

Appeal Decision

Hearing held on 29 November 2017

Site visit made on 29 November 2017

by Jameson Bridgwater PGDipTP MRTPI

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

Decision date: 2nd January 2018

Appeal Ref: APP/G1250/W/17/3180871

1-5 The Green, Branksome Hill Road, Bournemouth BH4 9LR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Fortitudo Ltd against the decision of Bournemouth Borough Council.
 - The application Ref 7-2017-2557-CC, dated 27 March 2017, was refused by notice dated 17 July 2017.
 - The development proposed is described as 'outline planning application for the demolition of existing buildings and erection of a five-storey block of fifty apartments, together with basement parking'.
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Decision

1. The appeal is dismissed.

Preliminary matters

2. The planning application to which the appeal relates was submitted in outline form with landscaping reserved for subsequent consideration.
3. The Hearing sat for 1 day. I held an accompanied site visit on 29 November 2017. I also conducted an unaccompanied visit on the 28 November 2017.
4. A Statement of Common Ground was submitted which sets out the matters of agreement.
5. A Unilateral Undertaking was submitted during the course of the appeal under section 106 of the Town and Country Planning Act 1990 (s106). It makes provision for a contribution in lieu of on-site affordable housing and Heathland Strategic Access Management and Monitoring. The Council have stated that the submitted obligation addresses the specific reasons for refusal in relation to these matters. I deal with the contents of this below.

Main issue

6. The main issue in the appeal is whether the proposal would preserve or enhance the character or appearance of the Meyrick Park and Talbot Woods Conservation Area (CA) with particular regard to scale and design.
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Reasons

7. The appeal site lies within the Meyrick Park and Talbot Woods Conservation Area (CA) on the north side of Branksome Hill Road, to the immediate north of the junction with Glenferness Avenue. The site currently contains five two-storey detached dwellings within a gated development. The properties are served by a shared access drive off Branksome Hill Road from the south west corner of the site. This access is also shared with three neighbouring properties.
8. Paragraph 131 of the National Planning Policy Framework (the Framework) sets out that it is desirable for new development to make a positive contribution to local character and distinctiveness. Moreover, paragraph 132 explains that "When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation...Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting."
9. Situated on the western edge of the Bournemouth conurbation, the CA is mainly on a plateau to the north of the Bourne Valley. It contains two areas of parkland, the large Victorian Meyrick Park with mature wooded slopes enclosing a sports ground and a golf course, and the heavily wooded area at Pug's Hole running between Glenferness Avenue and Rothesay Road. The built form in the CA mainly consists of detached houses of a relatively uniform size set in spacious plots. Furthermore, trees and vegetation are a key component of the CA around the appeal site due to their scale, prominence and density. This ensures that the built form is generally well screened and viewed in the context of the landscape setting. The combination of these built and natural features contribute positively to the character and appearance of the CA as a whole and its significance as a designated heritage asset.
10. It is common ground between the parties that the layout and arrangement of the five existing two-storey dwellings on the appeal site (1 to 5 The Green) detract from the character and appearance of the CA. Notwithstanding this, the Council has argued that the proposed development would by way of its scale and design result in material harm to the character or appearance of the CA.
11. The appeal site is located in a natural hollow/valley with the northern half of the site below the level of the carriageway of Glenferness Avenue. Further, the mature trees and verdant understorey that surrounds the site provides a degree of enclosure and self-containment for the existing two-storey built form. Therefore, when viewing the appeal site from Branksome Hill Road and Glenferness Avenue there are only limited glimpses of the hipped roofscapes of the existing two-storey built form, ensuring that there are filtered views across the site towards the wooded Pugs Hole, a key feature of this part of the CA.
12. The proposed 5-storey apartment block would sit centrally on the appeal site, within the natural bowl/valley. However, whilst I accept that the site is physically capable of accommodating the scheme, the form and footprint of the proposed apartment block would be significantly larger than the prevailing historic residential pattern of development in the CA and therefore a building of

the size proposed would incrementally erode and therefore harm the urban grain of the CA.

13. The existing mature trees and understorey supplemented by additional planting would filter views into the site. However, whilst these site specific natural features would largely screen the lower floors of the development from the public realm, the upper floors of the apartment block would be a dominant feature in the street scene, with the building rising to a height broadly in line with the canopy of the tree line that fronts both Branksome Hill Road and Glenferness Avenue. Moreover, in terms of the design the proposed use of articulation in the building line, the incorporation of feature buttresses, use of materials and variations in the roof profile would not mitigate the dominance or scale of the development. Furthermore, the overall scale of the scheme would block views and impede inter-visibility across the site to Pugs Hole, consequently, resulting in harm to the verdant character and appearance of the CA.
14. I therefore consider that even taking into account the site levels and the articulation/design of the principal elevations the appeal development would have an unacceptably overbearing and unduly dominating effect on the streetscape as well as undermining the predominantly modest residential scale and massing of the historic buildings in this part of the CA. Accordingly, I find that the proposed development would fail to respect or enhance the quality, character and distinctiveness of the area and therefore result in material harm to the character and appearance of the CA. In reaching this conclusion I have taken account of the scale and siting of nearby post-war buildings that are considered to have either a negative or neutral effect on the character and appearance of the CA.
15. In assessing the level of harm, I have found that the proposed development would give rise to less than substantial harm to the significance of the CA as a heritage asset. Paragraph 134 of the Framework indicates that such harm should be weighed against the public benefits of the proposal.
16. A number of benefits would flow from this development. Whilst it was common ground between the parties that there was no current shortfall in housing supply in Bournemouth, the 50 apartments would boost the overall supply of housing with a contribution towards the provision of affordable housing. Further, the proposal could potentially facilitate the release of under-occupied larger properties in the area. The scheme would provide an increased level of natural surveillance in relation to the footpath leading to Pugs Hole. The proposal would also make more efficient use of land on a previously developed site.
17. In acknowledging these benefits, I do not consider that they would outweigh the harm identified to the setting and thereby the significance of the CA. Therefore, the proposal due to its scale and design would not preserve or enhance the character or appearance of the Meyrick Park and Talbot Woods Conservation Area. Consequently, the proposal would be contrary to Policies CS21, CS39 and CS41 of the Bournemouth Development Plan Core Strategy (BCS) and Policies 4.4 and 6.10 of the Bournemouth District Wide Local Plan and the Framework which seek amongst other things to conserve heritage

