

Appeal Decision

Hearing Held on 18 July 2018

Site visit made on 18 July 2018

by J Ayres BA Hons, Solicitor

an Inspector appointed by the Secretary of State

Decision date: 20th August 2018

Appeal Ref: APP/G1250/W/17/3188038
44 Newstead Road, Bournemouth BH6 3HL

- 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 Darren Luff and Mr Rob Speers against the decision of Bournemouth Borough Council.
 - The application Ref 7-2017-13452-E, dated 1 February 2017, was refused by notice dated 28 April 2017.
 - The development proposed is alterations and extensions to existing block of 3 flats to create 7 flats.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. A revised version of the National Planning Policy Framework (the Framework) was published after the date of the hearing. Both parties were given the opportunity to comment on this matter and I have had regard to the updated Framework in determining this appeal.
3. Following the refusal of the scheme by the Council two additional plans were submitted. No 104/0617 identified comparisons between the current, previously refused, and appeal scheme. No 105/0617 identified an alternative site plan with an additional bin. The plans do not materially alter the scheme and I have regard to them in determining the appeal.
4. At the hearing an executed section 106 unilateral undertaking was submitted by the appellant. In the event that planning permission is granted this would secure a contribution of £1043.00 (including Admin fee) towards mitigation in respect of the Dorset Heathlands Special Protection Area. I shall return to this matter again later.
5. The appellant requested that a number of photographs of Newstead Road were looked at whilst the parking element was discussed. The appellant was unable to provide printed copies and it was necessary for the parties to examine the photographs, which were taken at approximately 9.00pm on Tuesday 17 July, on a mobile device. The photographs were taken shortly after I had visited the area by myself to conduct a preliminary site visit in advance of the hearing. The levels of parking in the photographs corresponded approximately with the levels of parking that I had observed. Accordingly I have taken the

photographs into account, but have relied more particularly on my own observations.

Main Issues

6. The main issues are the effect of the proposal on;

- The character and appearance of the area;
- The living conditions of neighbouring occupiers with particular regard to the relationship of the extension to neighbouring properties; and
- The provision of parking within the site and within the local road network.

Reasons

Character and appearance

7. The length of Newstead Road is predominantly characterised by residential properties of a similar style and age. There are a small number of larger flat style developments, one being located directly opposite the site, and another further along Newstead Road at No 36. In addition some of the properties have been extended; indeed the appeal property has an existing two storey, flat roof, rear extension.
8. Despite a small level of variation in built form, the area in general maintains a dominant residential feel. A number of properties utilise low level boundary treatment to the front with gardens that are either maintained areas of green space, or which have been converted to facilitate parking. Overall the area has an attractive, verdant and spacious feel.
9. The existing two storey extension would be removed and replaced by a two storey extension with hipped roof that would extend some 4.8 metres from the rear building line adjacent to the boundary with No 46. This would in effect be an increase in some two metres at two storey in comparison to the existing, and the large hipped roof would significantly increase the overall mass of the property at a two storey level. The extension would then continue at single storey, with a hipped roof, following removal of the two garages. Accommodation would be provided in the roof of the existing building and within the roof of the two storey extension. Gables would be added to the side roof slopes of the existing property which would be necessary to accommodate a total of seven flats.
10. The side gables would be a visually prominent addition which would fundamentally alter the appearance of the property. The overall effect would be a development of a scale and mass that would fail to respect the form of, and would cause material harm to the character and appearance of, the host property. As No 44 is seen in the context of the residential properties immediately adjacent, it is my view that the scale of the proposal would be incongruous and significantly out of keeping with the pattern of built form along the road.
11. The two storey element would be set in from the side elevation closest to No 42 so that views of the rear element would be limited when looking at the property from Newstead road. Nevertheless, it would still be visible from the rear gardens of properties along Newstead Road, and therefore the undue

prominence of the extension would be apparent within the wider residential area. The overall bulk and scale of the extension would be an overwhelming and harmful addition to the grain of development along Newstead Road.

