



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: 14th November 2018

Appeal Ref: APP/G1250/W/18/3197954

June Cottage, 6A Warren Edge Road, Bournemouth BH6 4AU

- 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 David Lowman against the decision of Bournemouth Borough Council.
 - The application Ref 7-2017-26201-B, dated 20 November 2017, was refused by notice dated 18 January 2018.
 - The development proposed is the demolition of the existing building and erection of two semi-detached properties.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the development on:
 - (i) The character and appearance of the surrounding area;
 - (ii) The living conditions of occupiers of neighbouring properties having particular regard to matters of privacy, and;
 - (iii) The Dorset Heathlands Special Protection Area (SPA) and Ramsar site, and the Dorset Heaths Special Area of Conservation (SAC).

Reasons

Character and appearance

3. The appeal site is currently an empty plot where a bungalow previously stood. It sits next to 8 Warren Edge Road which is a recent block of town houses that are two storeys immediately adjacent to the appeal site rising to two and a half storeys at the junction of Church Road with Warren Edge Road. On the other side of the appeal site are Silmarillion and The Burrows which are also two storey dwellings.
4. The proposal is to construct a pair of semi-detached properties. These would have accommodation over three storeys, the third storey being located within the roof. To accommodate this there would be two large, second floor front gables with large windows in, which would span the entire width of the building. The same would be true of the rear. Overall this would give the appearance of a three storey development which, whilst being the same height as the adjacent two storey dwellings at 8 Warren Edge Road, would,

nevertheless, appear out of character due to its design. It would also appear out of character with the two storey properties Silmarillion and The Burrows.

5. The appeal site has a planning history which includes permission 7-2016-26201-A for a pair of semi-detached properties. Although taller, this extant permission has a far less bulky roof form which is largely hipped with only one front gable, in which there is no window. Furthermore, the majority of windows are at ground and first floor with only three small dormers in the roof (two of which are to the rear). The visual effect is therefore far less bulky and more akin to a two storey property, and as such it is more in-keeping with the two storey neighbouring properties either side of it.
6. I note that the above extant permission did not have its permitted development rights in respect of single storey rear extensions removed and as such I find no harm in terms of the depth of the proposed development. Nor do I find any reason to conclude that side entrances would be harmful. However, my findings on these matters do not reduce the harm I have outlined above. I accept that the surrounding area to the site is very varied particularly in terms of building heights, and glazed gables are a common feature. However, the appeal site has its own individual context, as set out above, which must be taken into account.
7. I therefore find that the proposal would be harmful to the character and appearance of the surrounding area and as such would conflict with the relevant provisions of Policies CS21 and CS41 of the Bournemouth Local Plan: Core Strategy (2012) (CS) which require new development to be designed to respect its site and surroundings.

Living conditions

8. The appeal site is located in such a way that the rear of the development would look towards the rear gardens of houses in Shires Copse and Church Road. The appeal site also sits at a noticeably higher level than these houses. Consequently the proposal, with its glazed gables, and terraces and balconies at first and second floor, would create high levels of overlooking of these gardens. The fact that the proposed dwellings would have their own gardens does not alter my findings in this respect and whilst I note the inclusion of privacy screens this would only protect the privacy of gardens belonging to the properties either side of the appeal site.
9. The appellant has submitted amended plans at appeal stage which reduce the size of the rear terraces/balconies. However, the appeal process should not be used to evolve a scheme and it is important that what is considered by the Inspector is what was considered by the local planning authority and on which interested people's views were sought. In any event, even if I were to accept these plans, these changes would not go far enough to overcome the harm I have identified above.
10. The appellant refers to a development at 1 Warren Edge Road where it is argued there is a similar level of overlooking. I do not know the full history of this development but there is less of a difference in levels between the site and the neighbouring properties to the rear. This does not, therefore, justify the development before me given the harm I have found.

11. I therefore find harm to the living conditions of occupiers of neighbouring properties in Shires Copse and Church Road by virtue of overlooking. As a result the proposal would conflict with the relevant provisions of Policies CS21 and CS41 of the CS which seek to protect residents' amenities.

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 indicates that a Section 106 agreement will be submitted to provide mitigation against any harmful impacts from the development on these sites in accordance with an adopted mitigation strategy, but there is no such agreement before me. Nevertheless, as I am dismissing for other reasons, it is not necessary for me to consider this matter further.

Conclusion

13. The proposal would result in harm to the character and appearance of the surrounding area, and harm to the living conditions of occupiers of neighbouring properties due to overlooking. I have had regard to all matters raised, including that the site is close to local services and amenities, but these do not overcome the harm that I have found. Furthermore, there is no evidence to suggest that the Council is not able to demonstrate a five year supply of housing land, therefore the tilted balance in paragraph 11d) ii) of the National Planning Policy Framework is not engaged.
14. The appeal is dismissed.

Hayley Butcher

INSPECTOR