



Appeal Decision

Site visit made on 16 January 2018

by David Richards BSocSci DipTP MRTPI

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

Decision date: 19th January 2018

Appeal Ref: APP/E1210/W/17/3181148

Rear of 17 - 27 Knowles Close, Christchurch, BH23 3DU

- 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 J Redmond and A Murray against the decision of Christchurch Borough Council.
 - The application Ref 8/16/2058/OUT, dated 14 September 2016, was refused by notice dated 21 March 2017.
 - The development proposed is the erection of two bungalows.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by the Appellants against the Council. This application is the subject of a separate Decision.

Main Issues

3. The main issues are the effects of the development on the character and appearance of the surrounding area, and on the living conditions of neighbours.

Reasons

4. The application was made in outline, with all matters reserved. However plans and elevations were submitted with the application for illustrative purposes. The description of development is 'the erection of two bungalows' and the drawings illustrate how they might be accommodated within the site. While the Appellants state that other forms of development might be possible, the erection of two bungalows offers limited scope for variation in the form of the development.
5. The appeal site lies to the rear of 6 purpose-built flats and formerly provided parking for the flats. It is laid to tarmac and surrounded by a close boarded fence approximately 1.8 metres in height. There is a dense hedge separating the site from the landscaped area to the east. Access to the site is via a drive adjacent to 25/27 Knowles Close, between the gable end walls of adjacent two-storey properties. Gates to the area leading from Knowles Close are generally kept locked to deter unauthorised entry and vandalism. There was some fly tipping evident when I visited the site, and it was in a generally untidy state associated with disuse.

6. The 6 flats are part of a larger housing estate of houses and flats in generally terraced form, though the flats have a superficial appearance of being terraced houses, albeit staggered.
7. The Appellants state that 'with parking spaces being provided on the front gardens to most of the original flats the parking area has rarely if ever been used as such and so to avoid inappropriate uses it has more recently been shut off. It therefore has no practical use at the moment, it is unlikely to revert to parking given the more convenient location of the parking on the frontages of the flats and as an amenity area would be larger than would normally be associated with modest flats and possibly result in maintenance problems.'
8. The estate is characterised by two-storey development, arranged for the most part as semi-detached or terraced units, and with the exception of two single-storey dwellings fronting Burton Road, single storey properties are not characteristic of the area. The estate is already one of relatively high density, which makes effective use of the land, but also provides appropriate separation between dwellings, in the form of gardens and amenity space, together with landscaped areas and parking areas. To my mind, the layout and design of the estate was a matter of careful consideration at the time of the development, which makes a positive contribution to the present character of the area. Development for the most part takes the form of two-storey terraces, with a considered relationship to road frontages, amenity areas, parking areas and to each other.
9. In contrast, I consider that the appeal proposal would have the appearance and character of cramped backland development. I acknowledge that it would have little visual impact on the street scene, but it would nevertheless be appreciated from surrounding dwellings, including the flats themselves. Although single storey, the bungalows would occupy much of the site and would be set very close to the rear of the existing properties, which themselves only have limited rear shared amenity space. I therefore conclude that the proposal would conflict with Policy HE2 of the Christchurch and East Dorset Local Plan Part 1 – Core Strategy (2014), which requires development to be compatible with or improve its surroundings in layout, site-coverage and relationship to neighbouring properties, amongst other things, and similar provisions in saved Policy H12 of the Borough of Christchurch Local Plan 2001 (LP).
10. With regard to the effect on living conditions, I accept that privacy could be protected by ensuring that any windows in the side elevation facing the flats would be obscure glazed. The Appellants argue that recommencing the use for parking could also involve some disturbance to existing residents, though this was the purpose for which the land was originally intended. Nevertheless, I consider that the limited separation between the existing and new dwellings could create the potential for unacceptable noise and disturbance both for the existing residents and those of the new dwellings. It would conflict with saved Policy H12 of the LP, which seeks to ensure that the residential amenities of existing and future occupiers are not adversely affected by noise or disturbance, amongst other things.
11. In summary, I conclude that the proposed development would be harmful to the character and appearance of the locality, and to the living conditions of

current and new residents, and would conflict with the relevant provisions of the development plan.

12. Residents report limited parking availability in the area which has been made worse by closing the appeal site for parking. The parking area was integral to the layout of the scheme. I note that residents of these flats may prefer to park at the front of the properties for convenience, though parking provision at the front of the flats is very limited. Within the estate there are a number of other parking areas which appear to continue to perform a useful and necessary parking function for the dwellings they serve. While the Appellants say that the appeal site is unlikely to be used for parking again, there is no obvious reason why not.
13. The Appellants refer to examples of where backland development has been accepted in the area, for example at, Clarendon Road. The picture accompanying the Appellants' statement at Appendix A appears to show a bungalow that has been constructed to the rear of a substantial detached property formerly sitting in a large plot. I am not aware of the circumstances which led to permission being granted in this instance, but in any event the nature of the site and relationship between the existing and proposed dwellings seem to me significantly different from the present case, so that it should not be regarded as setting a relevant precedent.
14. I acknowledge that there is a recognised shortage of housing nationally and that the development would contribute in a modest way to the supply of small dwellings which could be suitable for residents with disabilities. However this does not outweigh the harm to character and appearance and to living conditions I have identified, and the resulting conflict with the development plan.
15. For the reasons given, I conclude that the appeal should be dismissed.

David Richards

INSPECTOR