
Appeal Decision

Site visit made on 4 January 2019

by Benjamin Webb BA(Hons) MA MA MSc PGDip(UD) MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 4th February 2019

Appeal Ref: APP/G1250/W/18/3208234

583 Charminster Road, Bournemouth BH8 9RQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 3, Class M of The Town & Country Planning (General Permitted Development) Order 2015 (as amended).
 - The appeal is made by Mr B Watts against the decision of Bournemouth Borough Council.
 - The application Ref 7-2017-5735-E, dated 8 December 2017, was refused by notice dated 31 January 2018.
 - The development proposed is change of use of a building from Retail Use (Use Class A1) to a use falling within Use Class C3 (Dwellinghouse) under Schedule 2, Part 3, Class M (retail and specified sui generis uses to dwellinghouses) of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The current appeal relates to the ground floor retail unit at 583 Charminster Road. Other parts of the property are already in residential use.
3. The description of the development above has been taken from the appellant's appeal form, as no description is given on the application form.
4. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), (the GPDO) under Article 3(1) and Schedule 2, Part 3, Class M, Part M.2(1) require the local planning authority to assess the development proposed solely on the basis of impacts which include: the adequate provision of services of the sort that may be provided by a building falling within Class A1 (shops) or, as the case may be, Class A2 (financial and professional services) of that Schedule, but only where there is a reasonable prospect of the building being used to provide such services; and, the impact on the design or external appearance of the building. As these were the only matters listed within Part M.2(1) found to be objectionable by the Council, my determination of the appeal has been made on the same basis.

Main Issues

5. The main issues are the impact of the development on:
 - the provision of services; and,

- the design or external appearance of the building.

Reasons

The provision of services

6. The ground floor retail unit at 583 Charminster Road is located at the end of a 'shopping' parade containing 4 units in total, with flats above. A second, matching parade is located on the opposite side of Claremont Road immediately adjacent. The 8 units together support a mix of Class A uses. At the time of my site visit all but one of the units appeared to be occupied.
7. The Bournemouth, Christchurch and East Dorset Joint Retail and Leisure Study 2017 (the retail study) notes that Bournemouth has a network of parades which offer a balanced distribution of facilities serving local communities and complementing the main centres. Travelling around the area I noted that parades are indeed common features, where they clearly function as local service hubs within residential areas. The pair of parades of which the unit at No 583 forms part also appears to serve this important function.
8. Though the appellant claims that reference to the retail study is at odds with the instruction in Schedule 2, Part 3, Section W, Part 10(b) of the GPDO to have regard to the National Planning Policy Framework (the Framework), this does not preclude consideration of evidence such as that within the retail study, insofar as it is relevant to the matters specified in the GPDO.
9. The appellant accepts that there is a reasonable prospect of the retail unit at No 583 being used to provide services falling within Classes A1 or A2. I agree. The appellant nonetheless indicates that following the conversion, services would continue to be offered by the other 7 units within the 2 parades. However these units currently support a mix of services, and I see no reason why use of the unit in question could not continue to complement this mix. Loss of the unit would on the other hand reduce the potential range and number of services available to local residents. Reference is also made to the alternative availability of services at Castlepoint. However this is a major retail development including 2 large supermarkets. It does not therefore support the same type or scale of services. Finally reference is made to services at Charminster 'local centre'. However I agree with the Council that this would not be as easily accessible as the existing parade to many local residents, and that notwithstanding the existence of bus routes, the additional distance would be sufficient to encourage journeys by car.
10. Having regard to paragraph 92(a) of the Framework, the loss of the unit would be inconsistent with the objective of planning positively for the provision of community facilities, and, for the reasons given above, it would harm rather than enhance the sustainability of the local community. In the absence of any necessity for loss of the unit, the development would furthermore be inconsistent with advice in paragraph 92(c) of the Framework to guard against unnecessary loss, again reducing the local community's ability to meet its day-to-day needs.
11. For the reasons set out above I conclude that the development would have an unacceptably adverse impact on the adequate provision of services.

Design or external appearance

12. The proposed design would retain the appearance of a shop front. This would complement the frontages of other units. It is apparent that the appearance of the frontage could nonetheless differ given the need to provide privacy to occupants. However as I note that window blinds and similar are sometimes a feature of units in uses falling within Class A2, the appearance would not necessarily be domestic in character and therefore at odds with other units in the parade.
13. Whilst the Council asserts that the design should reflect that of a residential dwelling, on the above basis this would be less complementary to the other units, and thus the external appearance of the building more generally, than the design proposed.
14. For the reasons set out above I conclude that the development would not have an adverse impact on the design or external appearance of the building.

Other Matters

15. The Council states that the site lies within 5km of the Dorset Heathland Special Protection Area, Ramsar site and Dorset Heaths Special Area of Conservation. The Council concludes that the development would be likely to have a significant in combination effect on the integrity of these sites. Article 3(1) of the GPDO grants planning permission for the classes of development within Schedule 2 subject to Regulations 75-78 of the Conservation of Habitats and Species Regulations 2017. Regulation 75 provides that it is a condition of any planning permission granted by a general development order made on or after 30 November 2017 that development which (a) is likely to have a significant effect on a European site alone or in combination with other plans or projects, and (b) is not directly connected with or necessary to the management of the site must not be begun until the developer has received written notification of the approval of the local planning authority under Regulation 77. Consequently this is not a matter I need to address further.

Conclusion

16. For the reasons set out above, I conclude that the impact of the development on the design or external appearance of the building would not be harmful; however the impact on the adequate provision of services would nonetheless cause an unacceptable degree of harm. Consequently I conclude that the appeal should be dismissed.

Benjamin Webb

INSPECTOR