



Appeal Decision

Site visit made on 14 August 2017

by Gareth W Thomas BSc(Hons) MSc(Dist) PGDip MRTPI

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

Decision date: 24th August 2017

Appeal Ref: APP/G1250/W/17/3175176

3 Ashley Road, Bournemouth BH1 4LE

- 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 Clive Taylor against the decision of Bournemouth Borough Council.
 - The application Ref 7-2017-7364-1, dated 29 January 2017, was refused by notice dated 13 April 2017.
 - The development proposed is for the demolition of existing store to rear and erect new rear extension to create 5no. apartments with associated bin store and bicycle parking.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are:
 - the effects on the living conditions of existing occupiers of an adjacent residential property, No.1 Ashley Road in terms of outlook and light
 - the effects on the living conditions of future occupiers of the five flats in terms of size of units and outlook
 - the effects on parking conditions in the vicinity of the appeal site, and
 - whether the proposal should make a financial contribution towards heathland mitigation.

Reasons

Background

3. The appeal site is in the centre of Boscombe town centre with a frontage onto Ashley Road but with the majority of the building located off a service yard to the rear. The existing building comprises some 900 sqm of storage space on the ground floor and a three-bedroom maisonette above. Access to the flat is from the service yard that serves Ashley Road and Christchurch Road commercial premises. Immediately to the north-west are the Boscombe Bus Station and the Sovereign Retail Centre. The Council is seeking to rejuvenate this area that has a rather run-down quality at present. Clearly the proposal from an economic development perspective would be welcomed in principle.

4. The proposal would see the demolition of the existing single storey structures at the rear of No.3 and their replacement by a three storey extension that would run up to the edge of the service yard. The frontage and shop area together with the maisonette would be retained. The extended structure would provide five one-bedroom flats with separate access from a separate staircase and areas designated for bin storage and cycle parking. No off-street parking would be provided.
5. No.3 has an extensive planning history of previous proposals to extend the property. In 2007, permission was granted for a second floor extension that would have converted the maisonette to two flats (Council ref. 7-2007-7364-C). That permission was never implemented and has now lapsed. In 2007 and 2008, appeal proposals¹ were dismissed for extension and conversion of the building to form shop and five and six flats respectively. Those appeals raised similar issues to the kind that are presently before me, namely the effects on parking provision and on living conditions.
6. The Council subsequently permitted a 2/3 storey extension to convert the property to a shop and five flats. However, again this scheme was never implemented and has now lapsed.
7. A recent appeal decision² saw yet another scheme to demolish the rear buildings and to extend the existing building to create seven apartments being dismissed. Once again the previous issues regarding living conditions and parking problems prevailed.

Living conditions – existing occupiers

8. Policy CS41 of the Bournemouth Core Strategy requires all new development to be of a high quality and provide a high standard of amenity for both existing and future occupiers. It is supported by saved Policy 6.8 of the Bournemouth District Wide Local Plan that deals with infill development and which establishes qualifying criteria. This policy requires developments to respect and complement the character of existing development whilst ensuring that proposals ensure adequate privacy for occupiers of neighbouring properties.
9. The relationship between the appeal site and the existing residential flat at No.1 Ashley Road is a sensitive one due to the positioning of two windows located on the northern elevation which, according to the Council, serve a lounge and bedroom respectively but overlook the single storey extension to No.3 at a relatively short distance. The previous Inspector in the 2016 appeal opined that the effects of a three storey building within 2.5m of No.1 would close off outlook from and the light entering these windows, which would not meet the criteria for good design.
10. From my observations, despite the change in design that helps reduce the scale of the extensions in terms of moving part of the development away from No.1, I consider that the present proposals would still have a significantly harmful effect on the occupiers of the existing flat through loss of light and outlook. This would be contrary to Policies CS41 and 6.8 of the adopted development plan. These policies are consistent with the aims of the National Planning Policy Framework (Framework) whereby developments contribute positively to making places better for people, create comfortable places to live,

¹ APP/G1250/A/08/2063230 and APP/G1250/A/08/2094443

² APP/G1250/W/16/3147200

improve the character and quality of an area and the way it functions, and respects local distinctiveness.

