
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: 07 December 2017

Appeal Ref: APP/E1210/W/17/3181450
45 Stour Road, Christchurch BH23 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 Mr Dean Spires against the decision of Christchurch Borough Council.
 - The application Ref 8/16/2894/FUL, dated 12 December 2016, was refused by notice dated 21 March 2017.
 - The development proposed is to sever land and erect 1 no. 2 bedroom bungalow with parking.
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Decision

1. The appeal is dismissed.

Preliminary matters

2. Subsequent to the Council issuing its decision notice, the appellant has provided a form assuming liability for the Community Infrastructure Levy (CIL). A letter, dated 24 July 2017, has also been provided, stating agreement to enter into a draft section 106 'Heads of Terms' in respect of securing provision of financial contributions to the management of the Dorset Heathlands Special Protection Area (SPA).

Main Issues

3. The main issues are the effect of the proposed development on the character and appearance of the area; and the living conditions of future occupiers of the proposed bungalow, with particular regard to privacy.

Reasons

Character and appearance

4. The area in the vicinity of the appeal site is residential in character, mainly comprised of early-20th century, two-storey detached dwellings. The regular layout and spacing of dwellings along primary routes, combined with the legibility of generous garden plots extending behind, define the local street scene. Number 45 Stour Road (No 45) occupies a prominent corner plot bounded by Stour Road and Gleadowe Avenue. Even with the presence of ancillary garages and sheds towards the end of the garden, the plot size and layout of the site are consistent with its surroundings. Moreover, looking across the site from Gleadowe Avenue, there is a tangible break in residential

development, giving views through to the mature planting in private gardens and off-setting the density of built form, making a positive contribution to the character and appearance of the local area.

5. The proposal is to subdivide the rear garden associated with No 45 and erect a detached bungalow on the portion where the ancillary shed and garaging currently stand. Vehicular access and off-street parking would be provided off Gleadowe Avenue, utilising an existing drop kerb. The Council take no issue with the architectural handling of the proposed bungalow itself, nor of the impact in terms of highway safety. I see no reason to take a different view.
6. While the existing garage structures are visible and accessible from Gleadowe Avenue, they are clearly ancillary in form and function to the host dwellings. The proposal would introduce overtly residential development that would be disproportionately small compared with the two-storey dwellings in the vicinity. While the proposed bungalow would not be tall, its anomalous nature would be particularly noticeable given the site's prominent corner location, the open off-street parking area to the side and low front boundary wall.
7. The size of the severed plot would mean that the bungalow dwelling would be positioned very close to three of the four boundaries, appearing cramped and physically constrained on the site as a result. Although there would be a portion of exterior space to the side of the proposed bungalow, and an area of garden would be retained for No 45, the garden size for each would be notably smaller than prevails locally. As such, the appeal scheme would undermine the plot rhythm and spacing of houses to the detriment of the area's established character.
8. There are examples of bungalows adjacent to two-storey dwellings within the area. However, those that I saw are the exception rather than the norm, and do not set a clear benchmark of scale in local townscape terms. Those cited by the appellant appear not to be recent developments, and I cannot be sure that they represent a direct parallel in terms of planning policy. Nevertheless, those examples are evidently on wider plots with a comparably larger amount of space around them compared with the appeal proposal. I have had regard to the dwelling on the opposite side of Gleadowe Avenue, which is a-typical of the characteristic plot layout. That said, this dwelling has two storeys and occupies a much larger plot, with a good-sized garden plot extending to the rear. This dwelling therefore has a distinctly different character than the detached bungalow proposed. I am therefore not persuaded that any of the examples given provide justification for allowing the appeal.
9. I therefore conclude that the proposed development would be unacceptably harmful to the character and appearance of the area. As such, there would be conflict with Saved Policy H12 of the Borough of Christchurch Local Plan, 2001 (the Local Plan) and with Policy HE2 of the Christchurch and East Dorset Local Plan Part 1 Core Strategy, 2014 (the CS). These policies both seek to ensure residential development is appropriate in character, scale and design to the immediate locality; and is of high quality, compatible with or improves its surroundings, including in terms of layout and site coverage.

Living conditions

10. The site plan shows the proposed two-bedroom bungalow would be positioned close to the far end of the existing garden plot, close to the boundaries with

adjacent gardens on its north-east and north-west elevations. The rear elevation of No 45 contains double doors and a conservatory at ground floor level, three windows at the first floor and a box dormer window in the roof.

11. To my mind, the site's mature vegetal boundaries would provide a certain sense of seclusion in the rear garden of these properties that would not be diminished as a result of the appeal scheme. With the provision of boundary screening, I concur with the Council's assessment that an acceptable degree of privacy could be established for the occupants of both dwellings at ground floor level. However, the south-east elevation of the proposed bungalow would contain a pair of double doors providing access from the living room onto the small external area. The upper-storey windows at No 45 would give rise to opportunities for direct overlooking into the double doors and the outdoor space, leaving its future occupants vulnerable to an unacceptable lack of privacy.
12. Therefore the proposed development would have a detrimental impact on the living conditions of future occupiers of the proposed bungalow. There would also be conflict with Saved Policy H12 of the Local Plan and Policy HE2 insofar as they seek to protect the residential amenities of existing and future occupiers of dwellings, including from the loss of privacy; and ensure development minimises general disturbance to amenity.

Other matters

13. The lack of a planning obligation, necessary to ensure the development would not have an adverse impact on the Dorset Heathland is one of the Council's reasons for refusal. As I am dismissing the appeal for other reasons there is no need for me to reach a finding on this issue. However, while I note that the appellant accepts that an obligation would be necessary, and has provided a letter agreeing to enter into a draft Section 106 'Heads of Terms', this would not constitute a fully executed planning obligation. If I had been minded to allow the appeal, the submitted document would not therefore have satisfied the Council's objection in respect of the Dorset Heathlands SPA.
14. Representations have been made by neighbouring residents expressing concern that the proposed development would adversely impact on light. I note the Council has no objection to the proposal on these grounds. Given the length of the plot at No 45, which is equal to that of its neighbour, and height of the perimeter boundaries, I am satisfied that the proposed bungalow would not have a detrimental effect on the living conditions of neighbours with regard to a loss of light. A lack of harm in this regard, however, does not alter my findings in relation to the living conditions of the proposed dwelling.

Conclusion

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

H Porter

INSPECTOR