
Appeal Decision

Site visit made on 10 December 2018

by J Ayres BA Hons, Solicitor

an Inspector appointed by the Secretary of State

Decision date: 17 January 2019

Appeal Ref: APP/G1250/W/18/3211202

Hectors House, 676-680 Wimborne Road, Bournemouth BH9 2EG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by ASN Capital Investments Ltd against the decision of Bournemouth Borough Council.
 - The application Ref 7-2018-1919-BR, dated 27 April 2018, was refused by notice dated 31 July 2018.
 - The development proposed is outline submission for the erection of a 3 storey block of student accommodation (21 self-contained units) with bin and cycle stores.
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Decision

1. The appeal is allowed and planning permission is granted for outline submission for the erection of a 3 storey block of student accommodation (21 self-contained units) with bin and cycle stores at Hectors House, 676-680 Wimborne Road, Bournemouth BH9 2EG in accordance with the terms of the application, Ref 7-2018-1919-BR, dated 27 April 2018, subject to the conditions in the attached schedule.

Preliminary Matters

2. I have used the description as set out in the council's decision notice as it accurately reflects the proposal.
3. The application was made in outline with access, appearance, layout and scale to be considered at this stage.

Main Issues

4. The main issues are the effect of the proposal on (i) the living conditions of nearby occupiers with particular regard to privacy and whether the proposal would result in an overbearing form of development, and (ii) the character and appearance of the area.

Reasons

5. Planning permission has previously been granted on the site for 15 units of student accommodation within a two storey building. The previous proposal involved a development of a similar character and appearance to the scheme before me, the main differences are that the proposal before me would provide an additional storey, and would be set slightly further away from the boundary with Lampton Gardens. The appellant has indicated that the consented scheme

would be pursued in the absence of an alternative permission and there is a reasonable prospect of the permitted scheme being implemented. Therefore, in considering the effects of the current scheme on the living conditions of nearby occupiers, and character and appearance, I have had regard to the fallback position.

Living conditions

6. The majority of windows serving the proposal would be located in the elevation facing towards Lampton Gardens. Whilst the windows would serve bedrooms, given the use of the site for student accommodation it is likely that the bedrooms would be used more intensely than a bedroom in a general residential dwelling. However there would also be significant periods of time when the rooms were vacant due to lectures etc. The council's Residential Development 'A Design Guide 2008' (the SPD) requires a minimum back to back distance of 21 metres between parallel two-storey buildings, and 25 metres between parallel three storey buildings. The SPD does not directly address the circumstances before me, as it is the front elevation of the proposal that would look towards the rear elevations of the houses along Lampton Gardens and the built form of the proposal would not be parallel to those dwellings along Lampton Gardens. However, the SPD provides a reasonable indication of acceptable distances and I have taken it into account.
7. The westernmost element of the proposed building would be angled away from the boundary with the properties in Lampton Garden. At first floor a window to window separation distance of approximately 22.5 metres would be provided which would be sufficiently distant to prevent harm through overlooking of the houses. At second floor a distance of some 23.5 metres would be provided window to window. Whilst the second floor would not strictly comply with the Council's SPD, I consider that this discrepancy is minimal, and taking into account the orientation of the built form the distance would be sufficient to avoid a harmful level of overlooking.
8. The rooms at first floor in the easternmost section of the proposal would have separation distances of some 20 metres from the houses along Lampton Gardens. The second floor would be set back from the front elevation and would be some 20 metres from the houses along Lampton Road. On the basis of the SPD these distances would not comply with the guidelines and there would be the potential for overlooking. However, the proposal would include oriel windows on the windows at first and second floor located in the easternmost section. The oriel windows would provide an outlook across the amenity space on the appeal site, via east facing glazing, and provided these elements of the design were secured and retained the proposal would not result in a level of overlooking towards the properties of Lampton Gardens that would result in a harmful loss of privacy. Additional glazing would be provided at the top of the oriels in order to provide adequate levels of light to the bedrooms, the orientation of these windows would be such that the windows would not provide views over neighbouring properties.
9. When assessing a 25-degree line from the middle of the ground floor adjacent property; approximately 1.6 metres above ground level, the building as a whole falls below the line. The overall height of the building would be largely consistent with the ridge height of the properties along Lampton Gardens, with the top floor set back from the front elevation, and the overall height lower

than the built mass of Hectors House. Accordingly, when considered in its entirety the proposal would sit comfortably against the mass of Hector House and would be a sufficient distance away to ensure that it would not be overbearing to residents of the properties along Lampton Gardens or result in a loss of light or overshadowing.

