
Appeal Decision

Site visit made on 25 June 2018

by Robert Parker BSc (Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 July 2017

Appeal Ref: APP/G1250/W/17/3191970

3 Wickham Road, Bournemouth BH7 6JX

- 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 European Emerging Markets Ltd against the decision of Bournemouth Borough Council.
 - The application Ref 7-2017-2071-Q, dated 1 August 2017, was refused by notice dated 25 October 2017.
 - The development proposed is conversion of the existing building into 9 self-contained flats with access, bin and cycle stores.
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Decision

1. The appeal is dismissed.

Main issues

2. The main issues in this case are:
 - a) the effect of the proposal on the supply of employment land and premises within Bournemouth;
 - b) the effect on the character and appearance of the building and the area;
 - c) the effect of the proposal on the living conditions of occupiers of residential properties in Christchurch Road with regard to privacy;
 - d) whether the development would provide a satisfactory living environment for future occupants, with particular reference to privacy and outlook; and
 - e) the adequacy or otherwise of cycle parking/storage arrangements.

Reasons

Employment land and premises

3. The appeal premises comprise a substantial two-storey industrial warehouse type building within a predominantly residential street. The building was vacant at the time of my visit, but I understand that it was previously occupied by a nursing supplies company before it relocated. The Council does not dispute that the former use fell within Class B8 (storage and distribution).
4. Policy CS27 of the Bournemouth Local Plan: Core Strategy (2012) (CS) seeks to protect unallocated employment sites. The policy states that development resulting in the loss of sites or premises used, or last used, for B-Class uses

will not be permitted unless it can be demonstrated that either the current use causes environmental problems; or the location of the premises is no longer suitable for employment use. The policy explains that when alternative uses are being considered, employment generating uses will be favoured over residential development. Prior to non-employment uses being considered it must be demonstrated that an employment use is not forthcoming and the land and/or premises has been sufficiently and realistically marketed for a minimum of 12 months.

5. According to the evidence, the site has been marketed for over 18 months. It was initially offered for sale or rent through the Goadsby website and internet property portals for a period of 9 months. Subsequent to that a new agent was appointed and the premises were marketed freehold with a substantial increase in the asking price. The sales particulars focused on the potential for residential development. I am told that two offers were made during this second marketing phase. The first offer at £400,000 was well below the £595,000 asking price and was declined. The second offer was not proceedable.
6. I am unclear, based on the available evidence, why the first offer was declined. The appellant's own viability assessment indicates that the building would struggle to achieve a higher sale price on account of its poor condition and the need for costly rehabilitation. Although details are sketchy, the appellant's statement indicates that the substantive offer was for the lawful employment use. Given the issues highlighted in the viability assessment, I would have expected the offer to have been viewed positively.
7. The Council refers to an offer for the premises which was turned down. The proposed use was as an artists' studio and archive, an art supply business (currently employing 12 people), studio space for creatives, incubator space for graduates and a community event space. No details have been provided regarding the terms of the offer and this limits the weight I can attach to it. Nevertheless, the information casts doubt in my mind over the robustness of the marketing evidence.
8. The building will clearly require significant investment in order to meet modern standards. However, the cost implications have not been properly quantified and I cannot be certain, on the basis of the available evidence, that employment re-use would be economically unviable. The location of the site within a residential area, constrained manoeuvring space for large goods vehicles and fragmented internal layout with restricted floor to ceiling heights all mean that the appeal premises would not be practical for many commercial occupiers who are likely to be more attracted to modern units elsewhere. Nevertheless, there is no compelling evidence to demonstrate that the premises are no longer suitable for employment use by reason of their location or environmental impact. The site is located adjacent to a key transport route and near to a railway station and therefore it does not automatically follow that employees would contribute to parking stress on local streets.
9. Drawing the threads together, I consider that the appellant has failed to satisfactorily demonstrate compliance with CS Policy CS27. Whilst I note advice within paragraph 22 of the National Planning Policy Framework (the Framework) in relation to allocated employment sites, I cannot be certain that there is no reasonable prospect of the appeal site being brought back into employment use.

As such, I conclude that the proposal would result in the unjustified loss of an employment site to the detriment of the local economy in Bournemouth.