12. Although the existing rather unsightly extension and garages would be demolished, the resultant effect of the proposal would be entirely out of keeping with the prevalent surrounding built form.
13. Part of the proposal would involve the erection of a bicycle store adjacent to the rear boundary on an area currently laid out as hardstanding. Along this boundary are a number of mature trees in the adjacent garden. Although it would be preferable to address any impact on trees during the application process, due to the extent of the existing hardstanding, and the relatively minor level of works associated with the erection of the bicycle store, I am satisfied that the impact of the development, and any necessary tree root protection during construction, could be adequately addressed by way of condition in order to comply with Policy 4.25 of the Bournemouth District Wide Local Plan (2002).
14. Whilst I acknowledge that the scheme has been reduced in size since it was considered at a previous appeal (APP/G1250/W/16/3142271), the starting point must be what the effect of the proposal will be on the host property as it currently stands and I have determined this appeal accordingly.
15. For the reasons above I find that this proposal would be an overbearing and incongruous addition to the host dwelling, which in turn would erode and harm the traditional residential character of the area. It would therefore fail to comply with Policies CS6, CS21 and CS41 of the Bournemouth Local Plan: Core Strategy (2012) insofar as those policies seek to secure development that is of a high quality design which positively contributes to the character of the area. The proposal would fail to comply with Policy 6.10 of the Bournemouth District Wide Local Plan (2002) in respect of ensuring flatted developments respect the character and appearance of the area. The proposal would conflict with the overall aim of the Residential Extensions Guide and Residential Design Guide which seeks to ensure good quality design, which is acceptable in relation to the specific site.

Living conditions

16. The existing two storey extension runs along the boundary with No 46, set slightly back from the boundary itself. There is a distinct absence of planting along the boundary, it is demarcated by a tall fence, and the built form of properties along the street is easily visible rising above the level of the fence.
17. The proposal would technically comply with the Council's policy in respect of ensuring an adequate level of daylight and sunlight to the habitable rooms of the neighbouring property in accordance with the Residential Extensions Guide. However, in addition to the guide aiming to avoid an overbearing extension, it also explains that each application should be considered on the merits of the individual case. Taking into account the existing built form I do not agree with the appellant that compliance with the daylight/sunlight aspect would automatically result in an acceptable level of built form.
18. Depending on the individual factors, avoiding a significant loss of daylight and sunlight to habitable rooms does not mean that the property would not result

in an overbearing form of development. Whilst the two storey element would only extend for an additional two metres past the existing rear elevation, it is important to acknowledge the extension is currently set back at the point that the dwelling is closest to the boundary with No 46. Therefore, the actual impact would be a two storey elevation, running parallel to the boundary. This would have a far greater impact on the living conditions of those at No 46 than the existing built form.

19. The area to the rear of No 46, adjacent to the boundary with No 44, is clearly utilised. It is laid out as a patio, accessed via two sets of patio doors, one of which directly faces the boundary with No 44. I noted at the time of my site visit that a large mature tree occupies a central position within the rear garden of No 46. Therefore, despite the garden being generous in size, it is apparent that the occupiers of No 46 use the area directly to the rear of their dwellinghouse, adjacent to the boundary, as an intrinsic part of their enjoyment of the property.
20. As a result of the proposed scheme the occupiers of No 46 would have a flank wall extending significantly past the build line of the existing property, which is approximately in line with the build line of No 46. The depth and mass of the proposal would result in an overbearing and dominating form of development which would have a severely detrimental impact on the living conditions of the occupiers of No 46 when using their outdoor amenity space.
21. Overall, despite an adequate provision of daylight and sunlight to habitable rooms, I find that the depth, mass and overall scale of the proposal would result in a development that would have a significantly overbearing effect on the occupiers of No 46 Newstead Road with regards to the use of their garden. It would conflict with Policy CS41 of the Bournemouth Local Plan: Core Strategy (2012) which aims to safeguard the amenities of neighbouring occupiers. In addition, the proposal would conflict with the advice contained within the Residential Development Guide in respect of preventing overbearing forms of development.
22. Concerns have also been raised with regard to the impact on the living conditions of the occupiers of No 42. There is an existing driveway running along the boundary with No 42, and within the garden of No 42 are a number of mature plants and vegetation which provide a considerable level of screening between the two properties.
23. The proposed rear extension would be slightly set back from the rear elevation at two storey level, and separated by the existing driveway. Consequently, it would not have an overbearing impact on the occupiers of No 42. The roof alterations would result in a side gable which would face in the direction of No 42. However, there are existing windows on this side elevation, and the window in the gable would be set slightly back within the roof line. Accordingly, I am satisfied that the scheme would not result in an increase in the level of overlooking that would be detrimental to the living conditions of the occupiers of No 42.

