
Appeal Decision

Site visit made on 14 August 2018

by Nick Fagan BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 04 September 2018

Appeal Ref: APP/G1250/W/18/3194336

18 Holdenhurst Avenue, Bournemouth BH7 6RD

- 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 P Tunnicliffe against the decision of Bournemouth Borough Council.
 - The application Ref 7-2017-1736-E, dated 24 August 2017, was refused by notice dated 8 November 2017.
 - The development proposed is the erection of a bungalow with associated parking and access.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are the effect of the proposed development on the character and appearance of the area and the living conditions of the dwelling's future occupiers with particular reference to their privacy and outlook.

Reasons

Character and Appearance

3. The area is characterised by detached two storey houses in medium to large plots of land. Holdenhurst Avenue runs on a north-south alignment linking Castle Lane East to Christchurch Road whereas the roads that run onto it from the west are aligned approximately southwest-northeast. This means that the plots of the houses on Holdenhurst Road taper and become smaller nearer to the junctions of these roads.
4. This is particularly evident in the immediate area where the plots closest to the junction of both Hambleton and Swanmore Roads are smaller than those of the houses away from these junctions, such as the appeal property. The same also of course applies to the houses on those adjoining roads where the plots taper to meet the junction of Holdenhurst Avenue. In essence this explains why most of the plots outlined in yellow in Appendix OM6 of the appellant's appeal statement are a similar (small) size to the plot of the proposed bungalow, which comprises a large part of No 18's back garden.
5. However, as is clear from that aerial image, the principal character of the area is one of detached houses in generous plots. Where there has been infill development it has generally been in the form of comprehensive developments

of significant areas of backland, such as at Swanmore Close to the rear of the site. This is a development of 10 two-storey dwellings of similar sizes to the rest of the houses in the area, all of which front onto the highway of the Close. Such development is incomparable with what is being proposed here, a tandem development of one house behind another that would be accessed by a narrow drive running right next to the side of the existing retained dwelling.

6. As far as I could ascertain there are no other such backland tandem developments in the area and certainly none in Holdenhurst Avenue itself. The plots outlined in yellow in OM6 are those that face highways and as such this document simply confirms the alien nature of the proposal to the existing character and appearance of this suburban area. I have no doubt that it would comprise a cramped and unsympathetic development at odds with its neighbours because of the nature of its access and the relatively small size of the site compared to neighbouring properties on Holdenhurst Avenue.
7. I agree with the Council that the proposed building would be much larger, in terms of footprint and bulk, and higher (incorporating a habitable room in the roof space) than the domestic buildings that are a feature of the rear gardens of nearby houses in the area and it would also be uncharacteristic in this regard and harmful to the appearance of the area.
8. For these reasons I conclude that the proposed bungalow would significantly harm the character and appearance of the area contrary to 'saved' Policy 6.8 of the Bournemouth District Wide Local Plan (2002) (LP), and Policies CS20 and 21 of the Bournemouth Core Strategy (2012) (CS), which together require infill development to be of good design that contributes to or complements such character.

Living Conditions

9. Having taken into account the appellant's final comments including the submission of a revised Arboricultural Report it is clear that the main window of the principal habitable room of the new dwelling (the combined kitchen, dining and living room) will face the existing tree and hedge landscape screen to the site's rear boundary.
10. I understand that this high screen would be lowered but the appellant acknowledges that the new bungalow would be situated approximately 2-7m from this rear landscaping. The above window would only be about 2-4m from it. In my view this would mean that the outlook from this side of the dwelling – where most of the principal windows would be – would be poor. It would also mean that both the habitable ground floor rooms would receive little direct sunlight for much of the year.
11. It is necessary to retain this landscape screen because, if it was to be removed or excessively pruned this would allow unacceptable overlooking of these windows from the rear first floor windows of the house at 5 Swanmore Close.
12. Hence I conclude that the proposed development, because of closeness of the tree and hedge screen immediately to the west of proposed bungalow, would give rise to a claustrophobic hemmed-in environment providing a poor outlook for the dwelling's principal habitable room windows. It would also

mean that the dwelling's rear private garden would be in shade for much of the year exacerbating this claustrophobic feeling. For these reasons it would fail to respect residents' amenities and provide a pleasant residential environment contrary to the requirement to do so in CS Policy CS21 and LP Policy 6.8.

Other Matters

13. The appellant provided in his Final Comments a copy of a Unilateral Planning Obligation dated 13 August 2018 signed by the owners of the site. 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 or Ramsar Site. The Council accepts that this would overcome this aspect of its refusal reason.¹
14. In its observations on the new revised National Planning Policy Statement the appellant argues that the presumption of sustainable development in paragraph 11 applies in this case, meaning that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. He argues this on the basis that the Council does not have a 5 year supply of housing sites because its housing requirement figure is out of date.
15. I make no judgement on that argument because, even if I were to accept it, the significant harm which would arise from the development set out above would significantly and demonstrably outweigh the benefits of providing one additional dwelling.

Conclusion

16. For the reasons given above I conclude that the appeal should be dismissed.

Nick Fagan

INSPECTOR

¹ In this context it would be helpful, in future planning decisions, if the Council could numerically list its refusal reasons by topic, rather than bundle them all up into one reason.