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## Appeal Decision

Site visit made on 13 March 2018

**by Mrs J Wilson BA BTP MRTPI DMS**

Inspector appointed by the Secretary of State

**Decision date: 1<sup>st</sup> June 2018**

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**Appeal Ref: APP/G1250/W/17/3186600**

**1 Baring Road, Bournemouth BH6 4DS**

- 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 and Mrs Wheeler against the decision of Bournemouth Borough Council.
  - The application Ref 7-2017-5352-G, dated 20 June 2017, was refused by notice dated 7 September 2017.
  - The development proposed is the erection of a detached dwelling at the rear of the site with associated access and parking.
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### Decision

1. The appeal is dismissed.

### Preliminary matters

2. An amended plan has been submitted which alters the position of the access and thereby the visibility, sets out the location of soakaways and confirms obscure glazing. I consider that accepting the additional information for soakaways, obscure glazing or the access position would not prejudice interested parties taking into account the Wheatcroft<sup>1</sup> principles.
3. An application for costs was made by Mr and Mrs Wheeler against Bournemouth Borough Council. This application is the subject of a separate Decision.

### Main Issues

4. The main issues are the effect of the development on: a) the character and appearance of the area; b) the living conditions of the occupiers of the adjacent property at 3 Baring Road with regard to privacy; c) the arrangements for surface water management; and d) highway safety in respect of visibility at the access.

### Reasons

#### *Character and appearance*

5. There is an architectural formality in the arrangement of housing in the area with a distinctive grid pattern where gardens back on to gardens. In a number of instances properties face the side roads occupying the visual gaps between

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<sup>1</sup> 'Wheatcroft Principles' (*Bernard Wheatcroft Ltd v SSE* [JPL 1982 P37])

the rows and many appear to have relatively deep gardens. Properties along Nugent Road, to which the proposed plot would have its frontage, are predominantly two storeys and although of different individual design are generally consistent in their size and overall appearance.

6. Notwithstanding the appellants' desire to create a visual transition between the buildings either side the proposal would, in design terms, lack cohesion. The dominant gable, prominence of dormers, use of extensive glazing and forward projection of the store, would result in a distinctly different elevational treatment at odds with the surrounding character. The resulting building would appear out of keeping and poorly related in appearance. The National Planning Policy Framework (The Framework) emphasises the need to ensure that design is not stifled however it also seeks to ensure that local distinctiveness is reinforced and poor design is resisted.
7. The bungalow from which this site would be severed has a very different characteristic being more closely related to the form and appearance of properties along Baring Road. The severance the majority of the garden to No 1 Baring Road would result in a significantly smaller plot than those of adjacent properties with the size of the building disproportionately large by comparison. The building would have a deeper footprint than the adjoining property in Nugent Road and together with the parking area would result in both the new property and the existing plot having very little remaining space. This would add to the feeling that the development would be cramped and overbearing on the plot where there is currently a spacious and open feel between buildings.
8. The appellants say that corner plots in the vicinity have already been subdivided and use a comparative analysis to support this view arguing that plot depth is not a visible characteristic from the street. Whilst some of the sites compared may be broadly similar in plot size, in my opinion, a number of them serve to demonstrate the harmful impact on the character and appearance of the streetscene of overly large buildings on relatively small plots. It is not simply the view of the development from the roadside/public vantage points which impact on the character of an area.
9. Local Plan policy CS21 allows infilling in principle subject to specific criteria, in this case I have not found those criterion to be met particularly in relation to the relationship of the site to adjoining buildings. The appellants' comparisons do not justify development which would represent poor design in relation to the context of the site.
10. For the reasons given the proposal be harmful to the character and appearance of the area in conflict with Policies CS22 and CS41 of the Bournemouth Local Plan Core Strategy 2012 (Core Strategy); saved Policy 6.8 of the Bournemouth District Wide Local Plan 2002; the provisions of the Council's Residential Design Guide (RDG) and the aims of the Framework. These policies and guidance, amongst other things, seek to ensure that the scale, density and appearance of new development is in keeping with the surrounding area, respects and enhances local character, contributes positively to the public realm and is not detrimental to the built environment.

### *Living conditions*

11. Windows on the rear elevation serve only bathrooms. Amended plans have been submitted to confirm that windows would have top hung opening fan lights above eye level and would be fully obscure glazed, on this basis there would be no overlooking or loss of privacy to the neighbour. The Council have confirmed this arrangement would safeguard the amenities of No 3 Baring Road. On this basis there would be no conflict with the Core Strategy Policies CS22 and C41 in respect of privacy provided that these arrangements could be secured through a condition.

### *Surface water management*

12. The amended plan indicates the position of soakaways, the appellants point out that the Council has imposed conditions to meet the policy requirements on other similar applications. In contrast the Council say that they were not satisfied from the original submission that the approach could be delivered. Whilst this may be so the incorporation of a soakaway and an acceptance from both parties that this matter could be adequately resolved through the imposition of a condition would mean that there would be no substantive conflict with Core Strategy Policy CS4. I am satisfied that a condition would be able to secure these arrangements.

### *Highway safety in respect of visibility*

13. The amended plan incorporates the visibility splays required and the Council accept that this overcomes the risk to highway safety. Whilst the Council highlight concern that this change would require the removal of additional hedging making the property more prominent, it would overcome the Council's concern regarding highway safety and could be secured by a condition. On this basis I do not find there would be any conflict with policies CS18 and VS41 in respect of highway safety.

### **Other Matters**

14. The appellants highlight that the pressure on housing targets particularly in urban areas means that plots are most likely to be smaller than average as densities increase within built up areas. Whilst this is acknowledged it does not outweigh the harm which I have identified in relation to the main issues.
15. The appellants draw attention to the Framework highlighting the three dimensions to sustainable development. There would be a social benefit arising from additional housing and an economic benefit arising from the construction. However harmful impacts to character and appearance are such that the benefits are more than outweighed by the environmental disadvantages.
16. The appeal is failing because of the harm in relation to the main issues. Consequently, as the development is not going ahead, any alleged harm to the Dorset Heathlands Special Protection Area (SPA) would not occur and thus there does not need to be any means of mitigation in place. A unilateral undertaking has been provided but there is no confirmation that it is acceptable to the Council. Nonetheless I am satisfied that this issue is capable of being dealt with by an undertaking. I do not therefore need to consider this matter further.

## **Conclusion**

17. For the reasons given and having regard to all other matters raised the appeal is dismissed.

*Janet Wilson*

INSPECTOR