



Appeal Decision

Site visit made on 28 November 2017

by H Porter BA(Hons) PGDip IHBC

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

Decision date: 06 December 2017

Appeal Ref: APP/G1250/W/17/3180562

9 Ferry Road, Southbourne, Dorset BH6 4BH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Ms Diane Dumashie against Bournemouth Borough Council.
 - The application Ref 7/2016/4060G, is dated 7 November 2016.
 - The development proposed is a new dwelling on land adjoining 9 Ferry Road, Southbourne BH6 4BH.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The Council had not determined the application prior to the appeal. The Council has submitted that, had it been in a position to determine the application, it would have refused planning permission for reasons relating to the effect on the character and appearance of the area, the effect on a local designated heritage asset, its effect on living conditions, and the effect on Dorset Heathlands.

Main Issues

3. The main issues are the effect of the proposed development on the living conditions of occupiers of Number 15 Southbourne Coast Road, with particular regard to loss of privacy; the effect on the Dorset Heathlands Special Protection Area (SPA); and the effect on the character and appearance of the area, as well as on the non-designated heritage asset.

Reasons

Living conditions

4. The appeal site is a vacant plot of land situated between Numbers 9 and 15 Ferry Road. The site's rear boundaries abut the rear garden of Number 15 Southbourne Coast Road (No 15), which contains a detached dwelling on a slightly lower ground-level compared with the appeal site. By the time of my visit to the site, the renovations underway at No 15 appeared to be near completion. I observed there to be a box dormer with large casement window within the rear roof slopes; a further casement within the apex of the gable end at first floor; and two additional windows or double-doors on the ground floor

rear elevation. While I did not go into the rear garden of No 15, it is apparent that the layout of dwellings and garden boundaries, and in particular the site borders to No 15 would, at present, establish a sense of seclusion in the rear garden of this property.

5. The proposed dwelling would have two storeys and include three full-height windows on the rear elevation. While one of these windows would serve a stairway, and one a landing area, the other would look out from a bedroom. Even though the proposed plans identify the balustrade on the rear elevation as not being a balcony, it is clear that the windows would have a pivot motion to enable them to open, full-height, outwards. To my mind, such a method of opening would encourage a future occupier to linger at the window and would also negate the usefulness of obscured glazing, even if this could be controlled by a condition.
6. I do not know the use of the rooms within the rear elevation of No 15, but, it is reasonable to assume that the windows on the ground floor of this elevation, if not the upper windows too, serve principal rooms. Moreover, the proposed windows would be in very close proximity to the private garden of No 15, directly overlooking it, a situation exacerbated by the slight increase in ground level towards Ferry Road.
7. I note the Appellant's point that the alterations and extensions at No 15 have taken place since the application at the appeal site was submitted. While I am sympathetic to the Appellant's frustrations, I must determine the appeal on the basis of the situation as I see it on the ground. It seems to me that the distances involved, coupled with the slight increase in ground level towards Ferry Road, and the size and method of opening of the rear windows, would not be sufficient to ensure that acceptable levels of privacy were maintained. I therefore consider that the appeal scheme would result in a harmful degree of overlooking of the rear garden and the rear windows at No 15, causing material harm to the occupiers of this dwelling. In other respects, specifically the relationship of other nearby dwellings to the proposed development, no harm would result.
8. The proposal would thereby be contrary to Policy CS22 and CS41 of the Bournemouth Local Plan Core Strategy, 2012 (the CS) and Saved Policy 6.8 of the Bournemouth District Wide Local Plan, 2002 (the BLP) insofar as they seek to provide new housing only where it would not harm local amenity or living conditions; require there to be sufficient space between old and new buildings; and to safeguard the living conditions of neighbouring residents. The proposal would also conflict with the guidance within 'Residential Development: A Design Guide', 2008, which also seeks to ensure that the amenities of adjoining and future occupiers are respected.

Dorset Heathlands

9. In accordance with the Dorset Heathlands Planning Framework (2015 – 2020), January 2016 (the SPD) and Policy CS33, development within 5km of protected heathland should provide mitigation to ensure effective protection of designated heathland from new development. The appeal site falls within 5km of the SPA, and so a planning obligation, made under Section 106 of the Town and Country Planning Act 1990 would be necessary in respect of the above.