Character and appearance

10. The existing building is unashamedly industrial in character. The principal elevation facing Wickham Road has some attractive brick detailing but otherwise the architecture is utilitarian and the shape of the building is primarily dictated by its intended purpose as a factory warehouse. The simple form extends to the dual-pitched roof which is clad in corrugated sheeting. The scale and orientation of the building is such that the side roof slopes are clearly visible from the street, and also from Warwick Place to the rear of the site.
11. The proposal would create accommodation in the roof space served by new openings, including a large number of gabled dormers. These structures would have an overtly domestic appearance and their design would detract from the character of this building. In my opinion, they would read as discordant and alien features on the building.
12. The Council raises additional concerns regarding the retention of the existing glazed door on the street elevation. I agree that the proposal fails to take the opportunity available to reverse this unsympathetic alteration and reinforce the distinctive industrial character. This adds weight against the scheme.
13. The appeal building is identified as a candidate for local listing in the emerging Boscombe and Pokesdown Neighbourhood Plan. However, the proposal would cause material harm to the character and appearance of the building and the area, regardless of whether or not the building is treated as a non-designated heritage asset. The scheme would conflict with CS Policy CS41 insofar as it seeks high quality design.

Living conditions for neighbours

14. The Council is concerned that the proposed flats would overlook residential properties at the rear of commercial premises at Nos. 844-848 Christchurch Road. A number of windows are pre-existing and therefore there is already a degree of intervisibility between the buildings. However, this would be increased through the creation of new openings.
15. The appellant contends that the proposal would meet the minimum 10 m separation distance stipulated for front-to-front relationship in the Bournemouth Residential Design Guide (SPD). The guidance is not intended to be prescriptive and in urban areas a degree of overlooking is inevitable. However, the relevant windows provide direct views between affected rooms at close range. The flats in question, whilst operating as maisonettes, are single aspect and their sole outlook would be towards the neighbours' windows. This would be intrusive.
16. Overall, whilst it may be unreasonable to insist upon the SPD standard of 21 m for back-to-back separation distance in this particular urban context, the proposed layout would give rise to unacceptable loss of privacy for the residents of properties in Christchurch Road. This brings the scheme into conflict with the requirement of CS Policies CS21 and CS41 that residential development shall respect neighbours' amenities.

Living conditions for future occupiers

17. Although described as flats, a number of the proposed residential units would function as maisonettes. The sole window for the ground floor living area for Flat 9 would face directly onto parked cars. The outlook would be poor and there would be loss of privacy arising from comings and goings. Flat 2 would have a similar issue, with no defensible space or landscaping to buffer the parking spaces from the window serving the main living accommodation. Furthermore, the windows of Flats 3 and 4 would front onto Warwick Place, giving passers-by close range views into the main living areas. In much the same way as occupiers of the appeal scheme would overlook residential properties in Christchurch Road, those affected residents would have direct and short range views into a number of the new dwellings.
18. The Council is further concerned that the proposed development would not provide any external amenity space for future occupants. I have not been directed to any policies which require such provision and appreciate that it is not always practicable where existing buildings are being converted. The absence of communal open space is clearly a negative aspect of the scheme but in my view it should not be a determining factor.
19. Some compromises may be necessary in dense urban situations – particular where the Council is seeking to retain an existing building. However, the quality of living environment within the appeal scheme would fall below that which residents could reasonably expect. There would be conflict with the requirement of CS Policy CS41 that development should provide a high standard of amenity to meet the day to day requirements of future occupants.

Cycle parking/storage

20. There is no dispute that the scheme would fail to meet the Council's cycle parking standards set out within the Parking Supplementary Planning Document (2014) by reason of the inadequate aisle width within the proposed cycle store. The appellant suggests that the matter could be addressed using a condition which requires submission of a revised internal layout. However, without having sight of a plan I cannot determine whether there would be any knock-on effects for the bin store, in terms its size and access arrangements.
21. CS Policy CS18 requires provision of cycle storage in accordance with the Council's adopted standards. Compliance with this policy has not been demonstrated and this is an additional factor weighing against the scheme.

Other matters

22. I have been supplied with a signed Unilateral Undertaking which would secure a financial contribution towards Strategic Access Management and Monitoring. The Council has confirmed that this would mitigate the impact of the scheme upon the Dorset Heathlands European sites, in line with the requirements of CS Policy CS33 and the adopted Dorset Heathlands Planning Framework Supplementary Planning Document 2015-2020.

Planning balance and conclusion

23. The proposal would conflict with development plan policy in a number of areas, notably in relation to the loss of employment land and premises, character and appearance issues and living conditions – both of neighbouring residents and future occupiers. The scheme would deliver 9 new dwellings against the background of an identified need for housing in the Borough. It would also secure the re-use of a building which the community is seeking to locally list as part of the emerging Boscombe and Pokesdown Neighbourhood Plan. However, these benefits do not outweigh the significant harm that I have identified.
24. The proposal conflicts with the development plan as a whole and there are no material considerations to justify making a departure from adopted planning policy. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Robert Parker

INSPECTOR