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# Appeal Decision

Site visit made on 28 March 2018

**by Rory Cridland LLB (Hons), Solicitor**

**an Inspector appointed by the Secretary of State**

**Decision date: 27 April 2018**

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**Appeal Ref: APP/G1250/W/17/3184588**

**8 Collingbourne Avenue, Bournemouth BH6 5QR**

- 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 Scott Littlefield against the decision of Bournemouth Borough Council.
  - The application Ref 7-2017-12366-B, dated 16 February 2017, was refused by notice dated 13 July 2017.
  - The development proposed is to remove side extension to existing and erect a new detached dwelling.
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## Decision

1. The appeal is allowed and planning permission is granted to remove side extension to existing and erect a new detached dwelling at 8 Collingbourne Avenue, Bournemouth BH6 5QR in accordance with the terms of the application, Ref 7-2017-12366-B , dated 16 February 2017, subject to the conditions set out in the attached Schedule.

## Application for costs

2. An application for costs was made by Mr Scott Littlefield against Bournemouth Borough Council. This application is the subject of a separate Decision.

## Main Issues

3. The main issues are the effect of the proposed development on:
  - (i) the character and appearance of the surrounding area; and
  - (ii) the living conditions of occupiers of No 1a Shakespeare Road with particular regard to outlook and on the living conditions of future occupiers with particular regard to privacy.

## Reasons

### *Character and appearance*

4. The appeal site is located on a residential street consisting primarily of semi-detached properties of post-war appearance featuring half hipped roofs set in regular plots with largely consistent separation gaps. Corner plots are in general large and unoccupied and positively contribute to the spacious and pleasant character and appearance of the surrounding area, particularly at the junctions. The plot itself forms part of what is essentially the side garden area of No 8 Collingbourne Avenue, one of a semi-detached pair of properties

situated on the junction with Shakespeare Road. It tapers towards its western end forming a triangular parcel of land on the corner. Along the rear boundary a detached property has been erected, No 1a Shakespeare Road, which is similar in style and design to the dwelling presently proposed. However, this property is clearly part of the Shakespeare Road street scene and has only a limited impact on the character and appearance of Collingbourne Avenue.

5. The proposal would involve the subdivision of the site and the erection of a detached 2 storey dwelling alongside No 8. Like the majority of properties along Collingbourne Avenue, it would be constructed of brick and partially rendered on the ground floor with full render at first floor level. This would integrate well with the materials and design of many of the surrounding properties and would not appear at odds with the existing street scene.
6. In terms of both its scale and design, it would blend in well with its neighbours. Although its detached nature would be at odds with the semi-detached properties which are characteristic of the surroundings, there are already a number of other detached properties in the surrounding area - none of which materially detract from its character or appearance. I am not persuaded that the addition of the proposed dwelling would have any greater impact.
7. While I accept that the separation distance between the proposed dwelling and No 8 would differ to that of the neighbouring semi-detached pairs, I do not consider it would appear cramped or would be materially harmful to the street scene. Similarly, while I acknowledge its ridge height would be slightly lower than the neighbouring semi-detached pair and the materials used would contrast with those of those dwellings, it would in many respects be similar to that of Number 1a Shakespeare Road, the roof of which is currently visible in the Collingbourne Avenue street scene. I observed on site that this had little impact on its surroundings.
8. Overall, I do not consider the proposal would have any material impact on the character and appearance of the surrounding area. As such, I find no conflict with Policies CS20, CS22 or CS41 of the Core Strategy<sup>1</sup>, all of which aim to ensure that new development is well designed and does not negatively impact on the character and appearance of the surrounding area. Likewise, I find no conflict with Saved Policy 6.8 of the Bournemouth District Wide Local Plan (2002) (BDWLP) which permits infill development provided, amongst other things, it complements and respects the character and amenity of neighbouring development.

#### *Living Conditions*

9. The Council considers the proposal would result in an unacceptable level of privacy for future occupiers due to the garden area being overlooked from windows in the side elevation of No 1a Shakespeare Road. I do not agree. It is clear from visiting the area that many garden areas are overlooked by the first floor windows of neighbouring properties. I do not consider the resultant level of privacy enjoyed by future occupiers would be materially different to that which is characteristic of the surrounding properties.
10. Similarly in terms of outlook, while I acknowledge that the erection of a dwelling in this location would alter the views from the windows in the side

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<sup>1</sup> Bournemouth Local Plan: Core Strategy (2012).

elevation of No 1a Shakespeare Road, in view of the proposed dwelling's siting towards the eastern part of the site, coupled with the separation distances involved, I do not consider the outlook currently enjoyed by the occupiers of No 1a Shakespeare Road would be materially compromised.