Living conditions – future occupiers

11. I am aware that the Council has accepted the development of flats at this location in the past. The details of this permission are not before me. However I am also cognizant that the Inspector in the 2016 appeal found that the outlook from the proposed flats overlooking what is a service yard containing amongst other things refuse bins to other commercial properties to be less than satisfactory. This is a matter of opinion and the present scheme attempts to mitigate these effects through the introduction of design features such as planting behind railings on the ground floor and 'Juliette' balconies above. It is also noted that the bin storage issues raised previously has now been satisfactorily addressed.
12. However I would agree with the Council's assessment that the unit sizes would fail to provide satisfactory and sufficiently spacious living conditions for its occupants. Whilst the Council does not have any adopted local standards in this regard, the proposal would be contrary to policy CS41 that sets out to provide a high standard of amenity to meet the day to day needs of future occupants.
13. Moreover, the proposed bedroom spaces within the flats would be devoid of any outlook and their position behind the lounge area would only receive minimal natural light. Paragraph 64 of the Framework explains that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of the area. In this regard, the proposal would not meet the Council's ambitions to reduce the number of bedsits as set out in the Boscombe Commitment and Action Plan 2015.

Car parking

14. Policy CS16 of the Council's Core Strategy sets parking standards for new residential development. It acknowledges the advice in paragraph 39 of the Framework that local parking standards should have regard to the type of development, its accessibility and, particularly the opportunities to use public transport, and local car ownership levels. The Council has adopted its Supplementary Planning Document (SDP) which expands on the advice on parking standards.
15. The Inspector in the 2016 appeal considered that the proposed development albeit for seven units at that time would give rise to unacceptable parking pressures in the surrounding area and that it was unlikely that the proposed development would function satisfactorily on the basis of a car-free scheme. Despite the fact that the appeal site is located in a highly sustainable location in terms of accessibility to public transport facilities, the levels of car ownership in this area is high but where on-road parking in this area is often prohibited or restricted during working hours.
16. This is a point where I depart from the views of the previous Inspector however. I have found the site to be highly sustainable with excellent public transport facilities on hand. Moreover, there is little evidence to suggest that the proposal would give rise to parking pressures in the surrounding

neighbourhood and although those increased pressures would likely have a marginal impact, I find that the proposed development would be not undermine the objectives of Policy CS16.

Heathland mitigation

17. The site is within 5 kilometres of the Dorset Heathlands Special Protection Area (SPA). Natural England is concerned about the intensification of residential development in South East Dorset, and the resultant pressures upon protected Heathland by the new occupants of these dwellings living in close proximity to such areas. Studies have shown that increased access to lowland heathland from nearby development leads to an increase in wildfires, damaging recreational uses, the introduction of incompatible plants and animals, loss of vegetation and soil erosion and disturbance by humans and their pets. It is the view of Natural England that within 5km of Heathland, there will be significant adverse effects in combination with other proposals. However, avoidance or mitigation measures, including access management measures to divert recreational pressure from heathland can allow development to be permitted.
18. This has led the Council, along with others in the area, producing the Dorset Heathlands Planning Framework 2015-2020, which includes an Avoidance and Mitigation Framework Strategy and Strategic Access Management and Monitoring requirements. This is in line with Policy CS 33.
19. The appellant has now provided a signed but undated Unilateral Undertaking that secures such payment. The Council has not commented on this in its Statement of Case. However as I have found against the proposals on the substantive issues, I need not take this matter further at this time other than to comment that this matter has or at the very least is close to being resolved.

Conclusion

20. The previous appeal decision is a significant material consideration in the planning balance. It is incumbent upon me as decision maker to be convinced that matters have been satisfactorily resolved since the earlier decision. Whilst changes have been made to the previous schemes that are beneficial to the principle of flatted development, the current scheme remains unacceptable in planning terms. Having regard to the above and taking account of all other matters raised, I conclude that this appeal should be dismissed.

Gareth W Thomas

INSPECTOR