



Appeal Decision

Site visit made on 11 September 2018

by J J Evans BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 October 2018

Appeal Ref: APP/G1250/W/18/3197115

**Land fronting Forsyth Gardens (to the rear of No 24 Walton Road),
Bournemouth BH10 4BJ**

- 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 D White against the decision of Bournemouth Borough Council.
 - The application Ref 7-2017-11580-G, dated 27 October 2017, was refused by notice dated 5 January 2018.
 - The development proposed is to erect a one bedroom bungalow with car parking.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The revised National Planning Policy Framework (the Framework) was published on 24 July 2018. The parties were given an opportunity to comment on the policies within it, and I have had regard to those received in my decision.
3. One of the Council's reasons for refusal of the original application was that the development would be harmful to the Dorset Heathlands Special Protection Area, Ramsar Site and Special Area of Conservation, as there was a failure to make an appropriate contribution towards mitigation measures. The appellant submitted a Unilateral Planning Obligation with the appeal, and an opportunity for the Council to comment was provided.

Main Issues

4. The main issues are *firstly*, the effect of the bungalow on the character and appearance of the surrounding area; *secondly*, the effect upon the living conditions of neighbouring residents, having particular regard to outlook, privacy and daylight; and *thirdly*, whether adequate provision is made for mitigation measures with regard to the effect of the proposal on the Dorset Heathlands.

Reasons

Character and Appearance

5. Positioned within a mostly residential area, 24 Walton Road is a detached bungalow with a generous rear garden that has a frontage onto Forsyth

Gardens. The area has developed over time with distinct groups of dwellings apparent. There are a number of long straight roads along which are houses and bungalows of similar ages and styles. Walton Road is one such example, with its mostly detached houses and bungalows set back from the public footway behind regular shaped front gardens. To the east and south of No 24 is a residential estate comprising semi-detached and terraced houses and blocks of flats, of which Forsyth Gardens is part.

6. The rear garden of No 24 has already been severed with a tall fence. The proposed bungalow would be close to the grass verge of Forsyth Gardens, with a single parking space separating the dwelling from a row of garages. There would be narrow gaps to either side of the flank walls of the bungalow and the shared boundaries.
7. Despite the modest size of the bungalow, it would appear cramped within its plot, having a form determined by the site constraints and the provision of a parking space. Whilst the bungalows along Walton Road are close to their plot boundaries, they have similar repeated spacings that gives a rhythm to their layout. The form of the proposed bungalow, particularly the complexity of its roof, along with its close proximity to the road and nearby garages, would have an unacceptably cramped and contrived appearance.
8. The rear gardens of the bungalows near to the appeal property have a recognisable back-garden appearance. Some are less well maintained than others and there are a variety of boundary treatments and outbuildings present within them, which is often the case in residential areas. What this provides is a clear subservience and functionality of these gardens and outbuildings with the houses and bungalows they serve, a characteristic that is reinforced by the rear gardens of the semi-detached houses opposite the appeal site. Even though the bungalow would have a frontage onto a road, as it would be the only dwelling within the rear gardens it would appear as piecemeal and intrusive addition to the area.
9. Local residents are concerned that allowing the appeal would set a precedent for similar development in other rear gardens. There have been a number of applications for dwellings within the gardens, and also dismissed appeals for both 16 and 18 Walton Road (APP/G1250/A/06/2023706 and APP/G1250/A/12/2187638 respectively), as well for No 24 (ie appeals referenced T/APP/G1250/A/99/1024206/P5 and APP/G1250/A/00/1053320).
10. The appellant has attributed much weight to the appeal decision for No 18 pointing out that the appeal was dismissed because of the absence of a planning obligation. The full details of this case have not been provided, but from the available evidence it is not directly comparable to the scheme before me. The bungalow at No 18 would have had a simple form, set back from the highway edge, and would also have been smaller in footprint than the appeal scheme. I also note that permission existed for a double garage that was only slightly smaller than the proposed bungalow. Moreover, reference is made within this appeal decision for the potential of this scheme to be part of an opportunity for a comprehensive development, which is not the case with the current scheme.
11. Since the appeal decisions for No 24, both national and local policy have changed. In addition to providing a choice of dwellings and an efficient use of land, the replacement Framework emphasises that this should be achieved

through development bringing improvements to the character and quality of an area, as well as that which fits in with the form and layout of its surroundings.

