 11 Dalmeny Road, this neighbouring property does have an entrance and a street facing window near the appeal site. The flank of the Unit 1 dwelling would be approximately 1.8 away from the common boundary with this neighbouring property. However there would be a significant increase in building scale and massing which would be in closer proximity compared to the previous bungalow on the site. For these reasons, there would be a significant loss of outlook to the occupiers of the neighbouring dwelling. In respect of privacy, the Appellant has indicated that all side

windows of Unit 1 could be obscure glazed which would prevent any significant overlooking.

18. The new dwellings would have private open space areas of about 35m² which would provide adequate areas to meet the normal every day requirements of occupiers, such as drying clothes, space for garden paraphernalia and play space for children. Even if there was need for some additional outside storage needs, the private open space area would be acceptable for units of the size proposed. Any views of these spaces from first floor windows of Coastal Cottages would be oblique and therefore their quality would not be diminished by overlooking.
19. In conclusion, the development would harm the living conditions of the occupiers of neighbouring properties by reason of overlooking and loss of outlook. Accordingly the proposal would conflict with policy 6.8 of the LP and policies CS22 and CS41 of the CS, which collectively and amongst other matters, requires development to not harm the living conditions of occupiers and provide a high standard of amenity to meet the day to day requirements of future occupants.

Other considerations

20. The proposal would boost housing land supply. However the proposal would only result in a net increase of one dwelling and so would only make a small contribution to supply. No other benefits have been identified. Furthermore the Framework states that good design is a key aspect of sustainable development which the proposal would fail to achieve by reason of its scale and massing on restricted and congested plots, and the adverse impact of the living conditions of neighbours. Thus, even if I were to apply the tilted test under paragraph 14 of the Framework, the adverse impacts would significantly and demonstrably outweigh the benefits. The presumption in favour of sustainable development would not apply.
21. The contents of the submitted obligation to secure mitigation measures for an SPA and SAC are uncontested. As the appeal has been dismissed on substantive merits of the case I shall not consider it further as the proposal is unacceptable for other reasons.

Conclusion

22. For the reasons given above, and having regard to all other matters raised, I conclude that the appeals should be dismissed.

Jonathon Parsons

INSPECTOR