
Appeal Decision

Site visit made on 20 November 2018

by J Wilson BA BTP MRTPI DMS

Inspector appointed by the Secretary of State

Decision date: 14th December 2018

Appeal Ref: APP/G1250/W/18/3203757
15 Kingswell Road, Bournemouth BH10 5DF

- 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 Merley Design & Construction Limited against the decision of Bournemouth Borough Council.
 - The application Ref 7-2017-3029-G, dated 31 October 2017, was refused by notice dated 23 February 2018.
 - The development proposed is erection of a detached dwelling house and 2 no. bungalows with formation of vehicular access and parking spaces (revised scheme).
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Decision

1. The appeal is dismissed.

Preliminary matters

2. An application for costs was made by Merley Design & Construction Limited against Bournemouth Borough Council. This application is the subject of a separate Decision.
3. The revised version of the National Planning Policy Framework (the Framework) was published on 24 July 2018. Parties were able to comment on any changes associated with this revised version in respect of this appeal and I have taken the responses received into account in reaching my decision.

Main Issues

4. The main issues are the effect of the development on:
 - the character and appearance of the area;
 - the living conditions of the future occupiers of the development and on the adjacent occupiers
 - the effect of the development on the Dorset Heathlands Special Protection Area (SPA)

Reasons

Character and appearance

5. The site is located in a predominantly residential area characterised by frontage two storey development. To the rear of the site bungalows form part of a larger group of dwellings arranged in a courtyard style. Nonetheless, albeit against a positive officer recommendation, the Council refused permission due to the

impact of the dwellings on the surrounding area, specifically in relation to layout, scale, siting and the living conditions of occupiers of existing dwellings and the proposed units.

6. There have been other infill developments locally. Most notably that which fronts Kingswell Close (No 1A). It would also be in close proximity with frontage development on Kingswell Road where No 21 has a particularly close relationship with properties either side. Number 17 would represent an infill plot between two dwellings however this together with the shared access would represent a congested and cramped arrangement. The development of additional dwellings at the rear of the site which currently functions as domestic garden would result in the new dwellings appearing hemmed in. They would have relatively poor relationship to any other dwellings and with poor levels of amenity space. In the case of 17A, it would be particularly close to the side boundary. In this context the extent of development would be out of keeping and unsympathetic to the character and appearance of the area and thereby harmful to that character.
7. The appeal site frontage would be dominated by parking spaces and a wider than usual access way in order to facilitate manoeuvring into the parking spaces which are arranged parallel to the road. The arrangement would do little to soften the impact of the development at the front part of the site or to the centre which would also be dominated by hard surfacing. The development would, in my view, fail to provide a high standard of design nor would it complement the established character of the area.
8. I note that the appellants highlight that changes have been made since the previous refusal in order to address identified concerns. In contrast the Council argue that the changes made are relatively small. The Framework places emphasis on design as does the Development Plan through Policies CS6, CS22 and CS41 and supplemented by the Councils' design guidance.
9. The appellants emphasise the importance of replacing poor design with better design, improving housing conditions and widening the choice of high quality homes they also contend that the potential of a site should be optimised. The Framework, advocates that decisions should not attempt to impose architectural styles or particular tastes nor stifle innovation, originality or initiative; however it also states that it is proper to seek to promote and reinforce local character and distinctiveness which would not be the case here. In any event the proposal does not replace development and in that regard would not replace poor design.
10. Taking all of the above into account the development would conflict with Policies CS6, CS22 and CS41 of the Bournemouth Plan Core Strategy (2012) (Core Strategy) and to Saved Policy 6.8 of the Bournemouth District Wide Local Plan (2002) (Local Plan) and to the adopted Residential Development - a design guide (2008) (RDG) and the Framework. These policies and guidance amongst other things, seek to apply good design principles in order to secure a good standard of amenity; ensure that the scale bulk and massing of the buildings integrate with the character of the area and consider the amenities of future occupiers in the design.

