
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: 10 December 2018

Appeal Ref: APP/G1250/W/18/3197761

2A & 2B Bradburne Road, Bournemouth, BH2 5ST

- 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 Woldingham Developments Limited against the decision of Bournemouth Borough Council.
 - The application Ref 7-2017-7454-E, dated 30 June 2017, was refused by notice dated 10 October 2017.
 - The development proposed is the demolition of existing dwellings and erection of 16 unit flatted building with associated access and parking.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The replacement National Planning Policy Framework (the Framework) was published on the 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. The Upper, Central and Lower Pleasure Gardens and Coy Pond Gardens are Grade II listed within the Register of Historic Parks and Gardens for their special historic interest, and are a designated heritage asset as defined in the Framework.

Application for Costs

4. An application for costs was made by Woldingham Developments Limited against Bournemouth Borough Council. This application is the subject of a separate Decision.

Main Issues

5. The main issues are *firstly*, the effect of the demolition of the existing dwellings and erection of the flats upon the character and appearance of the surrounding area, having particular regard to the impact of the proposal on the special interest of the Central Gardens and upon nearby trees; *secondly*, the effect upon the living conditions of neighbouring residents, with particular regard to outlook, light, and privacy; *thirdly*, whether adequate vehicle and cycle parking has been proposed; *fourthly*, whether adequate provision is made for mitigation measures with regard to the effect of the proposal on the Dorset

Heathlands; and *fifthly*, whether the proposal makes adequate provision for affordable housing.

Reasons

Character and Appearance

6. Positioned on a steeply sloping hillside within the centre of Bournemouth, the appeal site is part of a residential area close to Central Gardens. The site comprises two detached dwellings with their associated gardens and outbuildings. Like many of the other nearby residential properties, within the gardens of both houses there are a number of mature trees and shrubs.
7. Central Gardens is part of a long, sinuous public park that follows a valley bottom through the town. In the park near to the appeal site there are formal lawns and planting beds, and also both individual and groups of mature trees of a variety of species, both evergreen and deciduous. There are numerous pathways into and throughout the gardens, including paths that border the appeal site. The open linear verdant nature of the pleasure gardens is a distinct feature of the area, and the variety of public uses and buildings within them make the park a physical and community focal point of the town. This and the intact historic nature of this mid-nineteenth century seaside park is part of the special interest of the gardens.
8. Of the two houses that would be demolished, 2B Bradburne Road is a fine example of a Moderne style Art Deco villa designed by a Bournemouth architect. The house retains its distinct cuboid form and many of its original features, and its town centre location is indicative of the nature of the expansion of Bournemouth in the interwar years. Although the Council do not have a local list, for the reasons given this house has a local significance as a non-designated heritage asset.
9. Notwithstanding this significance, the Council have recently granted the demolition of No 2B under the prior approval procedure. The demolition of the house has not occurred, but nevertheless this decision was made after the building was recognised by the Council as being of local significance. Consequently, whilst recognising the value of No 2B and its contribution to the area, irrespective of this the Council have subsequently consented its demolition, and I have considered the appeal on this basis.
10. The removal of the two houses would allow the erection of a large apartment building that would occupy much of the plot. The size of the new building when combined with its six storey height would make the apartments unacceptably intrusive within the surrounding area. When compared to the houses that are nearby, the apartments would appear harmfully large and dominant, particularly when viewed from Central Gardens.
11. The position of such a large and tall building so close to the site boundaries would have an overbearing proximity upon the park and the public footpaths network. The limited opportunities for landscaping provision along with the size of the building would make it appear unacceptably cramped within its plot. The stark setting to the building would be a jarring contrast to the spacious open nature of the park and to the nearby houses with their more generous gardens and mature landscaping. Whilst there are other flatted developments nearby that have small areas of landscaping, unlike the appeal proposal these

developments also have open areas of parking provision, and thereby have a more spacious setting. Given the sylvan nature of the hillside, not only would the size of the building dominate the area and the park, but the small areas of landscaping would form a harsh juxtaposition with the nearby houses and the verdant, open nature of Central Gardens.

