
Appeal Decision

Site visit made on 24 November 2017

by Andy Harwood CMS MSc MRTPI

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

Decision date: 15 December 2017

Appeal Ref: APP/G1250/W/17/3179765

91 Alumhurst Road, Bournemouth BH4 8HR

- 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 Mrs L Turner against the decision of Bournemouth Borough Council.
 - The application Ref 7-2017-8405-E, dated 22 March 2017, was refused by notice dated 18 May 2017.
 - The development proposed is the conversion of hotel to a house in multiple occupation (existing unauthorised).
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Decision

1. The appeal is allowed and planning permission is granted for the conversion of hotel to a house in multiple occupation at 91 Alumhurst Road, Bournemouth BH4 8HR in accordance with the terms of the application, Ref 7-2017-8405-E, dated 22 March 2017.

Application for costs

2. An application for costs was made by Mrs L Turner against Bournemouth Borough Council. This application is the subject of a separate Decision.

Procedural Matter

3. A planning obligation (S106) has been submitted by the appellant in an attempt to overcome the Council's reason for refusal relating to the effects of additional population upon the important biodiversity interests of the designated Dorset Heathlands Special Protection Area (SPA), Ramsar site and Dorset Heaths Special Area of Conservation (SAC). The S106 includes the offer of financial contributions but there remains a dispute about the level of contribution and this relates to the second main issue.

Main Issues

4. The effect of the use as a House in Multiple Occupation (HMO) upon the character of the surrounding area and its tourism function. The effect of the development upon the biodiversity interests within the nearby SPA and SAC and whether a financial contribution through the submitted S106 meets the policy tests within the National Planning Policy Framework (the Framework).

Reasons

5. The appeal site includes a large building within an area with other large buildings within varied sized plots. Alumhurst Road leads down towards Alum

Chine beach. The property contains 13 bedrooms as well as communal facilities and had previously been used as a hotel although the HMO use is already taking place.

6. Core Strategy¹ (CS) Policy CS24 has not been referred to by the Council but the appellant draws attention to it. This refers to the change of use of C3 dwellinghouses to HMOs and so is not directly relevant to the change of use in this case. It does however acknowledge that HMOs can contribute to mixed and balanced communities. CS paragraph 4.3.24 explains that a range of groups in society rely on HMOs for their housing needs, for example students, young professionals, or those who cannot afford rent or a mortgage.
7. CS Policy CS28 only permits the loss of tourist accommodation firstly where it is demonstrated that the business is no longer viable and then secondly where the loss will not harm the function of the area in relation to the tourism industry and the local community. The Inspector in a previous appeal against an Enforcement Notice at this site² stated that if there were no reasonable prospects of tourism accommodation use continuing, there would be no real or tangible loss that could be detrimental to the tourism function of the area. That appeal was dismissed because the possibilities for alternative tourist accommodation uses had not been sufficiently explored, therefore not complying with the first part of CS28.
8. The Tourist Accommodation Supplementary Planning Document³ (TSPD) explains that where viability evidence confirms a site or premises are not capable of providing viable holiday accommodation use either in the existing form or a change of use/redevelopment involving an appropriate element of tourist accommodation then residential uses will be considered. The Council now accepts that there is no prospect of a viable tourism business operating from the property. Their Tourism Scrutiny Panel accepted the lack of viability of the former hotel use and the scheme for mixed residential and holiday flats.
9. The TSPD refers to the functional area relevant to the assessment of tourism accommodation applying across the Borough. In assessing the impact upon the function of the area, the Council has however referred to Alumhurst Road and an area loosely 300m around it with some evidence to indicate that there is a range of accommodation such as boutique hotels, bed and breakfasts, apartments and guest houses. The evidence is not very specific with the on-line search carried out by the Council indicating that a broad range of between 25 and 44 properties are available for holiday rental. Furthermore 19 holiday lets are referred to within the Alum Chine area on 'Airbnb' and 25 holiday lets advertised on various other websites in the 'West Cliff' area. It is not clear how the holiday accommodation is distributed or to what degree those properties are separated by residential accommodation. It is possible that some of these properties could involve use of rooms within dwellings rather than being solely holiday accommodation. The evidence is not precise or detailed. It is not presented in a form that helps me understand the geographical distribution of the holiday accommodation.
10. From what I saw at my site visit, the largely suburban residential character of the area around the site does not appear to include a noticeably high

¹ Bournemouth Local Plan Core Strategy, adopted 2012

² APP/G1250/C/15/3016557

³ adopted April 2016

concentration of properties that are clearly in use for holiday accommodation. The appellant has also provided a copy of the Council's statement from the previous Enforcement Notice appeal which was prepared in 2015. Paragraph 5.10 states that "the area is mainly residential in character with only a few guest houses and hotels left". I do not know whether or not the situation is the same as it was in 2015 but this is consistent with what I saw.

