



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: : 29 August 2017

Appeal Ref: APP/G1250/W/17/3174946

22-24 Calvin Road, Bournemouth BH9 1LN

- 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 C & M Ringwood Developments Ltd against the decision of Bournemouth Borough Council.
 - The application Ref 7-2016-4861-E, dated 25 November 2016, was refused by notice dated 10 February 2017.
 - The development proposed is for the demolition of the existing building and construction of a block of seven apartments with associated parking, access and landscaping.
-

Decision

1. The appeal is allowed and planning permission is granted for the demolition of the existing building and construction of a block of seven apartments with associated parking, access and landscaping at 22-24 Calvin Road, Bournemouth BH9 1LN in accordance with the terms of the application, Ref 7-2016-4861-E, dated 25 November 2016, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 2E, 3E, 4D, 5E, and 6.
 - 3) No development shall take place until details/samples of the materials to be used on the external surfaces of the proposed development have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
 - 4) No development work shall commence until there has been submitted to and approved in writing by the local planning authority a Method Statement that includes the following measures:
 - a) parking arrangements for operatives and construction vehicles working on-site;
 - b) noise reduction measures, including times of piling operations if appropriate; and the
 - c) details and siting of equipment, machinery and surplus materials on the site.

- The parking arrangements for operatives and construction vehicles shall be implemented prior to development commencing and the development shall be carried out in accordance with the approved details.
- 5) The bin and cycle stores hereby approved shall be provided in accordance with the approved details prior to the occupation of the proposed development and shall be retained and maintained for that use thereafter.
 - 6) Any new or replacement hard surfaced areas shall either be made of porous materials, or provision shall be made to direct run- off water from the hard surface to a permeable or porous area or surface within the curtilage of the property.
 - 7) All residential car parking spaces shown on the approved plans shall be made available for any resident of the development and those persons visiting residents of the development and shall remain unallocated to any specific resident or residence for the lifetime of the development.
 - 8) All existing and previously existing access(es) to the site shall be closed, the footway reinstated in accordance with details and specification that has been submitted to and approved in writing by the local planning authority prior to occupation of any part of the development.
 - 9) Areas for turning, parking as shown on the plan shall be constructed and hard surfaced; parking spaces should be marked out to give a dimension of 2.6m x 5m per individual space.
 - 10) Before the development hereby permitted is brought into use a pedestrian intervisibility splay of 2m x 2m shall be provided on both sides of the access, the depth measured from the back of the footway into the development site and the width of the splays measured outwards from the edge of the access. No fence, wall or other obstruction to visibility over 0.6m in height above ground level shall be erected within the area of the splay(s) at any time.
 - 11) The development hereby permitted shall not be occupied until a Refuse Management Plan has been submitted to and approved in writing by the local planning authority. The plan shall include: details of the management company to be set up; the employment of a private contractor to collect the refuse; measures to be taken if no private contractor is available at any time in the future (such as the employment of a person or persons to ensure bins are wheeled to the collection point); and that bins will not be stored in the open or at the collection point apart from on the day of collection. The refuse management plan shall be carried out in accordance with the approved details, unless otherwise approved in writing by the local planning authority.
 - 12) The approved landscape scheme shall be implemented in full prior to occupation or use of the development commencing and permanently retained unless otherwise agreed in writing by the local planning authority.

Procedural matter

2. Since the appeal was lodged, a signed Unilateral Undertaking has been submitted in respect of habitat mitigation as required by The Dorset Heathlands

Planning Framework Supplementary Planning Document. I am satisfied on the evidence available to me that a unilateral undertaking would be applicable in this instance. As set out in policy CS33 of the Bournemouth Local Plan: Core Strategy (October 2012) (the 'Core Strategy'), which is consistent with the National Planning Policy Framework ('the Framework') I consider the Unilateral Undertaking to be necessary and complies with the Community Infrastructure Levy Regulations. The Council's statement explains what would be necessary under this policy, including the level of the financial contribution. Accordingly, I need not take this matter further save to say that Reason No.2 to the Council's decision notice falls away and I have determined this appeal on the basis of the Undertaking.

