

---

## Appeal Decision

Site visit made on 5 February 2019

**by P W Clark MA(Oxon) MA(TRP) MRTPI MCMI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 13 February 2019**

---

**Appeal Ref: APP/G1250/W/18/3204719**

**250-252 Charminster Road, Bournemouth BH8 9RR**

- 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 Mr I Albizreh of HB Properties & Lettings Ltd against the decision of Bournemouth Borough Council.
  - The application Ref 7-2018-5133-I, dated 29 January 2018, was refused by notice dated 3 May 2018.
  - The development proposed is remodel and extension of existing building from one restaurant and one flat, to one commercial and 8 flats. Change of use from restaurant to commercial.
- 

### Decision

1. The appeal is dismissed.

### Main Issues

2. There are five. They are the effect of the proposal on:
  - The character and appearance of the area
  - The living conditions of potential future occupants
  - The demand for, and supply of, car parking
  - The supply of housing
  - The Dorset Heathlands SPA and Ramsar site and the Dorset Heaths SAC.

### Reasons

#### *Character and appearance*

3. This appeal site is located a few doors away from the southern end of a secondary shopping centre. When approaching downhill from the south, there is an abrupt change as the format of the street scene changes from detached buildings set back from the road behind front gardens and forecourts to a much more enclosed space where commercial buildings rise from the back edge of pavement.
4. Most are two storeys in height without any set back at the upper floor. The appeal site is an exception. Its upper floor is set back so that, in the view from the south, the building is largely hidden behind the bulk of a former bank building at the corner of St Alban's Avenue. The white flank of the adjacent building, 254 Charminster Road, is visible in the view.

5. The proposal would extend the first floor front of the building forwards, recreating its existing façade in a new position so that its bay window would align with the upper floor of the buildings to the north. Because the main façade would still be set back behind the bay, there would remain a small part of the white rendered flank of the adjoining building visible in the longer view. That would provide interest in the street scene but the prominent former bank building at the corner of St Alban's Avenue would continue to hide from sight the flank of the appeal proposal in the longer view.
6. From the north, there is no similar long view. In closer perspectives the projection forward of the first floor extension would help to screen from view the cement-rendered upper part of the former bank building and so would provide a small enhancement of the street scene.
7. At the rear, the two storey extension would project somewhat further eastwards than the current extent of the main body of 254-6 Charminster Road and so a small part of its plain flank would be obliquely visible from the lower ground of St Alban's Road but the extent would not be so great as to make it an unacceptable feature in the street scene.
8. I therefore conclude that the proposal would have an acceptable effect on the character and appearance of the area. It would comply with those parts of policies CS21 and CS41 of the Bournemouth Local Plan Core Strategy adopted October 2012 (the Core Strategy) which require development to be of good design, respecting the site and its surroundings, contributing positively to the character and function of the neighbourhood, contributing positively to the appearance of the public realm and maintaining and enhancing the quality of the street scene. It would also comply with that part of policy 6.10 of the Bournemouth District Wide Local Plan adopted February 2002 (the Local Plan) which requires flatted developments to respect or enhance the character and appearance of an area.

#### *Living conditions*

9. None of the flats proposed would have any private amenity space. Although there would be a narrow balcony in front of units 3 and 4, neither would be provided with access to it. Units 4 and 5 would have no balconies. A minimal amount of communal amenity space would be provided at the rear of the proposal, to which units 1 and 2 would have direct access. But, as the appellant correctly points out, the Council has no adopted policy prescribing minimum outdoor space standards and many residential properties nearby above shops have no external amenity space at all. I agree that it is common for flats above commercial premises to be provided with no amenity space. Moreover, the nature of the flats proposed in this case is such that they are unlikely to be occupied by families with children requiring outdoor amenity space, so the limited amount of amenity space proposed is not a reason to dismiss the appeal.
10. The eight flats proposed would be bedsitters, not one-bedroomed units. Four of the proposed units would be 37 sq m in area. They would be classified as providing sufficient floorspace for a one-bedroom, one person flat in the government's *Technical housing standards – nationally described space standard*. The scheme's drawings show double beds in their indicative furniture layouts but that implies nothing as to occupancy since single people are not

precluded from using a double bed. These four flats would therefore each provide adequate floorspace for a potential occupant.

11. Four units would be smaller than those standards. But, these are nationally described standards, not nationally prescribed standards; footnote 46 of the NPPF advises that policies may make use of the nationally described space standard where the need for an internal space standard can be justified. It is up to each local authority to make the case for applying the standard through their local plan. None of the policies quoted by the Council in its reasons for refusal state or imply a requirement for a minimum space standard and so I have no information to justify requiring a minimum quantity of floorspace or to contradict the appellant's assertion that the proposal is simply responding to market demand. Rather, I have assessed the proposal in terms of its functionality as recommended by section 3.7.6 of the Council's Residential Development Design Guide supplementary planning document.
12. The proposed development would be, in part, a conversion of an existing property where practical considerations of the limitations of the existing structure come into play. Two of the smaller units would be in the front part of the property where space is constrained between the existing internal cross wall of the house and the street which limits the size of any front extension. The shortfall below the nationally described standard for units 3 and 4 would be about 5 or 6 sq m each, or about 16% of the nationally described standard, but the indicative furniture layouts suggest a workable arrangement, with room for casual seating and wall space for a wardrobe.
13. The other two units would be in the roof space. They are particularly constrained, at 27 sq m each, 10 sq m (27%) below the nationally described standard. The indicative furniture layouts suggest that there would not appear to be sufficient room for any casual seating in one of them, or for a wardrobe in either. The two units together would provide 54 sq m, sufficient for a single one-bedroom, two-person unit.
14. It is tempting to suggest that a condition be applied, to require the submission and approval of a revised drawing showing the top floor to be converted to a single unit before development commences. But, as this would fundamentally alter the nature of the proposal from a conversion into eight flats to a conversion into seven flats, it would go beyond the scope for amending a proposal through a condition.
15. I therefore conclude that the proposal would not provide adequate living conditions for potential future occupants. It would be contrary to Core Strategy policy CS41 which requires development to provide a high standard of amenity to meet the day to day requirements of future occupants.