Living conditions

11. The layout would place a communal access directly up to the side elevation of an existing dwelling and the side elevation of a proposed dwelling with a gap just over three metres. This would be constrained for a shared driveway serving three if not all four properties and would result in a poor arrangement with adjoining dwellings. This proximity would result in an unacceptably close relationship. Even with the proposal to block up the existing door and soundproof the windows on the side elevation, it would be likely to cause harm to the living conditions of the occupants of No 19 and to the future occupants of the new dwelling due to the effect of the pedestrian and vehicular movements.
12. The proposed unit adjacent to No 15 details a first floor window in the side elevation which would look directly onto the side elevation of No 15 which also has a first floor window. Whilst I do not agree with the Council that there would be potential for overlooking to the garden area as the angle would be oblique, I do consider that the proximity of the two windows directly facing one another across the width of the driveway would be harmful to the living conditions of the occupiers due to overlooking or through the perception of it.
13. The position size and location of the bin store immediately adjacent to the principal entrance to No 17 would represent a poorly detailed arrangement given the position and potential conflict with the front door. The proximity to the access has the potential to interfere with the safe use of the vehicular access and in that regard also represents poor design.
14. The distance of the proposed bungalows to No's 8 and 10 Hendford Gardens would be around 12 metres though the timber existing boundary treatment would ensure that there would be no overlooking. While the proposal would not give rise to an unacceptable loss of outlook or overbearing effect the cumulative impact of the systematic loss of garden space in an area which is free from buildings would have inexorable and harmful impact on the overall character and appearance of the area. This impact would not be sufficiently offset by the limited tree planting proposed in the scheme.
15. For these reasons the development would conflict with Policies CS6, CS22 and CS41 of the Core Strategy and to Saved Policy 6.8 of the Local Plan; to the RDG and to the Framework. These policies and guidance amongst other things, seek to apply good design principles in order to secure a high standard of amenity; consider the amenities of future occupiers in the design and provide a pleasant residential environment.

Special Protection Area

16. The site lies within 5 km of the Dorset Heathlands where additional residential development will have, in combination, a significant adverse impact on the integrity of the sites. The Councils Supplementary Planning Document "The Dorset Heathlands Planning Framework 2015 - 2020" provides a mechanism of providing mitigation through a range of measures; this is reflected in Policy CS33 of the Core Strategy.
17. I do not have a completed Unilateral Planning Obligation to secure a contribution towards the Dorset Heathlands Mitigation Strategic Access Management and Monitoring before me; though a draft obligation has been

submitted. Even if I had a completed agreement before me to secure appropriate mitigation it would not outweigh the harm which I have identified in relation to the main issues.

Other Matters

18. I have noted that the drainage and parking arrangements which have been raised in representations are not a matter of dispute with the Council.
19. The appellants highlight the development plan policy support for small dwellings however the Councils' design guide makes clear that making the most efficient use of land does not mean maximising the capacity on all sites. A design led approach to the amount of development proposed should be taken which I do not consider to have been the case in this proposal for the reasons already stated.
20. Attention is drawn to a development of bungalows on land severed from gardens of properties in Kingswell Road however I saw on my visit that this particular development resulted from a larger area of land than the appeal site with a formal road access and is thus not comparable to the appeal before me.
21. The appellants' highlight that the application was submitted to overcome previously identified issues and although they describe those changes as subtle they suggest that they now comply with adopted planning policies. Moreover the scheme secured the support of the Head of Planning in a recommendation for approval. They argue that the overturned decision is without evidence and the Councils' reasons lack clarity. However the planning process is such that it is the decision of the Council and not the officer recommendation that the appeal must address. In any event I have found, for the reasons already given, that the proposal does not accord with adopted development plan policy.

Conclusion

22. Good design is a key aspect of sustainable development and permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area. In this case I have concluded that the proposed development would be unsympathetic to local character resulting in harm. Consequently for the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Janet Wilson

INSPECTOR