assets in a manner appropriate to their significance and ensure high quality design.

Unilateral undertaking

18. At the time the Council made their decision the appellant had not provided planning obligations in relation to a contribution in lieu of on-site affordable housing and heathland mitigation to offset the effect of the proposed development. However, the appellant has as part of their appeal submitted a unilateral undertaking pursuant to Section 106 of the Act, which addressed the issues outlined above. The planning obligation has been submitted in a 2 part counterpart form but both of them, taken together, constitute a single agreement. None of the planning obligations contained within the undertaking appear to be in dispute and the Council have provided a statement of CIL regulation compliance. However, I have considered them against the tests in Regulation 122 of the CIL Regulations 2010 and the Framework nonetheless.
19. The unilateral undertaking provides a commuted sum (£310000) in lieu of the on-site provision of affordable housing. There is no dispute between the parties that there is an identified need for affordable housing in Bournemouth and that the commuted sum would contribute towards addressing those needs. I therefore conclude that the provision of a commuted sum is reasonably related in scale and kind to the needs generated by the proposed development. Further, this requirement is consistent with Policy AH1 of the Bournemouth Affordable Housing Development Plan Document.
20. The obligation also contains a contribution of £10841 (including fees) in relation to Heathland Strategic Access Management and Monitoring to mitigate the effect of the development. It was confirmed at the Hearing that these would not be in contravention of Regulation 123 of the CIL regulations 2010 in relation to pooling and that they are reasonably related in scale and kind to the needs generated by the proposed development. Therefore the obligations would be consistent with the requirements of Policy CS33 of the BCS.
21. I therefore conclude that the obligations meet the necessary tests in law and I have taken account of them in reaching my decision.

Other considerations

22. I have been referred by the appellant to a decision of the Local Planning Authority (No. 3 Glenferness Avenue ref: 7-2015-6606-Y) and this has been cited as setting a precedent for the appeal proposal. However, in light of the materially different circumstances relevant to the proposal which include the overall scale and design of the scheme, it does not lead me to a different conclusion in this specific case.
23. The appellant during the Hearing cited the 'Planning for the right homes in the right places' consultation, in particular the proposed standard method for calculating local authorities' housing need. It was argued that the proposed development could address Bournemouth's future housing needs. However, the findings from the consultation have not been published nor has the standard method for calculating local authorities' housing need been implemented. Therefore, I cannot afford this matter any weight.

24. There was significant local concern raised regarding the potential effect of the proposed development on the capacity of the local road network in particular Branksome Hill Road and Glenferness Avenue in relation to congestion and on-street parking. However, based on all of the evidence before me, I am satisfied that any increase in traffic from the proposed development would not result in severe harm to highway safety. Moreover, this is consistent with the Highways Authority who raised no objection concerning capacity, on-street parking or highway safety subject to the provision of site specific highway improvement work.
25. A number of additional issues were raised by local residents, including the frequency and hours of operation of local bus services; the potential effect of the development on existing cycle routes due to on-street parking and the effect of the proposal on local wildlife. However, as I am dismissing the appeal for other reasons my decision does not turn on these matters.

Conclusion

26. I have found that the proposed development would cause a degree of harm to the significance of the Meyrick Park and Talbot Woods Conservation Area a designated heritage asset, albeit such harm would be less than substantial. I have to attach considerable importance and weight to this harm. The National Planning Policy Framework makes clear in paragraph 134 that where a proposed development would lead to less than substantial harm to the significance of a designated heritage asset, the harm should be weighed against the benefits of the proposal. However, with due regard to the provision of 50 apartments including a contribution for off-site affordable housing. The improvement to natural surveillance of the footpath leading to Pugs Hole and the more efficient use of land on a previously developed site; there are insufficient public benefits or other considerations which lead me to allow the appeal.
27. Consequently, for the above reasons and having regard to all other matters raised I conclude that the appeal should be dismissed.

Jameson Bridgwater

INSPECTOR

DOCUMENTS SUBMITTED AT THE HEARING

1. Bournemouth Borough Council – Planning Policy Steering Group Report – DCLG Consultation 'Planning for the right homes in the right places' 3 November 2017

APPEARANCES

FOR THE APPELLANT:

Brett Spiller

Chapman Lily Planning

FOR THE LOCAL PLANNING AUTHORITY:

Katherine Ashley

Bournemouth Borough Council

Catherine Miles

Bournemouth Borough Council

Charles Raven

Bournemouth Borough Council

INTERESTED PERSONS:

Sheila Warner

Residents Association

Christine Morley

Local resident

Paul Cantwell

Local resident

Cllr Andrew Morgan

Local Ward Councillor

Rebecca Mazoum

Local resident

Robert Howarth

Local resident

Najin Hipkiss

Local resident

Michael Hodges

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