12. The building has been carefully designed, incorporating green roofs, an articulated form and the use of a variety of materials. However, the modern contemporary style would be very different to the more traditional forms of the houses nearby. As the flats would be set into the hillside rather than respecting the slope, this when combined with the strong horizontal emphasis of the building would serve to exaggerate its size and dominance.
13. The apartments would not be as tall as the multi-storey car park, the Council offices nor a nearby retirement homes complex. However, the positioning and form of the retirement complex is very different to that of the appeal scheme, whilst the public functional importance of the Council offices within the community is reflected in the imposing location, size and style of this building. Even with its tiered form, the top floor of the apartments would be higher than the nearby villas in Bradburne Road. The interruption of the skyline would be intrusive and eye-catching, and this would make this residential building appear unacceptably prominent within the area, eroding the focal dominance of the park.
14. Furthermore, a distinctive feature of both the park and private gardens is the presence of so many mature trees, several of which are protected. The height and variety of these trees particularly those to the southern edge of the park and upon the hillside make an attractive contrast to the buildings. Consequently, these trees make a positive contribution to the area, including providing an informal sylvan setting to the formal landscaping of Central Gardens.
15. Near to the site entrance is a protected Scots Pine. The bent stem of this tree is indicative of it having grown to its position, and given its height and evergreen form, it contributes to the verdant nature of the area and the setting of the park. Pruning would be required to raise its canopy to allow access to the site, and these works would be in addition to the driveway works that would occur under its canopy within its root protection area. Precise details of the extent of ground works to be undertaken near to the tree remain unclear, but notwithstanding this the combination of the proposed works would have a significant impact on the tree. Based on the evidence before me I cannot be certain that the scheme would preserve the long term health and vitality of the pine and the contribution it makes to the area.
16. Moreover, the scheme would also have an impact on other trees close to the site, including those within the children's play area that have not been included for consideration within the appellant's arboricultural impact assessment. Given the extent of the scheme, including alterations to land levels and the provision of hard surfaces, nearby trees would be significantly affected by the proposed works. Whilst root protection areas have been modified to reflect the topography, in the absence of the actual extent of the roots of all nearby trees, on the basis of the evidence before me it has not been demonstrated that the trees near to the site would not be harmed by the redevelopment.

17. Thus, the scheme would unacceptably harm the character and appearance of the surrounding area, including dominating Central Gardens and thereby eroding their special interest and verdant setting. This would be contrary to Policies CS7, CS21, CS39, and CS41 of the Bournemouth Local Plan: Core Strategy (2012) (CS), Policies 4.25 and 6.10 of the Bournemouth District Wide Local Plan (2002) (LP), Policies D3, D4, and U2 of the Bournemouth Local Plan: Town Centre Action Plan (2013) and the guidance in the Council's Residential Development: A Design Guide (2008) (DG). These policies seek, amongst other things, high quality development that respects the site and its setting, enhances the character and local distinctiveness of an area, and protects, maintains or enhances designated heritage assets and the environmental characteristics of the town centre, including the provision of adequate landscaping, thereby reflecting objectives of the Framework.
18. The Framework requires that where development would lead to harm to the significance of a designated heritage asset, in this case the registered park and gardens, that this harm should be weighed against the public benefits of the proposal. As the scheme would have a localised impact on the setting of the gardens, the harm would be less than substantial. The provision of additional dwellings of a variety of sizes close to the town centre, along with the economic benefits arising from the construction of the scheme, would be public benefits. However, these benefits would be limited and would not outweigh the substantial harm I have found to the park.

Living Conditions

19. 4 Bradburne Road is a semi-detached house to the west of the appeal site that has been converted into flats. There are a number of windows within the flank wall of No 4, some of which are secondary windows. However, all these windows would have an outlook that would be directly onto the proposed apartment building. The apartments would be tiered and although the appellant has pointed out that close buildings are a prevailing pattern in the area, in this instance the outlook for the occupiers of No 4, including that of the top floor flat, would be overwhelmingly dominated by the intrusive proximity of a very large and tall building.
20. Local residents have also raised concerns with regard to the loss of privacy and light. The rear elevation of the new building would be mostly for servicing purposes, with windows being obscure glazed. As such the privacy of nearby residents would be maintained. However, given the height, positioning and proximity of the apartments there would be an unacceptable loss of light to the windows within the flank wall of No 4. Even with the tiered nature of the building, it would be so tall and close that there would be an unacceptable loss of light and harmful level of shading to the residents of No 4.
21. Consequently, the occupiers of 4 Bradburne Road would experience unacceptable living conditions with regard to outlook and light. This would be contrary to CS Policy CS41, LP Policy 6.10 and the guidance in the DG. Like objectives of the Framework these policies seek, amongst other things, high quality development that respects and enhances the living conditions of existing and future occupiers.