Main Issue

3. The main issue in this appeal is the effect of the proposed development on the character and appearance of the area.

Reasons

4. The appeal site comprising of three flats is located within an established residential area just off Wimborne Road, a District Centre and consisting of shops and commercial premises. The residential street is a linear road containing mostly residential properties of different types and periods of construction, which gives the road a mixed street scene and character. The appeal property is presently unoccupied and has been the subject of vandalism but was originally built as a pair of semi-detached houses and occupies a substantial plot in a highly sustainable area of the Borough. Neighbouring properties either side consist of a detached dwelling and a church.
5. The proposal would see the demolition of the present structure and its replacement by a single building block of seven apartments. The design is traditional in style and would reflect the design of some of the older Edwardian properties along the road, including the use of projecting full height bays and hipped roofs. Although having a greater footprint than the existing building, it would continue to be set back some distance from the road unlike the neighbouring church and dwelling that has a much closer relationship with Calvin Road. The setback allows the front of the appeal building to be read from the road rather than the side elevation that would extend up to a point that would be roughly in line with the rear of the adjoining church.
6. The present frontage has two access points and haphazard parking arrangements, which gives the frontage an unkempt and untidy appearance that undermines the otherwise attractive street scene. The proposal would provide a single means of access serving a 3-bay car park to the front and spaces for five cars at the rear together with a bin store.
7. Saved Policy 6.10 of the Bournemouth Local Plan establishes the principle of flats in this location and along with Policy CS41 of the Core Strategy, sets out the criteria for residential development. They include, amongst other things that developments should contribute positively to the overall character of the area and the particular attributes that distinguishes it.
8. The development would be set in from the side boundaries and reflect the spacing between properties found nearby. The ridgeline of the roof would reflect the height of the existing residential property alongside and be

substantially lower than the adjoining church and would sit well in this context. Given the bulk and scale of the neighbouring properties it would not dominate or appear as an incongruous feature in the street scene. Whilst having a flat roof component, this would not be evident from the roadside given the presence of other buildings coming forward of the proposed building line towards the road. Furthermore the design incorporating traditional full height projecting bays and hipped roofs would not be out of context particularly given the number of building styles in the locality.

9. These factors lead me to find that the scheme would satisfy the criteria of the aforementioned planning policies. Therefore I find that the proposed development would have a positive effect on the character and appearance of the area and there would be no conflict with the provisions of relevant development plan policies in that respect.

Other considerations

10. Concerns have been expressed by the church body that the proposed development would affect the light from reaching the church windows and would affect existing privacy levels. However, the proposed building would be set back from the side boundaries and would not lead to unacceptable loss of light or daylight penetration. Indeed part of the present structure is closer to the church boundary. Furthermore, the church body's concerns of potential reduction in privacy are not well founded. Windows to the side have been kept to a minimum and are secondary windows. I am satisfied that existing privacy levels would be maintained to acceptable levels.
11. Additional comments have been made in relation to the potential creation of parking problems. However, the size of the plot and what is proposed in terms of off-street parking provision as described above would result in an acceptable form of development in that respect.

Conditions

12. The Council has suggested a number of conditions which have been considered against the advice contained within the Planning Practice Guidance; I have amalgamated some and simplified others to comply with such guidance. In addition to the standard time limit for commencement, a condition is attached that specifies approved drawings to provide certainty. In addition, conditions are attached requiring prior approval and subsequent implementation of external materials and landscaping, which shall include appropriate requirements for tree protection to obviate the need for those suggested by the Council in the interests of visual amenity; accordingly, the landscaping condition is simplified. A condition requiring the prior approval of a construction management plan and a condition restricting hours of operation are necessary given the residential nature of this road. A condition is attached requiring that all hardstanding areas be finished in porous materials to prevent surface water run-off. Conditions are also attached to ensure that a suitable access together with parking/turning facilities is provided in the interests of highway safety, including the removal of the existing access and preventing allocation of car parking spaces to specific occupiers of the development. In order to encourage sustainable modes of transport, a condition is included requiring the provision of cycle parking facilities. A condition requiring agreement of a refuse management plan is considered necessary in the interests of residential amenity.

13. It is unnecessary to attach a condition or informative regarding the kerb lowering and footway works as that is within another form of control. It is also unnecessary to require approval of pipework given that condition 2 relates to the approval of specific drawings.

Conclusion

14. For the above reasons and having regard to all other matters raised, I conclude that this appeal should be allowed on the basis of the Unilateral Undertaking.

Gareth W Thomas

INSPECTOR