
Appeal Decision

Site visit made on 14 August 2018

by Nick Fagan BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 September 2018

Appeal Ref: APP/G1250/W/18/3194729

Land rear of 194 East Howe Lane, Bournemouth BH10 5JQ

- 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 N Green against the decision of Bournemouth Borough Council.
 - The application Ref 7-2017-23899-G, dated 7 September 2017, was refused by notice dated 21 November 2017.
 - The development proposed is the construction of a detached bungalow with parking.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed bungalow on the character and appearance of the area and the living conditions of its future occupiers with particular regard to privacy.

Reasons

Character and Appearance

3. Several schemes have been submitted over the last ten years to provide two bungalows to the rear of 194 and 196 East Howe Lane, the two detached houses fronting the road, including two schemes dismissed on appeal in 2009 (LPA Refs 23899-A and B). The Council granted permission for a single bungalow in 2010 behind No 196, which was built, is known as No 196A and is accessed via a gravel drive running between the two frontage houses.
4. Neither party has supplied me with a copy of the 2009 appeal decision but the Council quotes from it in paragraph 5.4 of its appeal statement where it states that existing properties in the area were all set in "*...generous sized plots with sizeable rear gardens. These gardens are an important part of the character of the area and create a pleasing sense of spaciousness...*". I agree with that description of the area within which the appeal site is situated.
5. No 196A is the same width as No 196 and sits in a wider plot than the proposed bungalow. It is intended to subdivide the backland so that what is now part of its site would become the front curtilage including the drive and parking space for the additional bungalow.

6. To my mind this would produce a similar effect to the original schemes for two bungalows on the backland to Nos 194 and 196 that were refused in 2008 and 2009, including the two schemes dismissed on appeal in 2009. I can understand why these schemes were turned down because they sought to cram two bungalows onto a piece of land which was only big enough for one.
7. That remains the case now. In fact the appeal proposal is worse than those previous refused schemes because the site is narrower than the site of No 196A and more cramped. It is undoubtedly more cramped than other comparable infill developments in the immediate area such as the house at No 202 which sits behind the nursery school building (the former church), which has a garage and substantial sized rear garden. The proposed bungalow's rear garden, in contrast, would be considerably smaller than most of the neighbouring houses, and even smaller than that of No 196A.
8. The appellant in his grounds of appeal cites three examples of infill developments in close proximity to the site. Whether or not these sites actually are in 'close proximity' to the appeal site is disputable. But more fundamentally none of them are comparable to the tandem backland development proposed here. The new homes in the grounds of the former pub on the corner of Brook Road face the road and all the houses in Pinewood Close also face that public highway. The scheme at Badgers Walk off Hillview Road is a historic infill scheme of five bungalows on a much larger backland site with its own dedicated access, which was in all likelihood approved under a different planning framework.
9. For these reasons I conclude that the proposed bungalow would be a cramped development, which would fail to respect or enhance the character or appearance of the area contrary to Policies CS21 and CS41 of the Council's Core Strategy (2012) (CS) and 'saved' Policy 6.8 of the Bournemouth District Wide Local Plan (2002) (LP), these policies requiring well designed development which complements and respects such character. I appreciate that the appeal site, the majority of the former rear garden of No 194, has been severed from that property but that is not a matter that lends any weight in favour of the proposal.

Living Conditions

10. There is a limited vegetation screen to the rear boundary of the site but it is incomplete and would allow the residents of the 3-storey flats in Block 9 Leybourne Close to the rear of the site to overlook the private rear garden of the new bungalow. This would be the only private garden space it would have. There would also be unacceptable overlooking of the main living room window in this elevation of the bungalow that would face the flats
11. I consider such overlooking, especially combined with the cramped nature of the site in relation to No 196A – which would mean there would be no significant window openings on the bungalow's north elevation – would give rise to poor living conditions for future occupiers of the proposed bungalow. As such this failing of the scheme would not accord with CS Policy 21, which also requires residents' amenities to be respected.

Other Matters

12. The appellant has submitted with the appeal a S106 Unilateral Planning Obligation. This obliges the owners to pay the requisite Strategic Access Management and Monitoring (SAMM) contribution prior to commencement of development to mitigate any adverse effects of the residential development on the Dorset Heathlands Special Protection Area, Special Area of Conservation and Ramsar Site. The Council accepts that this would overcome this aspect of its refusal reason.
13. The appellant has provided comments in relation to the revised National Planning Policy Framework (NPPF) and I have taken them into account in my assessment of the appeal.

Conclusion

14. However, the above Obligation and comments on the revised NPPF do nothing to address the main failings of the proposal and for the reasons set out above the appeal is dismissed.

Nick Fagan

INSPECTOR