Parking

22. CS Policies CS16, CS18, and CS41 require amongst other things, well designed development that increases opportunities for cycling and walking, with parking provision in accordance with parking standards specified in the Council's Parking Supplementary Planning Document (2014) (PSPD). The scheme would provide more car parking spaces than required by the PSPD, and although not allocated to individual flats, as suggested by the Council this could be achieved through condition.
23. The parking spaces would meet the PSPD's size requirements, although some would be very close to walls and supporting pillars. However, there are more spaces within the scheme than required by the Council's standards, thereby providing some flexibility of use. Future occupiers would also benefit from the proximity of a number of nearby services, facilities and employment opportunities, all of which would reduce the reliance upon the private car. Taken as a whole, each flat would have a parking space, and consequently, the level of provision and layout would not have a significant impact upon highway safety in the area.
24. Cycle parking would be provided within the ground floor of the building, and this would be secure, particularly as each flat would have an individual store room. However, access to some of the stores would be via long and narrow passageways that would be used by a number of other people. Given the shared use of the ground floor, the narrow width of the corridors would create the potential for conflict. When combined with the length of the passageways this would not provide easy to use, convenient and safe cycle storage arrangements, and such difficulties would not encourage the use of sustainable methods of transport.
25. Thus, the proposed vehicle parking arrangements would be acceptable, but the cycle parking would be constrained and inconvenient to use. As such the cycle parking would conflict with the requirements of the Framework and CS Policies CS16 and CS18, as supported by the PSPD, and also those of CS Policy CS41. These policies seek amongst other things well-designed and high quality development and the promotion of sustainable transport modes.

Heathlands

26. The site is within 5km of the Dorset Heathlands and the national and international importance of these areas is reflected in their designation as a Special Protection Area, Special Area of Conservation, Ramsar site, and Site of Special Scientific Interest. CS Policy CS33 seeks the protection of the special interest and integrity of the heathlands, with further guidance provided in the Dorset Heathlands Planning Framework Supplementary Planning Document (2016) (SPD). These policies and the SPD require the protection of the integrity of the heathlands through the provision of avoidance and mitigation measures that seek to address the increased recreational pressure occurring from future residents. The Council have justified the contribution sought, and it would be related directly to the development and fairly related in scale and kind, thereby meeting the requirements of Community Infrastructure Levy Regulations 2010 (as amended) and those of the Framework.
27. The appellant has stated a willingness to enter into a legal agreement to secure mitigation and avoidance measures, and a copy has been submitted to the

Council for consideration. Despite this, no completed, signed and dated agreement has been provided for the appeal. In the absence of a means of securing such measures the impact of the proposal on the internationally important heathlands would not be adequately mitigated nor would their integrity be protected. The scheme would therefore have an adverse impact on the heathlands, and this would be contrary to the objectives of the CS Policies referred to above, the SPD, and also to those of the Framework that seek to conserve and enhance the natural environment.

Affordable Housing

28. The Council's Affordable Housing Development Plan Document (2011) (DPD) requires residential development to contribute towards meeting the Borough's target of 40% affordable housing provision. The provision of affordable housing would be a benefit of the scheme and would meet a need identified by the Council. The appellant has agreed to the provision of the contribution, but no completed legal agreement to secure the affordable housing has been provided for the appeal. In the absence of such provision, the scheme would fail to comply with the requirements of DPD, nor meet an objective of the Framework to boost the supply and variety of homes.

Other Matters

29. The Council have raised issue as regard the refuse servicing for the future dwellings, and local residents have a number of other concerns, including increased pressure on services and traffic congestion. However, following my findings on the main issues, I have no need to consider these matters further.
30. Finally, the appellant's concerns regarding the Council's handling of the application and pre-application, are procedural matters. Such matters fall to be pursued by other means separate from the appeal process and are not for me to consider.

Conclusion

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

J J Evans

INSPECTOR