
Appeal Decision

Site visit made on 22 August 2017

by R J Jackson BA MPhil DMS MRTPI MCMi

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

Decision date: 08 September 2017

Appeal Ref: APP/G1250/W/17/3176905

8 Branksome Dene Road, Bournemouth BH4 8JW

- 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 A Ellis against the decision of Bournemouth Borough Council.
 - The application Ref 7-2017-26088-A, dated 27 January 2017, was refused by notice dated 29 March 2017.
 - The development proposed is plot subdivision and erection of detached dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. During consideration of the application by the Council a revised plan was submitted amending the proposed fencing within the site. This plan was used by the Council in making its decision and I too will use it in this appeal.
3. The plans show that part of the proposal is to demolish part of the existing property on its western side. The particular plan does not show how the resultant elevation of the dwelling would be completed. However, I am satisfied that were the proposal to be considered acceptable this could be resolved by use of an appropriately worded planning condition.
4. On the appeal form the appellant indicated that he wished to make an application for costs against the Council. However, no grounds for making such an application were provided and I have therefore not taken this any further.
5. The appeal was accompanied by a Planning Obligation by way of Unilateral Undertaking under Section 106 of the Town and Country Planning Act 1990 (as amended) dated 31 July 2017 to provide mitigation for the effects of the proposed development on the Dorset Heathlands¹. I will discuss this later in this decision.

Main Issues

6. The main issues are the effect on:
 - the character and appearance of the area;

¹ Dorset Heathlands Special Protection Area, Dorset Heathlands Ramsar Site, Dorset Heathlands Special Area of Conservation and Dorset Heathlands Special Area of Conservation (Purbeck and Wareham) and Studland Dunes.

- the living conditions of the occupiers of the proposed dwelling and of 10 Branksome Dene Road in terms of privacy and outlook.

Reasons

Character and appearance

7. Branksome Dene Road is an 'L'-shaped residential road. Most of the large detached dwellings follow a single architectural aesthetic being two-storeys in height with substantial bay windows on the front elevation constructed, according to the Council, in the 1920s/30s. There are a few exceptions, particularly in a cul-de-sac section where Nos 15a and 21 are of different eras. This also applies to the appeal property, No 8, which is a chalet bungalow style, granted planning permission in 1955.
8. The area is characterised by frontage development of large single dwellings in their own plots with private gardens to the rear away from the public domain.
9. The topography of the area is such that land levels slope down from the west and north around the corner where No 8 is located. Both No 8 and its garden area to the east slope down both across the width as well as down the length. Both 6 and 10 Branksome Dene Road are located at a higher ground level than the road level where the existing access is located.
10. The proposal is to construct a detached house on the rear portion of the current garden of the appeal property with parking in front. The existing eastern single storey wing of No 8 would be demolished and a new access and parking area to that property created. The two gardens would be divided by a 1.8 m close boarded fence.
11. The existing 'parent' property is already somewhat different in character to the other dwellings in the area being noticeably smaller in footprint and form and having a different architectural style. The result of sub-dividing the appeal site into two would be to result in two dwellings and their gardens which, because of their size, would be harmfully out of keeping with the character and appearance of the area. The appellant has referred to a number of other sites where he says that are similar examples, but these are all away from Branksome Dene Road and in areas with somewhat different characters. The density of the proposal, based on the site area, would be out of keeping with the surroundings of the site.
12. In addition, the built form would be out of keeping with the surrounding area and would reinforce the different character of No 8 in an inappropriate way. While the ridge height of the new dwelling would be similar to No 8 the use of extensive pitched roofs does not follow the predominant built form of the area and it would appear as a smaller building out of keeping with the street scene. That it would have a smaller proportion of site coverage than other plots in the area is predominantly a function of the larger size of those sites and the larger nature of those properties.
13. The Council has indicated it believes the proposal would be cramped within its site and it would be in close proximity to its south and east boundaries. However, the majority of properties in the area the dwellings are at similar distances to their boundaries, and the proposal would have sufficient space around it so that it would not appear cramped within its site. It would also have a similar site frontage and set back to other properties in the area.

