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## Appeal Decision

Site visit made on 12 November 2018

**by M Bale BA (Hons) MA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 11<sup>th</sup> December 2018**

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**Appeal Ref: APP/G1250/W/18/3203472**

**36 & 36A Southbourne Road, Bournemouth BH6 5AD**

- 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 Libra Homes Limited against the decision of Bournemouth Borough Council.
  - The application Ref 7-2018-10487-D, dated 22 January 2018, was refused by notice dated 30 April 2018.
  - The development proposed is demolish existing building and erect 4 no 1 bed and 6 no 2 bed flats with parking.
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### Decision

1. The appeal is dismissed.

### Preliminary matter

2. The Councils reason for refusal included that a lack of mitigation in respect of European nature conservation sites<sup>1</sup> would cause the development to have an adverse effect on the integrity of those sites. A Unilateral Undertaking has been submitted by the appellant to make a contribution towards Strategic Access Management and Monitoring (SAMM). The Council has, therefore, accepted in its appeal statement that there would no longer be an adverse effect.

### Main Issues

3. In light of the above, the main issues are (i) the effect of the development on the character and appearance of the area; and (ii) the effect on the living conditions of adjoining neighbouring properties with regard to noise, disturbance, light and outlook; and the effect on the living conditions of future occupiers with regard to disturbance to flat 1 and the availability of outside space.

### Reasons

#### *Character and appearance*

4. The site is a corner plot at the junction of Southbourne Road and Sunnyhill Road. Sunnyhill Road is characterised by semi-detached and detached houses of similar design on relatively regular plots, giving a strong rhythm to the buildings and a unified, cohesive appearance. This character extends into the part of Southbourne Road around the appeal site.

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<sup>1</sup> The Dorset Heathlands Special Protection Area, Ramsar Site and Dorset Heaths Special Area of Conservation.

5. In this context, the appeal site is currently something of an anomaly. The single building containing Nos. 36 and 36A is of markedly different design and is close to the boundary to No. 34 Southbourne Road, leaving the remainder of the site open. The proposal exploits the opportunity to create a stronger frontage to the two roads by locating the built form closer to the road boundaries whilst retaining the tree at the front corner of the site. Considering the proposal as a whole, the enlarged gap to No. 34 would not significantly erode the continuity of the built form. Nor would the slight projection forward of the neighbouring properties, in itself, harm the character and appearance of the area as the siting of the existing building does not match those around it.
6. However, whilst the height to the eaves and main ridge of the proposed building would match that at No. 34 and would step down towards the lower No.4 Sunnyhill Road, it would be a significantly bulkier building than those others that define the character and appearance of this area. Whether or not dormer windows are considered to be appropriate in this location, the expressed gables, whilst drawing on features found on a number of nearby properties, would be higher and wider than most others due to the inclusion of upper floor rooms within them. As such, they would appear as dominant features.
7. The bulk of the building would be particularly apparent on Sunnyhill Road where the elevation which, whilst stepped, would be a long mass of building. The appellant contends that the articulation is akin to a terrace of smaller dwellings, but the lack of entrance doors and arrangement of roof sections does not readily portray this. In any case, terraces are not a characteristic feature of the area and the building would not reflect the scale and design of the surrounding buildings. As such, it would appear incongruous and harm the character and appearance of the area.
8. It may be that a corner site can be capable of accommodating a feature building of greater scale than those surrounding it and in a design that is not an exact match to its neighbours. I also saw examples of other bulky flatted developments in the vicinity of the site. However, given the harm that I have identified in terms of bulk and scale, this proposal would not strike the appropriate balance between any opportunities presented by the site's location and respect for the surrounding context.
9. In terms of this main issue, the extent of soft landscaped areas to the front of the building are appropriate and commensurate with the size of the building proposed and its location in the urban environment. However, this is a neutral factor and does not lead me away from my earlier findings.
10. Overall, the proposal would harm the character and appearance of the area. As such, it would conflict with those aims of policies CS6, CS21 and CS41 of the Bournemouth Local Plan: Core Strategy 2012 (CS) that seek to reinforce local identity, contribute positively to the character and function of the neighbourhoods and quality of the street scene, by respecting the site and its surroundings. It would also conflict with aspects of the Council's Residential Development: A Design Guide 2008 (DG) which, despite pre-dating the local plan supports an objective assessment of the aims of those CS policies. Furthermore, there would be conflict with those parts of the National Planning Policy Framework (the Framework) which indicate that new development

should be sympathetic to the surrounding built environment and seek to enhance the quality of the area.