10. The proposal would be in excess of 30 metres from the garden of 684A Wimborne Road, and would be sited beyond the intervening built form which exists on the site. This distance and existing relationship would mean that the proposal would not have a harmful impact on the occupiers of that property in respect of sunlight, daylight, or loss of privacy.
11. I find that the proposal would not have a harmful impact on neighbouring occupiers with regards to overlooking or privacy. Furthermore it would not result in an overbearing form of development. It would therefore comply with Policy 5.35 of the Bournemouth District Wide Local Plan (2002) in respect of ensuring that student accommodation would not adversely affect the amenities of adjoining users. The proposal would also comply with Policy CS41 of the Bournemouth Local Plan: Core Strategy (2012) which seeks to ensure that development preserves the amenity of existing residents and future occupiers. Despite the slight discrepancy with regards to distances, I find that the proposal would comply with the overall aim of the SPD with regards to providing adequate distances between developments.

Character and appearance

12. The appeal site is largely enclosed on all sides by existing built form comprising a mix of commercial and residential uses. The proposal would be lower than the prominent Hectors House building fronting onto Wimborne Road, and would sit behind the YMCA building which fronts onto Jameson Road. The YMCA building is a commercial style building with a mixture of forms including a two storey flat roof element and pitched roofs to the rear. Some limited views of the proposal would be possible from the public realm, predominantly along the private footway access which serves the appeal site, the driveway access down the side of GRS Garage, and the proposal would be visible from the rear of adjoining properties. However, wider views would be significantly broken up by the existing surrounding development. The development would be experienced in the context of the existing large buildings along Wimborne Road and at this point of Jameson Road, and therefore the proposal would not appear overly dominant in terms of scale and mass.
13. At present the appeal site is laid out as hardstanding and although the introduction of built form would change the nature of the site, the wider area consists of a range of commercial and residential developments. Winton is a large suburban area and a long established thorough-fare linking Bournemouth to Wimborne that has developed and evolved over a significant period of time. Taking into account the variation in built form within the area and the existing commercial style developments that dominate Wimborne Road the proposal would not appear out of place when read against the existing development and it would sit comfortably within the pattern of development.
14. Accordingly the proposal would comply with Policy 5.35 of the Bournemouth District Wide Local Plan (2002) with regards to ensuring that development for student accommodation would not adversely affect the character of the area. It would also comply with Policy CS41 of the Bournemouth Local Plan: Core

Strategy (2012) which seeks to ensure that development is of an appropriate scale which respects its surrounding context.

Other matters

15. Concerns have been raised regarding the impact of the proposal on highway safety due to increased use of the access, parking, refuse collection, noise related anti-social behaviour. Further issues have been raised regarding the standard of the accommodation, and the impact of construction vehicles and materials.
16. From my observations, and noting that the highway authority did not object, I am satisfied that the proposed development would not impinge upon the access to the adjoining garage in a way that would unacceptably limit its operations. Whilst it may be necessary to use the access during construction this would be for a temporary period only. The use of the pedestrian access would remain a functional access, it is closer to Wimborne Road than the vehicular access, and I have very limited evidence to suggest that it is not used at present such as to lead me to conclude that it would not be used in relation to the development. The proposal is in a sustainable location with good transport links and I am satisfied that the proposal would not lead to a demand for parking such to warrant a refusal of the scheme. Spaces would be provided to accommodate students moving into and out of the accommodation, this would be the subject of a precise strategy which is already used in respect of the existing accommodation and could therefore be applied to the proposal. Refuse would be stored in a purpose built storage unit, and would operate in a manner similar to existing, the details of which could be secured by way of condition.
17. I have limited evidence to suggest that the existing use of Hectors House has resulted in noise related anti-social behaviour. The evidence suggests that a manager is on site and concerns relating to anti-social behaviour should be dealt with by the site manager in the first instance, such approach could be secured by way of condition. Whilst the council may be advocating the development of student accommodation elsewhere within Bournemouth, each application must be assessed on its own merits, and the proposal would provide a good level of accommodation in an accessible location.