12. The proposed bungalow would make a modest contribution towards the variety and choice of housing in the area, and future occupiers would be close to a range of services and facilities. However, the modest benefits arising from the single dwelling would not outweigh the harm I have found. For the reasons given above the proposal would unacceptably harm the character and appearance of the area, contrary to the Framework, and Policies CS21 and CS41 of the Bournemouth Local Plan: Core Strategy (2012) (CS), Policy 6.8 of the Bournemouth District Wide Local Plan (2002) (LP), and the supporting Residential Development Design Guide (2008) (DG). These policies seek amongst other things, high quality development that positively contributes towards the character of an area.

Living Conditions

13. To one side of the rear garden of No 24 is a row of terraced houses, the occupiers of which have elevated views into the gardens of the existing bungalows. Apart from a bathroom window within the east elevation, the windows for the principal rooms of the bungalow would face to the front and rear. This and the staggered floor plan would prevent direct overlooking into these rooms from the terraced houses. The presence of tall boundary treatments and the separation between the buildings would maintain similar levels of garden privacy for existing residents as are currently experienced, whilst for the same reasons future occupiers of the bungalow would have an acceptable degree of privacy in their outdoor amenity space.
14. The bungalow would be visible above the surrounding garages and outbuildings. Given the depth and height of the dwelling and its proximity to the shared boundaries, the bungalow would erode the open aspect of nearby gardens. Moreover, the occupiers of Nos 22 and 24 enjoy south facing rear gardens, and the position and size of the bungalow would be such that it would shade large parts of the gardens of these properties, particularly in the mornings and early afternoons.
15. Thus the bungalow would have an adverse impact upon the living conditions of neighbouring residents with regard to outlook and daylight. This would be contrary to CS Policies CS21 and CS41, LP Policy 6.8 and the DG. These seek amongst other things, high quality design that respects the amenities of residents, reflecting objectives of the Framework.

Dorset Heathlands

16. The site is within 5km of the Dorset Heathlands and the international importance of these areas is reflected in their designation as a Special Protection Area, Special Area of Conservation, and Ramsar site. CS Policies CS32, CS33 and CS34 and the supporting guidance in the Dorset Heathlands Planning Framework Supplementary Planning Document (2016) (SPD), seek the protection of the special interest and integrity of the heathlands through the provision of avoidance and mitigation measures to address the increased recreational pressure occurring from future residents.
17. The appellant has provided a signed and dated unilateral planning obligation for a contribution to mitigate the adverse effects of the development upon the

Dorset Heathlands. However, I have some concerns about the obligation, and whether the Council could rely on it to secure the contributions, as the land to which the obligation applies has not been clearly defined with a red line. However, as I am dismissing the appeal for other reasons, I have not pursued this matter further with the main parties. As it stands, the submitted obligation would not make adequate provision to address the impact arising from the development. This would fail to accord with the CS Policies referred to above, nor satisfy objectives of the Framework that seek to protect and enhance biodiversity.

Other Matters

18. Local residents have raised a number of matters, including land ownership, parking and foul drainage. Some of these concerns are not directly connected with the planning considerations of the proposal before me, and of those that are, following my findings on the main issues, I have no need to consider them further.
19. Finally, concern has been expressed by local residents as regards the Council's handling of the application. I appreciate such matters would be of concern but they have to be pursued by other means separate from the appeal process and are not for me to consider with regard to the planning considerations of this case.

Conclusion

20. Thus, for the reasons given above and having considered all other matters raised, the appeal is dismissed.

J J Evans

INSPECTOR