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## 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: 28 February 2019**

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**Appeal Ref: APP/G1250/W/18/3206755**

**Medina Lodge, 1A Dunbar Road, Bournemouth BH3 7AY**

- 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 Mr Andrew Jackson against the decision of Bournemouth Borough Council.
  - The application Ref 7-2016-4342-X, dated 8 June 2016, was refused by notice dated 9 January 2018.
  - The development proposed is demolish existing block of 4 flats and replace with a block of 9 apartments.
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### Decision

1. The appeal is dismissed.

### Procedural matters

2. The application is made in outline but only landscaping is reserved as a matter for subsequent consideration. This decision therefore considers access, appearance, layout and scale as part of this appeal.

### Main Issues

3. There are three. They are the effects of the proposal on;
  - The character and appearance of the Meyrick Park and Talbot Woods Conservation Area in terms of trees
  - The living conditions of potential future residents
  - The Dorset Heathlands SPA and Ramsar site and the Dorset Heaths SAC

### Reasons

#### *Character and appearance*

4. Dense planting of trees and hedges is a major component of the character and appearance of the Meyrick Park and Talbot Woods Conservation Area as the Council's Conservation Area Appraisal July 2009 constantly reiterates.<sup>1</sup> Medina Lodge is identified in figure 22 of that same Appraisal as a building making a negative contribution to the Conservation Area. The precise reason for that judgement is not stated but it may be presumed to be due to the fact that it is

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<sup>1</sup> Meyrick Park and Talbot Woods Conservation Area Appraisal July 2009, paragraphs 3.1, 3.11, 3.12, 3.16, 3.17, 3.20, 4.3, 4.7, 4.8, 4.84, 4.268, 4.269, 4.270, 4.274, 4.275, 4.276, 4.279

not a grand, opulent, richly decorated Victorian or Edwardian villa but is instead a more modest, though pleasantly proportioned, block of flats of typical 1960s design with a shallow-pitched roof, positioned between two rather more exuberant examples of Edwardian architecture at numbers 1 and 3 Dunbar Road which are specifically mentioned in the Conservation Area appraisal as exemplars of their type<sup>2</sup>.

5. Irrespective of the quality of its architecture, the existing development makes a negative contribution to the character and appearance of the Conservation Area by its layout, involving a long driveway to the side of the property leading to a garage court and parking area at the rear of the block, bringing the noise and smell of vehicles into an otherwise tranquil rear garden area, contrary to the advice given in the diagram on page 48 (section 3.8) of the Council's Residential Development Design Guide. The extent of hard surfacing precludes the possibility of more planting than a line of what the Council's report describes as Western Red Cedars along the north-eastern boundary of the site. These provide a screen to the rear of 1 Dunbar Road and 60 Wimborne Road.
6. As the council's tree officer correctly observes, the application drawings considerably underestimate the extent of the canopy of the tree which extends over the western corner of the site, including one of the positions shown for additional planting. Two or more of the parking spaces proposed would be under this tree's canopy, contrary to the advice contained in section 3.11 of the Council's Residential Development Design Guide. The construction of the widened driveway would also affect the root protection areas of a number of trees, including those protected by a Tree Preservation Order. Although there are technical solutions by which damage to the trees can be avoided, the accuracy of the information provided does not give me confidence that the proposal has properly taken into account its effects on trees.
7. Although substituting the existing building with one exhibiting applied timber framing detail, a more steeply-pitched roof and gables, the proposal would exacerbate the negative aspects of the existing building's layout through a much larger footprint, a widened driveway and a more extensive parking area positioned at the rear of the site, all reducing the quantity of land available for replacement planting. Consequently, irrespective of the quality of information concerning the effects of the proposal on existing trees, I conclude that the layout of the proposal, offering little scope for planting trees and shrubs would harm, not preserve or enhance the character and appearance of the Meyrick Park and Talbot Woods Conservation Area.
8. The proposal would be contrary to policies CS39 and CS41 of the Bournemouth Local Plan Core Strategy adopted October 2012 (the Core Strategy) which seek to protect designated heritage assets from proposals that would adversely affect their significance and which seek to enhance the local character. It would also contravene policies 4.4 and 4.25 of the Bournemouth District Wide Local Plan adopted in February 2002. These seek to preserve or enhance the character or appearance of a Conservation Area and require development proposals to include sufficient land for planting and landscaping.

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<sup>2</sup> Meyrick Park and Talbot Woods Conservation Area Appraisal July 2009, paragraphs 4.167, 4.168, 4.173 and 4.178

*Living conditions*

9. The living conditions of potential future residents was not a matter given as one of the Council's reasons for refusal but I invited both parties to comment on the issue. The proposal would comprise 1 x 3-bedroomed flat, 6 x 2-bedroomed flats, and 2 x one-bedroomed flats and could therefore house families with children.
10. In light of the proportion of the site which would be covered in buildings and hard surfaces, the limited proportion of the site which would be available as amenity space and its location largely to the front of the site would not have much practical utility. Although Meyrick Park, located a few minutes' walk to the south of the site would provide good recreational open space, its off-site location would make it a less than desirable substitute for adequate on-site provision.
11. Although the picture windows of the ground floor rear flats and the large French windows of the first floor rear flats would provide ample natural light, they would have an outlook not onto a landscaped garden but onto a car parking area at close quarters. This would provide poor living conditions for potential future occupants both in terms of outlook and, for the ground floor flats, in terms of privacy.
12. I find that neither of these two characteristics would provide good living conditions for potential future occupants of the development. It would not comply with the part of development plan policy CS41 which requires a high standard of amenity to meet the day to day requirements of future occupants nor with the advice contained in section 3.7.5 (the design of private and communal garden space) of the Council's Residential Development Design Guide adopted September 2008.

*Habitats Regulations*

13. 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.
14. Although a planning obligation could 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, none has been provided. Such financial contributions and the management measures which they would fund, together with CIL contributions to infrastructure enhancements, are commonly held to provide adequate mitigation for any adverse effect on the integrity of the protected sites. In the absence of the former I conclude that this case would cause unmitigated harm to the protected sites referred to and that the proposal would be contrary to Core Strategy policy CS33 which requires such mitigation.

*P. W. Clark*      Inspector