Conclusion and conditions

18. The proposal would comply with the development plan as a whole, and there are no material considerations that lead me to conclude a decision should be made other than in accordance with the development plan.
19. The Council suggested a number of conditions that I have considered in accordance with the Planning Practice Guidance (PPG) and National Planning Policy Framework (the Framework). I have amended some of them for clarity.
20. I have specified the plans for certainty. Conditions relating to construction hours, materials, on site staffing arrangements and refuse provision are necessary in the interest of the amenity of residents. Conditions relating to parking and turning provisions, management of parking, cycle storage, and landscaping are necessary in the interest of protecting the character of the area and highway safety.

21. For the reasons above, and taking into account all other matters raised, I conclude that the appeal should succeed.

J Ayres

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) Details of the landscaping, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
- 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plans: 8355/600, 8355/601, 8355/602, 8355/603, 8355/604.
- 5) Details/samples of the materials to be used on the external surfaces of the proposed development shall be submitted to and approved in writing by the Local Planning Authority within 1 month of commencement of development. Development shall be carried out in accordance with the approved details.
- 6) All on-site working, including demolition and deliveries to and from the site, associated with the implementation of this planning permission shall only be carried out between the hours of 8 a.m. and 6 p.m. Monday - Friday, 8 a.m. and 1 p.m. Saturday and not at all on Sunday, Public and Bank Holidays unless otherwise agreed in writing with the Local Planning Authority.
- 7) Within 3 months of the date of commencement of the development, unless otherwise agreed in writing by the Local Planning Authority, details of the specification (a typical cross section of the surfacing is required) of areas for parking and turning shown on the approved plan shall be submitted to the Local Planning Authority for approval in writing. These areas shall be constructed and surfaced in accordance with the approved details and permanently retained and kept available for the manager of the site office and students drop off/pick up of the development hereby permitted at all times.
- 8) Prior to the first occupation of the development a detailed Parking Management Plan (PMP) shall be prepared and submitted for written approval of the Local Planning Authority in conjunction with the Local Highway Authority. The plan shall include: details of the measures required to ensure that there is adequate control of the car parking spaces for dropping off and picking up, i.e. a permit system, the time slots and number of days that are to be provided to ensure that all the students have the required access to a space for picking up/dropping off their belongings. Outside of these times, the PMP should include details of

operational times on both weekdays and weekends for site manager use. The approved Parking Management Plan shall be implemented and complied with by the Applicant, or its successor, upon occupation of the development and the Parking Management Plan shall be permanently retained thereafter.

- 9) The development hereby permitted shall not be occupied until a Refuse Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include: details of the management company to be set up; the employment of a private contractor to collect the refuse; measures to be taken if no private contractor is available at any time in the future (such as the employment of a person or persons to ensure bins are wheeled to the collection point); and that bins will not be stored in the open or at the collection point apart from on the day of collection. The refuse management plan shall be carried out in accordance with the approved details.
- 10) The bin stores hereby approved shall be provided in accordance with the approved details prior to the occupation of the proposed development and shall be retained and maintained for that use thereafter.
- 11) Cycle storage for the proposed 21 units will be accommodated within the existing cycle store on site. The Appellant shall have keys made available to all residents of the development. All cycle stands shall thereafter be retained, maintained, and be kept available for the residents of the development.
- 12) Within 3 months of the date of commencement of the development, unless otherwise agreed in writing by the Local Planning Authority, full details of soft landscape proposals shall be submitted to and approved in writing by the Local Planning Authority. The details should include where appropriate: Planting plans; Schedule of plants; Implementation timetable; and schedule of maintenance for a period of 5 years. The approved soft landscape scheme shall be implemented in full prior to occupation or use of the development commencing and thereafter permanently retained.
- 13) Within three months from the date of commencement of development, a noise management plan undertaken by a suitably qualified person, shall be submitted to and the written approval obtained of the Local Planning Authority and remain in place for the duration that the land is in use as student accommodation. The plan should include details of the tenancy agreements in relation to noise and behaviour of the residents of the development, on site staffing arrangements and the procedures for dealing with noise complaints.

END OF SCHEDULE