
Appeal Decision

Site visit made on 16 October 2017

by Mrs J Wilson BA BTP MRTPI DMS

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

Decision date: 21st November 2017

Appeal Ref: APP/G1250/W/17/3179409

The Pines, 3A Milton Road, Charminster, Bournemouth

- 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 Domenici against the decision of Bournemouth Borough Council.
 - The application Ref 7-2017-8494-E, dated 3 December 2016, was refused by notice dated 3 April 2017.
 - The development proposed is the conversion of an existing building to form a residential bungalow.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The appellant indicates a willingness to retain the existing roof to the building. However, there are no amended plans to detail how this change would manifest itself nor has it been the subject of public consultation. I shall therefore deal with the appeal on the basis of the submission considered and refused by the Council.

Main Issues

3. The main issues are:
 - the effect on the character and appearance of the area, and whether it would preserve or enhance the character or appearance of the Portchester Road Conservation Area (CA);
 - whether future residents of the proposed dwelling would enjoy satisfactory living conditions, with particular reference to light;
 - the effect on protected trees;
 - whether measures are in place to mitigate the effect on the Dorset Heathlands Special Protection Area (SPA).

Reasons

Character and appearance

4. Fine architectural detailing is a defining feature of this part of the CA, where two-storey Edwardian villas are set in spacious plots with an abundance of

mature trees. Low brick walls and shrub planting form the predominant frontage treatment and this adds to the attractive setting of the individual buildings, which are mainly residential.

5. The appeal site, formerly the garage to No 3 Milton Road, is on the very edge of the CA beneath a canopy of mature trees which are situated on the adjoining site at 53 Wellington Road. It is a utilitarian building of painted breeze block under a tiled roof with no architectural detailing. The scheme would increase the ridge height and introduce modern detailing to the front and rear elevations accentuating the prominence of the building where there is currently a sylvan appearance to this part of the CA. This coupled with the loss of the frontage wall. The result would represent poor design, be uncharacteristic in the locality and harmful to the character and appearance of the site and the wider CA.
6. In stark contrast to the size and character of existing dwellings, the conversion of this double garage on a very small plot would result in a development that would appear cramped and congested. As a result it would be significantly at odds with and detract from the historic pattern of development in the vicinity, eroding the spaciousness of the CA.
7. The development would have an adverse effect on the significance of a designated heritage asset and would result in "less than substantial" harm in the words of the National Planning Policy Framework (the Framework). Where less than substantial harm occurs the Framework indicates that this should be weighed against the public benefits of the development. No public benefits have been outlined to outweigh the permanent harm which would result from the development upon the surrounding CA.
8. For these reasons, the proposed development would fail to preserve or enhance the character and appearance of the CA. It would therefore conflict with: Saved Policies 4.4 and 6.8 of the Bournemouth District Wide Local Plan (2002) (BDWLP); Policies CS20, CS21, CS39 and CS41 of the Bournemouth Local Plan Core Strategy (2012) (Core Strategy); the Council's Residential Development Design Guide and the Framework. These policies seek, amongst other things, to preserve and enhance the character of Conservation Areas, ensure that development complements predominant characteristics and maintains the character of the local environment.

Living conditions

9. The position of the building under the canopy spread of trees is such that the light reaching the rear garden of the proposed dwelling would be severely limited. Furthermore, the principal living space of the dwelling would have its outlook over this space and, despite the fact that most of the east elevation would be glazed, would result in a dark, gloomy and unsatisfactory environment which would fail to provide satisfactory living conditions for future occupiers of the building. This configuration may also lead to pressure from future occupiers to undertake works to the trees to improve daylight. The proposal would thus be in conflict with Policies CS21 and CS41 of the Core Strategy which seek to ensure that new developments provide a high standard of amenity for residents.

Protected trees

10. The site is surrounded by mature trees which have dense canopies and make a significant contribution to the character and appearance of the area. The appellant declined to provide a tree report to assess the implications of the proposal for the protected trees on the basis that no extensions or ground alterations were proposed. Whilst there is clearance above the garage to the tree canopy, the proposal involves the raising of the ridge height and there is no evidence to show that the trees would not be adversely affected. Equally, no details of the extent of groundworks required to provide drainage and other services to the site have been submitted to demonstrate they would not have an adverse effect on the trees.

The proposal therefore conflicts with saved Policy 4.25 of the BDWLP and Policy CS41 of the Core Strategy which seek to ensure that new development conserves and improves landscape and biodiversity.

Special Protection Area

11. The appeal site lies within 5 kilometres of the SPA where new housing development in combination with other dwellings can have a significant adverse effect on the area's heathland interest. To address this, the Council has adopted the Dorset Heathlands Planning Framework 2015-2020 Supplementary Planning Document (SPD) which requires new development within 5 km of the SPA to make a financial contribution towards heathland mitigation measures. This is an accepted means of ensuring the protection of the SPA as required by the Habitat Regulations 1994.
12. The Council requires a legal agreement to secure the necessary financial contribution and the appellant confirms that such a contribution would be made. However, no such agreement is before me. Therefore, as measures have not been secured to mitigate against harm to the SPA the development would be contrary to Policy CS33 of the Core Strategy and the SPD which seek to prevent adverse impacts upon the SPA.

Other Matters

13. An additional dwelling would make a small contribution to the local housing stock but would be insufficient to outweigh the harm to the area and the CA which I have identified.

Conclusion

14. For the above reasons and having regard to all other matters raised the appeal is dismissed

Janet Wilson

INSPECTOR