11. Accordingly, I do not consider the proposal would result in unacceptable living conditions for either No 1a Shakespeare Road or those of Future occupiers. As such, I find no conflict with Policies CS22 or CS41 of the Core Strategy or Saved Policy 6.8 of the BDWLP. Taken together, these policies seek to ensure, amongst other things, that new development does not adversely affect the amenity or living conditions of future occupants or neighbouring occupiers.

### **Other Matters**

12. The reasons for refusal set out in the Council's decision notice also refer to the impact of the development on the Dorset Heathlands Special Protection Area and Ramsar Sites and the Dorset Heaths Special Area of Conservation ("the Protected Sites"). Policy CS33 of the Core Strategy seeks to ensure that new development does not lead to an adverse effect upon the integrity, directly or indirectly, on the Protected Sites. In support of this, the Dorset Heathlands Planning Framework 2015 – 2020 Supplementary Planning Document requires a financial contribution to be made for each new residential dwelling to fund a range of measures to mitigate the impact of development on the Protected Sites. Based on the evidence before me, it appears that the need for the contribution sought by the Council arises from the development and satisfies the 3 tests in Regulation 122(2) of the CIL Regulations 2010.
13. The Council has confirmed as part of its written evidence that this reason for refusal can be sufficiently overcome by the submission of a duly executed planning obligation which secures the financial contributions sought. As part of this appeal the appellant has submitted such an obligation and I am satisfied that the necessary contributions have been secured. Accordingly, I find that the proposal would not be in conflict with Policy CS33.
14. The Council has referred me to a recent appeal decision at No 26 Collingbourne Avenue which it considers provides some support for its position. However, although I do not have full details of that proposed scheme, from the limited information available, there are clearly a number of differences both in terms of its scale and overall design. I do not therefore consider that decision provides any meaningful support for the Council's position. In any event, each application should be considered on its own merits and that is the approach I have taken in determining this appeal.
15. In reaching my decision, I have had regard to the concerns expressed by neighbouring occupiers in relation to the impact of the proposal on light levels. However, while I accept that light levels may reduce, there is no robust evidence to indicate that the reduction would materially affect the living conditions of occupiers of neighbouring properties. Accordingly, I do not consider this provides sufficient justification for withholding permission for the development proposed.
16. The Council's statement of case also refers to the impact of the proposal on highway safety. However, I note that these reasons were not set out in the decision notice and no detailed case was put forward in the Council's written evidence. Accordingly, I have not considered this matter further.

## **Planning Conditions**

17. I have had regard to the conditions suggested by the Council. In addition to the standard commencement condition, I consider a condition requiring the development to be carried out in accordance with the approved plans is necessary in order to provide certainty.
18. A condition requiring a construction method statement is necessary in the interests of highway safety and in order to protect the amenity of future occupiers during construction.
19. I consider a condition in respect of materials is appropriate to ensure that the proposed dwelling integrates well with neighbouring properties while conditions relating to access, parking and visibility splays are necessary in the interests of highway safety. Furthermore, a condition requiring further details of surface water drainage is also necessary to ensure that the site is adequately drained.
20. However, the National Planning Policy Framework advises that conditions should only restrict national permitted development rights where there is a clear justification for doing so. I am not satisfied that the Council's suggested condition removing many householder rights is necessary as no detailed explanation for it is given.

## **Conclusion**

21. For the reasons set out above, and having had regard to all other matters raised, I conclude that the proposal would be in accordance with the development plan as a whole and, accordingly, the appeal should be allowed.

*Rory Cridland*

INSPECTOR

## **SCHEDULE**

### Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:  
Drawing Nos: 1094.100a; 1094.101; 1094.102a; 1094.103a; 1094.104; 1094.105; 1094.106a.
- 3) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:
  - i) the parking of vehicles of site operatives and visitors;
  - ii) noise reduction measures; and
  - iii) storage of plant and materials used in constructing the development;

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.
- 4) No development shall commence until details /samples of the materials to be used in the construction of the external surfaces of the dwelling hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details / samples.
- 5) The building shall not be occupied until the means of access and parking areas shall have been constructed in accordance with the approved plans. The access shall be retained thereafter.
- 6) The building shall not be occupied until the visibility splays shown on drawing number 1094.106a have been provided. The visibility splays shall thereafter be kept free of all obstructions to visibility above a height of 0.6 metres from the surface of the carriageway.
- 7) Prior to the commencement of development, details of surface water drainage shall be submitted to and approved in writing by the Local Planning Authority. The drainage e works shall be carried out in accordance with the approved details prior to the first occupation of the dwelling hereby approved.

END OF SCHEDULE