#### *Car parking*

16. The Council's Core Strategy policy CS21 seeks urban intensification within defined areas of the borough, which include this site. The intensification implied by this proposal accords with that aspiration. The aspiration of the policy is subject to limitations which are considered in other sections of this decision letter. The provision of car and cycle parking is not one of them but is required by other policies of the Core Strategy (CS16 and CS18) with which any proposal is also expected to comply.

17. The Council calculates the parking demand which would arise from the proposal to be eight spaces, quantitatively the same as that arising from the existing development on site but qualitatively different in that the greater demand from the previous use arose from the commercial unit, the size of which would be reduced, whereas in the current proposal the greater demand is expected to arise from the residential component of the site.
18. Two secure cycle stores are proposed, which would be adequate to meet demand and would comply with Core Strategy policy CS18 but only three car parking spaces would be provided. There would be a shortfall of five spaces, as now, but, in the Council's view, arising at times which could not easily be accommodated on street, in contrast to the present situation which, again in the Council's view, "is easily accommodated on street in Charminster Road". I am not entirely convinced that on-street availability could not compensate for the different character of the otherwise unchanged parking shortfall arising from the proposal because, as the Council's parking survey summarised in table 3 of its highway statement makes clear, the position is marginal and very much dependent on an accurate prediction of car ownership rates arising from the residential component of the proposal.
19. The information which is provided to show that occupants of rented accommodation tend to own fewer cars is inconclusive because, as the Council points out, the difference arises in socially-rented accommodation. Census data for the locality shows that privately renting occupants (as is apparently intended in the present case) have car ownership levels more akin to owner occupiers. Moreover, despite the appellant's suggestion of limiting occupancy to rented tenure through condition, the precedent offered (appeal reference APP/G1250/A/12/2189589) achieved that control through a planning obligation, not through a condition which cannot be used to control tenure. No such obligation is provided in this case.
20. More persuasive is the argument that the particular nature of the units proposed (bedsitters rather than two-roomed apartments) is likely to attract occupants with lower car ownership rates but there is no information to substantiate or quantify that consideration. A further consideration is that the access to the parking area on site is narrow, not allowing cars to pass, and so is not conducive to serving a greater number of cars parked on site. Moreover, the access on to the street is located immediately adjacent to a controlled pedestrian crossing and so, its use by a greater number of cars parked on site would be undesirable. Both these considerations point to the desirability of serving car parking requirements arising from this site, such as they may be, from the street, irrespective of the development proposed.
21. Taking all the above considerations into account, I conclude that the nature of the development proposed is likely to lead to a lesser demand for car parking than the Council expects and that the provision on site and availability off site would be adequate to serve a development of the nature proposed. Notwithstanding the failure to provide the quantity of car parking required by the Council's standards set out in its Parking Supplementary Planning document adopted July 2014 and the consequent breach of Core Strategy policy CS16 which requires provision in accordance with those standards, little or no harm would result.

### *Housing supply*

22. One of the conditions of the urban intensification sought by Core Strategy policy CS21 is that it reflects the housing size demands of the Borough as identified in the SHMA. There is no information about the housing size demands of the Borough as identified in the SHMA but I am referred to Core Strategy policy CS20, the preamble to which refers to the need to protect the existing stock of small family houses and actively to encourage the development of new houses. The policy itself provides a presumption in favour of the redevelopment of sites for small family dwellinghouses as opposed to other forms of residential accommodation where the site is capable and suitable for accommodating small family houses and the resulting development would not be out of character with the local area.
23. I fully concur with the appellant's view that the redevelopment of this site, located within the body of a secondary shopping centre, for small family houses would be out of character and unsuitable. There would be no conflict with Core Strategy policy CS20 from this proposal. It is government policy to boost the supply of housing. In a small way, this proposal would help to do that and would thereby comply with Core Strategy policy CS21.

### *Habitats Regulations*

24. The appeal site lies within a zone of proximity to the Dorset Heathlands Special Protection Area (SPA) and Ramsar site and the Dorset Heaths Special Area of Conservation (SAC) where developments, either on their own or in conjunction with other proposals are likely to have an adverse effect on the integrity of the SPA and an Appropriate Assessment under the Habitat Regulations would be required were I minded to allow the appeal. Because I am dismissing the appeal for other reasons, it is not necessary for me to make an Appropriate Assessment on this occasion, though I note that, were I to allow the appeal, CIL would provide a contribution to infrastructure and a Unilateral Undertaking would provide for a financial contribution to a scheme of Strategic Access Management and Monitoring in accordance with the Council's Dorset Heathlands Planning Framework 2015-2020 Supplementary Planning Document.
25. Such financial contributions and the infrastructure and management measures which they would fund are commonly held to provide adequate mitigation for any adverse effect on the integrity of the protected sites. I therefore conclude that this case would have been unlikely to have caused any unmitigated harm to the protected sites referred to and that the proposal would comply with Core Strategy policy CS33 which requires such mitigation.

### *Conclusion*

26. This proposal would provide a development in accord with the character and appearance of the area and without causing unmitigated harm to any SPA. Its car parking arrangements would be adequate and it would provide housing to meet a need. But, there is little point in providing housing inadequate to meet the day to day requirements of its potential occupants. Two of the units in this proposal would be inadequate. I therefore dismiss the appeal.

*P. W. Clark*      Inspector