However, these are different considerations to what would be the wider harmful effects on the character and appearance of the area identified above.

14. As such the proposal would be harmfully out of keeping with the character and appearance of the area. It would therefore conflict with Policies CS6, CS22 and CS41 of the Bournemouth Plan - Core Strategy (October 2012) (the CS) in that it would not reinforce local identity, would consist of plot severance in way that that would not preserve or enhance the area's residential character, and through its scale, density and layout, character and appearance not respect the site and its surroundings. In addition it would be contrary to Policy 6.8 of the Bournemouth District Wide Local Plan (February 2002) (the LP) in that it would not complement the character of neighbouring development. It would also be contrary to paragraphs 58 and 64 of the National Planning Policy Framework (the Framework) in that it would not respond to local character and would not improve the quality of the area.

Living Conditions

15. In its Statement of Case the Council has referred to a document entitled 'Residential Developments – A Design Guide', but I have not been provided with a copy. This document, it is stated, indicates that between properties there should be a minimum 'rear to side' distance of 12.5 m, but for 'back to back' this should be 21 m. These distances are used conventionally as part of good design and planning practice to prevent unacceptable overlooking. I consider that it would be reasonable to use them as a guide as to whether or not there would be unacceptable overlooking.
16. The layout of the proposed property would be so that its private garden would be to the west with what appears to be two patio door style windows providing access from the living/dining room. Within normal terminology the 'rear', private garden of the proposed property would be to the side. This means that the relationship between No 8 and the proposal should be considered as if 'back to back' notwithstanding that the 'rear' garden would be to the side of the front elevation. The distance between the rear elevation of No 8 and the west elevation of the proposed property would be 16 m, and that between the rear elevation of No 10 and the proposed property would be about half that.
17. The proposed fence between the No 8 and the proposed property and the existing fence to No 10 would ensure that there was no overlooking at ground floor level. However, the private garden and the dwelling within the patio doors would be overlooked by the upper floor windows in both Nos 8 and 10 in close proximity. This would mean that the occupiers of the proposed dwelling would not have a private amenity space and there would be unacceptable overlooking into the living and dining areas meaning that they would not have a good standard of amenity.
18. The proposed dwelling would be in close proximity to the boundary with No 10 and would be set approximately 8.6 m distance from the rear of that property. However, this would be a reasonable gap so that there would not be an unacceptable loss of outlook or overbearing effect for the occupiers of No 10. While there would be an effect on the view from the rear elevation of No 10 this is a private view and, of itself, not one that requires to be protected in the public interest.

19. While the proposal would not give rise to an unacceptable loss of outlook or overbearing effect it would give rise to unacceptable living conditions for the occupiers of the proposed property. As such it would be contrary to Policies CS6 and CS41 of the CS in that it would not apply good design principles and would not provide a good standard of amenity to meet the day to day requirements of future occupants. It would also be contrary to Policy 6.8 of the LP in that it would not provide a high standard of layout and design or provide a pleasant residential environment. It would also be contrary to paragraph 17 of the Framework in that it would not provide a good standard of amenity for future occupants of land and buildings.

Other matters

20. The site lies beyond 400 m but within 5 km of the Dorset Heathlands. Natural England, the Government's specialist advisor, indicates that in this location, in the absence of suitable mitigation, additional residential development will have, in combination, a significant adverse impact on the integrity of the sites. This is taken through in Policy CS33 of the CS. In addition the relevant Councils have published "The Dorset Heathlands Planning Framework 2015 - 2020 Supplementary Planning Document" to provide a mechanism of providing mitigation through a range of measures which are identified in the document.
21. I have been provided with a copy of a Planning Obligation providing a contribution towards the Dorset Heathlands Mitigation Strategic Access Management and Monitoring. The Council was asked for its comments on the Obligation but no response was received within the timetable given. The Obligation would appear to provide necessary mitigation, but this has not been confirmed by the Council. Given my overall conclusions on the appeal this does not need to be determined further.

Conclusion

22. For the reasons given above I conclude that the appeal should be dismissed.

RJ Jackson

INSPECTOR