Parking

24. The Council's policy advocates a design led approach to the provision of parking. In particular paragraphs 3.1.1 to 3.3.3 of the Parking Supplementary Planning Document (SPD) 2014 advise that there should be no reliance upon

- on-street parking and that displacement parking in surrounding streets to accommodate the required level of parking is not supported unless sufficient and adequate on-street capacity has been demonstrated to the Council's satisfaction.
25. The scheme proposes two on site parking spaces, with the additional parking to be found within the local road network, for which there are no existing restrictions. The appellant supported this approach through the submission of a number of parking surveys. The methodology for these surveys differed to that of the Council and the surveys were deemed to be insufficient. At the hearing the appellant's agent confirmed that they were content to use the figures as set out in the council's own parking survey, and would not rely upon their own surveys.
26. The Council's parking survey was carried out in April 2018. The results demonstrate that the existing percentage of parking stress within 0-50 metres of the development site is currently 62%, and within 0-100 metres of the development site 54%. The scheme would increase the parking stress within 0-50 metres of the site to 81%, and within 0-100 metres off the site to 63%.
27. I accept that on street parking would be increased by the scheme, and I appreciate the concerns of the Council in relation to this. However, the proposed development would retain the parking stress level within 100 metres of the site to less than 90%, which is in accordance with the SPD. I do not agree with the Council that the proposed displacement parking would set a precedent for future schemes elsewhere. The Council's SPD clearly addresses what should be deemed as satisfactory with regards to parking, and should be applied to each case individually.
28. I have considered the appeal at Southbourne Coast Road¹ referred to by the Council and I agree with the views of the Inspector that parking should where possible be provided on site. However, the failure to provide parking on site for that scheme would have resulted in a significant impact on the road network with particular regard to highway safety in terms of vehicles accessing and exiting the site. I have also considered the appeals at Gainsborough Court² and Southcote Road³. These related to areas where parking stress levels were already under considerable pressure, and therefore the surrounding roads were unable to accommodate displacement parking within the remit of the SPD. In this case the physical level of parking within the surrounding network would be able to accommodate the scheme without exceeding the stress threshold as set out within the SPD. In this regard the appeal before me is materially different those referenced.
29. I have been referred to a appeal decision at Kimberley Road which related to the size of car parking spaces, and also the manoeuvrability concerns were highlighted in the Gainsborough Court appeal. Whilst I note the matters raised in those appeals, I am satisfied that in this case concerns regarding the accessibility of the spaces within the site could be overcome by reducing the level of soft landscaping adjacent to the building, which would allow for a greater manoeuvring area on site. This could be controlled through the

¹ APP/G1250/W/17/3190322

² APP/G1250/W/16/3154345

³ APP/G1250/W/16/3184908

imposition of appropriately worded condition if the appeal were acceptable in all other regards.

30. The Council raised concerns regarding harm to pedestrian and highway safety caused by the increase that would be parked on the road. I have had regard to the photographs supplied by the highway authority which show the levels of parking that can occur on the road. Nevertheless, the highway authority also confirms that it is likely the proposal would only generate demand for up to four on street parking spaces. . Within that context, of a limited increase in on street parking, on the basis of the evidence put forward, and my observations at the site visit, I am satisfied that the scheme would not have a materially harmful impact on highway safety that would justify a dismissal on that basis.
31. I would advocate using a design led approach to create parking on site, especially in instances such as this where the site could accommodate additional parking. However, on the basis of the evidence provided, I find that the proposal would comply with Policies CS16 and CS41 of the Bournemouth Local Plan: Core Strategy (2012), and the Parking SPD with regards to demonstrating that sufficient parking can be provided through a mixture of parking on site and within the local road network.

Other Matters

32. In accordance with the Dorset Heathlands Planning Framework (2015-2020) and Policy CS33 of the Bournemouth Local Plan: Core Strategy, development within 5km of heathland should provide mitigation to ensure effective protection of designated heathland from new development. A planning obligation, made under Section 106 of the Town and Country Planning Act 1990 was submitted to address this matter. However, since the appeal is to be dismissed on other substantive issues, it is not necessary to look at it in detail.

Planning Balance and Conclusion

33. I have found that the development would be harmful to the character and appearance of the host property and the wider area, and harmful to living conditions of neighbouring occupiers. Whilst I have found that the proposal would technically comply with the Council's parking requirements, none of the matters advanced in support of the scheme, including the site's accessibility to local services and facilities, or the demand for smaller units, outweigh the harm that I have identified and the conflict with the development plan in this regard.
34. The proposal would conflict with the development plan as a whole and the Framework. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

J Ayres

INSPECTOR

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Mrs Sophie Edwards MRTPI	Senior Planning Officer
Mr Nick Helps MCILT, MRTPI	Highways Officer

FOR THE APPELLANT:

Penny King	Planning Precision
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INTERESTED PERSONS:

Gaye Balchin	Local Resident
Julie Monroe	Local Resident
David Chesworth	Local Resident

DOCUMENTS SUBMITTED AT THE HEARING

Notification Letter dated 14 June 2018

Appeal Decision dated 4 July 2018 (Ref APP/G1250/W/17/3190322)

Photograph depicting sunlight trajectory over existing property at No 44, taken from garden of No 46.

S106 Unilateral Undertaking

Attendance List