### *Living conditions*

11. The proposal would allow a greater separation of development on the site from No. 34 Southbourne Road. I also note that windows would be further away from the neighbouring properties than in the existing dwellings in an attempt to improve privacy.
12. However, it is proposed to construct a side elevation wall alongside No. 4 Sunnyhill Road at a higher level to this neighbour. Whilst this side by side relationship is common in urban areas, No. 4 has a side elevation window facing directly towards this proposed wall at close range. Whether or not this is one of two windows serving the same internal room, the proximity of the proposed wall would have a significant adverse effect on the outlook from and light entering this part of No. 4, detrimental to the living conditions of its occupiers.
13. The proposed parking area would bring a significant amount of additional activity into the area alongside neighbouring gardens. There is no particular evidence that there would be a significant transfer of vehicle fumes to neighbouring properties, but the arrangement would generate noise from manoeuvring. Whilst a fence could be erected along the boundaries, there is no substantive evidence that this would provide a sufficient acoustic buffer to avoid an adverse effect on the living conditions of the neighbouring residents.
14. Future residents of the building would also be subject to potential disturbance from activity in the car park, especially flat 1. However, that flat would be part of the development and most of the affected accommodation would be the hallway to the flat. Future occupiers would be aware of the situation before choosing to move in, I so considering this in the round, I attach any potential harm in this regard limited weight.
15. Turning to the amount of available outside space, I note that the external areas given over to parking are located to the front of the building. This may reduce the desirability of the external spaces for use by future residents. However, if planting were proposed along the lines indicated on the site plan, this would give a degree of privacy to the shared space and it is wide enough to be of some use. Whilst the DG indicates that family sized accommodation should provide private garden space, I find that in this case, adequate space would exist, given the nature of the proposed accommodation.
16. With regard to the above, I find that adequate living conditions would be provided for the future residents of the site. However, there would be harm to the living conditions of exiting neighbouring residents. In this regard, the proposal conflicts with those aims of CS Policies CS6, CS21 and CS41 that seek to ensure respect for the amenities of residents.

### **Other matters**

17. The proposal would make a contribution to housing supply, be of a development type that is required in the area, and be in a location that may well have good accessibility to shops, services and public transport infrastructure. However, whilst through CS Policies CS21 and CS22, the development plan seeks urban intensification as a significant component of

meeting housing needs, and the contribution from this may need to increase further in the future, these policies and those of the Framework considered as a whole, also seek to protect the character and appearance of the area. It has not been suggested that the Council cannot currently demonstrate a 5 year supply of deliverable housing land or that the most relevant policies of the development plan are out of date for any other reason. Therefore, in this context, this matter is of limited weight.

18. I note that the site is within the emerging Boscombe and Pokesdown Neighbourhood Plan area. However, given the early stage of preparation of the Plan, the main parties agree that its policies are of limited weight in the consideration of this appeal. Its policies would not, therefore, lead me away from my findings on the main issues.
19. There may be a number of other planning policies that the development would accord with. I also note that there was some support for the proposal. However, these do not outweigh the harm and policy conflicts that I have identified in respect of the main issues. As such, I find that the proposal conflicts with the development plan and the Framework when considered as a whole.
20. It is common ground between the Council and appellant that, without mitigation, the development could lead to significant adverse effects on various European nature conservation sites. If I were allowing the appeal then an Appropriate Assessment would be required in order to decide whether the proposed SAMM contribution was sufficient to mitigate the potential harm. However, as I am dismissing the appeal, then the potential impacts will not arise.

### **Conclusion**

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

*M Bale*

INSPECTOR