
Appeal Decision

Site visit made on 29 May 2018

by Benjamin Webb BA(Hons) MA MA MSc PGDip(UD) MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 5 July 2018

Appeal Ref: APP/G1250/W/18/3193201

38A Castlemain Avenue, Southbourne, Bournemouth BH6 5EJ.

- 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 Mark Cowley against the decision of Bournemouth Borough Council.
 - The application Ref 7-2017-13031-A, dated 1 September 2017, was refused by notice dated 14 November 2017.
 - The development proposed is formation of new vehicular access.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of development in the heading above is the description used by the Council. This is a clearer and more precise description of the development involved than that used in the planning application form.
3. Works to remove the front boundary wall and to provide a parking space within the front garden of the property have already been carried out. I was therefore able to assess the effect of this aspect of the development during my visit, and have taken it into account in making my decision.

Main Issues

4. The main issue in this appeal is the effect of the development on the character and appearance of the area.

Reasons

Character and appearance

5. Castlemain Avenue is a generally broad street, lined either side by verges, remnants of an avenue of lime trees, and generous enclosed front gardens. Various front garden boundary treatments provide enclosure, amongst which masonry walls are frequent. Whilst many properties accommodate a single driveway within their front gardens, a relatively low proportion have seen their front boundaries entirely removed. Where this has taken place the loss of enclosure caused is often visually discordant. Evidence placed before me shows that before the removal of the front boundary wall occurred, the appearance of the site complemented the general pattern.

6. Removal of the front boundary wall has resulted in complete loss of enclosure along the street frontage of the property. The effect is visually striking given the width and depth of the front garden, combined with the hard landscaping introduced across its full width, and is appreciably at odds with the prevailing character of the street scene.
7. Construction of the proposed dropped kerb and crossover would entail complete loss an existing section of verge, and installation of a relatively long stretch of unbroken tarmac, effectively merging the proposed access with existing accesses to either side. This would visually amplify the adverse impact that removal of the front boundary wall has had.
8. The Council has referenced its document, Residential Extensions: A Design Guide (REDG). Whilst this has not been formally adopted as a Supplementary Planning Document, it has been subject to public consultation and is referenced within preamble to Policy CS41: Quality Design of the Bournemouth Local Plan: Core Strategy (LPCS). As such I attribute it some weight. The proposed development would not be accordance with this guidance insofar as it would entail complete removal of the front boundary wall and garden.
9. Whilst the appellant has provided examples of other properties within the vicinity where formation of accesses has entailed complete removal of front boundaries, I am not aware of the specific details of these cases and have judged the development on its own merits.
10. Though it has been claimed that the front garden wall was falling down and that its removal has therefore improved the property, I find that the harm caused by its removal arises principally from loss of enclosure. The previous condition of the wall does not therefore provide justification for this.
11. As such the development would not be consistent with Policy CS41 of the LPCS, which seeks amongst other things, to ensure that development is designed to respect the site and its surroundings, or detailed supporting guidance within the REDG.

Other Issues

12. It has been claimed that removal of on-street parking would provide safer conditions for adults with learning difficulties to access and exit transports serving the care home opposite, as this sometimes takes place from and into the road. It has also been claimed that the space created would allow vehicles to pass parked transports and improve visibility from a neighbouring driveway, providing a safer environment within which to transport a disabled child. With reference to the Public Sector Equality Duty contained in the Equality Act 2010 (the EA 2010), I have had due regard under Section 149 of the EA 2010 to the requirement to take steps to meet the needs of persons who share a protected characteristic. The EA 2010 defines disability as one such characteristic. The proposed development would indeed provide a little more space for vehicles to pass parked transports by using the opposite lane; however this would not remove the inherent danger involved in accessing or exiting transports from and into the middle of the road. In my opinion it would also provide no real benefit in terms road visibility and safety for drivers, given that the hazard caused by persons accessing and exiting transports from and into the middle of the road would remain. As other parked cars would continue to block forward visibility, the passing manoeuvre allowed by the increased road space may

itself be dangerous, giving rise to new hazards for users of adjacent driveways accessing the road. I consider that dismissal of the appeal would not therefore give rise to any adverse impact to persons who share a protected characteristic.

13. A second neighbour has also noted that the removal of on-street parking would improve visibility from their driveway, and therefore make its use safer. For similar reasons to those outlined above, I consider that any limited benefit this would bring would be cancelled out by creation of new road hazards as vehicles manoeuvred to pass parked transports, and would not otherwise outweigh the harm caused to the character and appearance of the area.

Conclusion

14. For the reasons set out above I dismiss the appeal.

Benjamin Webb

INSPECTOR