
Appeal Decision

Site visit made on 17 October 2018

by H Butcher BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 November 2018

Appeal Ref: APP/G1250/W/18/3197914

53-55 Lowther Road, Charminster, Bournemouth BH8 8NW

- 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 Les Parodi against the decision of Bournemouth Borough Council.
 - The application Ref 7-2017-4625-K, dated 31 October 2017, was refused by notice dated 31 January 2018.
 - The development proposed is a roof conversion to the single storey at the rear of 53 Lowther Road to form a one bed flat.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on:
 - (i) The character and appearance of the area including the likely long term effect on protected trees;
 - (ii) The living conditions of existing occupiers of the flats having particular regard to matters of outlook and noise;
 - (iii) The effect of the proposed parking arrangements on highway safety in adjacent roads, and;
 - (iv) The effect of the development on the Dorset Heathlands Special Protection Area (SPA), Ramsar Site and Dorset Heaths Special Area of Conservation (SAC).

Reasons

Character and appearance

3. The appeal site comprises two apartment buildings (53 and 55 Lowther Road). Lowther Road is a predominantly residential road where front gardens with mature trees are a common feature, and together these give the area a pleasant, verdant character. The front of the appeal site currently provides parking for four cars and this is surrounded by relatively modest areas of soft landscaping and some maturing trees which are protected by a Tree Preservation Order (1148/2017). The appeal site therefore responds well to the existing leafy character of Lowther Road.

4. The proposal includes extending the parking to the front of the flats to create six parking spaces. This would significantly reduce the areas of soft landscaping to the front of the site meaning the parking area would dominate which would be harmful to the character of the area as described above. The appellant suggests that the shrubs removed as part of the proposal would be replanted on site but this would not compensate for the overall loss of areas of landscaping to the front.
5. A Tree Report was submitted with the appeal which suggests the protected trees could be retained if the submitted plan and Arboricultural Method Statement are adhered to. This plan, however, shows a different parking layout to that proposed by the appellant. Nevertheless, even if the trees could be retained, this does not alter my concerns with respect to the general loss of landscaping to the front of the site.
6. For the above reasons I find harm to the character and appearance of the surrounding area. The development would therefore conflict with Policy CS41 of the Bournemouth Local Plan: Core Strategy (2012) (CS) which requires new development to be designed to respect its site and surroundings.

Living conditions

7. The proposed alterations to the building would result in the loss of a habitable room window to Flat 10 in No 53. The appellant suggests that a window could be inserted into the north-west side of this block of flats to compensate. However, this side elevation is in very close proximity to the side of No 55 therefore outlook from the new window would be significantly more restricted than the existing situation whereby the window in question looks out to the rear. This would therefore result in a harmful loss of outlook for occupiers of Flat 10.
8. Based on the appellant's parking layout, parking spaces would be moved closer to the front elevations of Nos 53 and 55 where there are ground floor habitable room windows. At present there is space for low level hedging and grass between the parking area and these windows which provides some protection but this would be largely lost as a result of the revised parking layout. Consequently vehicular movements would, as a result of the proposal, be occurring immediately outside of these windows which would result in unacceptable noise and disturbance to the occupiers of these flats.
9. Taking the above points together I find that the proposal would cause harm to the living conditions of occupiers of existing flats at Nos 53 and 55 due to a loss of outlook, and increased noise and disturbance. It would therefore conflict with Policy 6.10 of the Bournemouth District Wide Local Plan (2002) which requires the living conditions of occupiers of buildings in the vicinity of new development to be respected.

Highway safety

10. The Council state that the appeal site already suffers from inadequate parking provision. Be that as it may, the proposed development would provide two additional parking spaces. The Council have not provided me with the parking standards referred to in Policy CS16 of the CS. Nevertheless, in my experience, two parking spaces for a one-bedroom flat would at the very least

provide for any additional parking required as a result of the proposed development, if not overcompensate for it.

11. With this in mind I do not consider that the proposal itself would result in an increase in on-street parking on adjacent roads to the detriment of highway safety and as such I find no conflict in this respect with Policy CS41 of the CS which requires good design.

SPA and SAC

12. The appeal site is within 5km of the Dorset Heathlands SPA and Ramsar site, and the Dorset Heaths SAC. The appellant in his final comments states that a legal agreement has been drafted and signed which would provide mitigation against any harmful impacts from the development on these sites in accordance with an adopted mitigation strategy, but there is nothing before me to this effect. Nevertheless, as I am dismissing for other reasons it is not necessary for me to consider this matter further.

Conclusion

13. I have found no harm to highway safety in adjacent roads as a result of the proposed development. However, I have found harm to the character and appearance of the surrounding area and harm to the living conditions of existing occupiers of the flats. I note the appellant's comments regarding the conduct of the Council at application stage but this is not something that would override the harm I have identified above. The appeal is therefore dismissed.

Hayley Butcher

INSPECTOR