11. A Bournemouth Seafront Survey (BSS) was also published in 2015 and the site and West Cliff are in the same zone (zone 1) as referred to within the BSS. That appears to cover a broader area than that relating to the Council's evidence when comparing the map in 'figure 1' with the map provided by the appellant showing the 300m from the site. The Council's reference to the BSS does show that Alum Chine beach is a popular tourism destination. The survey shows that 22% of visitors to it stay overnight in the resort although where they stay in the resort is not clarified. Furthermore, 29% of visitors are referred to as staying in self-catering accommodation, higher than at other beaches but the Council is assuming that these are therefore staying in the Alum Chine area. The statistics do not provide direct evidence of that link.
12. If the whole Borough should be considered in relation to CS28, the evidence has not been provided to indicate that this proposal would harm its tourism function or its community. Alternatively over a smaller area, the evidence is insufficient to indicate that the nature of a HMO use including the people who are likely to occupy it would be harmful to that area. People staying within HMOs can be more transient than occupants of flats and that was a key matter in the appeal relating to 54 St Michaels Road⁴. The Inspector in that case had evidence that the area around West Cliff suffers from the negative impacts of HMO uses. I do not have such evidence and could not see such impacts when I carried out my site visit.
13. I have no evidence that the balance of the community will be harmed by the HMO. In relation to the main issue, the HMO has an acceptable impact upon the character of the surrounding area and its tourism function. This would comply therefore with CS Policies CS28 and CS41 as well as Policy 6.17 of the District Wide Local Plan⁵. The development also preserves the setting of the listed building at Branksome Dene given the lack of physical changes within the appeal site and the distance from that building.

Biodiversity

14. The site is within 5km of conservation sites of national and international importance (SPA, Ramsar site and SAC). The Dorset Heathlands Planning Framework⁶ (DHPF) came into effect within the Council area on 19 January 2016. This provides a strategy for requiring contributions for non-infrastructure works to avoid or mitigate for the effects of additional residents upon those protected areas. The submitted planning obligation (S106) has been worded flexibly to allow for a contribution of £2904 or a lesser amount, depending upon my conclusion on this matter, as well as an administration fee.
15. The DHPF at appendix I, refers to HMOs and student accommodation. This refers to guidance on how net housing numbers should be counted in

⁴ APP/G1250/C/16/3155026

⁵ Bournemouth District Wide Local Plan, adopted February 2002

⁶ The Dorset Heathlands Planning Framework 2015 – 2020, Supplementary Planning Document January 2016

government returns. This states that purpose built separate homes for students should be included (in the returns) and that each "self-contained" unit should be counted as a dwelling. It also confirms that the requirement of C3 dwellings should be applied on the basis of the net change in units, allowing for existing dwellings to be discounted. The requested figure reflects the 13 rooms multiplied by the DHPF financial requirement for Bournemouth of £242 (for flats) but with 1 x £242 being taken off to allow for the previous use.

16. In this case, each of the rooms is not self-contained accommodation as the occupants rely upon the use of communal facilities for their day to day living requirements. I do not agree with how the Council has applied the DHPF. There is no dispute that there were no physical changes to the building which I am informed was previously used as a bed and breakfast hotel where managers lived on site. In a similar way, the current manager also lives on site. The rest of the accommodation is in full-time residential occupation rather than providing holiday accommodation but the number of rooms is the same. The DHPF at paragraph 3.4 refers to other forms of residential use that are likely to have the same effect as dwellings. This includes hotels albeit in the context of the more sensitive 400m zone from the heathland. However this indicates that it is accepted within the DHPF that people residing in an area whilst on holiday would have an impact upon the protected environments.
17. I have no specific evidence regarding the difference in impact between holiday occupancy or full time occupancy. It is also not clear whether the former or current use would generally result in more or fewer overall residents. It is therefore not clear from the evidence provided that the development results in adverse effects upon the heathlands.
18. In relation to this main issue, based upon the submitted evidence it is not clear that the development would have a harmful effect upon the biodiversity interests within the nearby SPA and SAC. It has not been demonstrated that the financial contribution requested by the Council or a lesser contribution would be necessary to make the development acceptable in planning terms or that it would fairly and reasonably relate in scale and kind to the development. The submitted S106 planning obligation does not therefore meet 2 of the tests within the Framework. Without the financial contribution, the proposal does not conflict with CS Policy CS33.

Other Matters

19. I agree with the Council that the level of parking already provided at the site is acceptable. Some local residents have referred to noise and disturbance due to the use of the building such as residents standing outside to smoke and using the rear garden area. It is not clear that this situation or privacy for adjoining neighbours would be noticeably different whether the building were to be re-used as a hotel or if the alternative residential use were implemented. No planning conditions are necessary.

Conclusion

20. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be allowed.

A Harwood
INSPECTOR