10. The Appellant has submitted a Section 106 Legal Agreement Proforma and instructions to Bournemouth Legal Services. However, neither document constitutes a fully executed Unilateral Undertaking and therefore carries no weight. I am therefore not satisfied that the appeal scheme would make adequate provision to avoid or mitigate any adverse effect of the development. As such, the proposed development, in combination with other development, would be likely to have an adverse effect on the integrity of the Dorset Heathlands SPA. The proposal would therefore also run contrary to the SP, and Policies CS32 and CS33 of the CS, which seek to prevent development that would materially harm international conservation sites and require financial contributions be secured to mitigate the impact of the development.

Character and appearance

11. The appeal site is situated on the south side of Ferry Road, close to the junction with Southbourne Coast Road and roughly opposite Admiralty Road. The area has a mix of residential development of ages and architectural styles varying from the late 19th up to later 20th centuries, generally of a domestic scale. While post-war bungalows are commonplace, so too are detached dwellings as well as flats, interspersed with non-residential buildings. Together with the modern coastguard's building opposite and red-brick flat development on the corner of Admiralty Road, the appeal site is framed within a context of mixed development types.
12. In my view, the proposed dwelling would not appear disproportionately large compared with the overall plot size, nor would the plot itself be uncharacteristically small. Although the majority of properties on the same side of Ferry Road are bungalows with pitched gable roofs, the proposed dwelling would respect the predominant building line that characterises this side of the street, as well as the scale of the bungalow dwellings leading up to it. While the proposal would be two-storied and unashamedly contemporary in detailing and material treatment, I do not consider the dwelling would be harmfully out of place. This is especially given the neighbouring context of No 15 Ferry Road, which is a substantial dwelling of notably different scale and character, and No 17 Ferry Road, which is overtly modern and has a substantial flat roof and single-storey side projection.
13. The former coastguard's cottages present a handsome group, set back from Ferry Road by high boundary walls and long garden plots. While the group is evidently of local value, the significance of it, in my opinion, pertains mainly to its architectural integrity, the legibility of the entire group from Ferry Road, and its local historic interest. The proposed dwelling would be situated on the other side of Ferry Road from the coastguard's cottages, directly opposite a late 20th century coastguard building. The surrounding context has evidently changed markedly since the construction of the cottages, notably with the development of the bungalows directly opposite.
14. It would be possible to look from the appeal site to the cottages and vice versa, and in age, form and function they would be obviously dissimilar; it does not follow, however, that an evolution in the area's built context would have any harmful impact on the significance of the asset. Looking through the gap between Numbers 15 and 17 Southbourne Coast Road it is possible to glimpse part of the terrace's roof-line and upper storeys. However, this is an incidental view and not, in my judgement, vital to the wider public appreciation or to the

aspects that underlie its significance. The loss of this glimpsed view that would occur as a result of the appeal proposal would not, therefore, result in material harm or loss to the significance of the non-designated heritage asset.

15. For these reasons, I do not find that the proposed development would have a harmful impact on the character and appearance of the area, nor on the non-designated heritage asset. There is therefore no conflict with policies CS22 and CS41 of the CS, nor with Saved Policy 6.8 of the BLP, insofar as they require development respects the character and appearance of established development; the scale, appearance and density of the development to be in keeping with the surrounding area; and the quality of the local environment to be maintained or enhanced. Nor would there be conflict with Policy CS6 and CS40 of the CS, or paragraph 135 of the National Planning Policy Framework, which seek to sustain or enhance the significance of heritage assets; to retain and enhance features that contribute to heritage, character and local distinctiveness; and require the effect of an application on the significance of a non-designated heritage asset be taken into account. A lack of harm in terms of character and appearance, however, does not alter my conclusion in respect of the first and second main issues.

Planning balance

16. The appeal proposal would provide one additional dwelling under a planning context that seeks to boost the supply of housing. There would also be small, yet nonetheless beneficial, economic and social contributions, notably during construction and in feeding into local services. However, the provision of just one dwelling, albeit it in an accessible location, would make a very small contribution.
17. That no harm would arise in regards to the character and appearance of the area is a neutral factor, while not counting against the proposal, it does not weigh in the balance in its favour. Nor does the fact that the proposed dwelling would have a flexible living space and use low-maintenance materials. On the other hand, there would be material harm to the living conditions of occupiers of No 15, and, based on the information available to me at the time of making my decision, harm to the SPA. These factors therefore outweigh the modest beneficial contributions identified.

Conclusion

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

H Porter

INSPECTOR