The Planning Inspectorate

Appeal Decisions

Site visit made on 7 May 2019

by J Ayres BA Hons, Solicitor

an Inspector appointed by the Secretary of State

Decision date: 30 May 2019

Appeal A
Appeal Ref: APP/G1250/W/18/3218305
2 Holdenhurst Avenue, Bournemouth BH7 6RD

- 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 Govier against the decision of Bournemouth Borough Council.
- The application Ref 7-2018-7158-E, dated 9 April 2018, was refused by notice dated 10 July 2018.
- The development proposed is new dwelling house.

Appeal B
Appeal Ref: APP/G1250/W/18/3218311
2 Holdenhurst Avenue, Bournemouth BH7 6RD

- 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 and Mrs Govier against the decision of Bournemouth Borough Council.
- The application Ref 7-2018-7158-F, dated 25 September 2018, was refused by notice dated 22 November 2018.
- The development proposed is demolition of existing garage and erection of a single storey extension to form a self contained dwelling with associated amenity, access and parking arrangements.

Decisions

1. Appeal A is dismissed.

2. Appeal B is dismissed.

Preliminary Matters

1. The decision to refuse planning permission was made by Bournemouth Borough Council. Since that decision Bournemouth Council has merged with Christchurch Borough Council and Poole Council to form the new Bournemouth, Christchurch and Poole Unitary Authority. Provisions within the Local Government (Structural Changes) (Transitional Arrangements) (No.2) Regulations 2008 allow for any "plan, scheme, statement, or strategy" prepared by one of the merging authorities to be treated as if it had been prepared and, if so required, published by the single tier council of the whole or such part of its area as corresponds to the are to which the particular plan, scheme, stamen or strategy relates". The status of the council's development plan has therefore not currently changed as a result of the merger.

2. The decision notice issued by the council in respect of Appeal A included a typographical error with regards to referencing Policy CS22 of the Bournemouth

Local Plan – Core Strategy 2012 (the Local Plan). The relevant policy is CS21 of the Local Plan, and this was acknowledged in the decision notice issued in respect of Appeal B.

Main Issues

3. From the representations received, and my inspection of the site, I find that the main issues in both appeals are whether the proposal would provide adequate living conditions for future occupiers and the effect of the proposal on the character and appearance of the area.

4. With regard to Appeal B, there is an additional main issue of the provision of refuse/recycling storage facilities.

5. In order to avoid duplication I have dealt with the decisions within the same letter, however I have addressed the individual aspects of each scheme as necessary.

Reasons

Living conditions

6. Appeal A would include a small courtyard to the rear of the proposed unit accessed via the internal lounge area. This external space would be enclosed on all sides by fencing, or the physical form of No 2 Holdenhurst Avenue and No 34 Hambledon Road. The outlook from the bedroom to the front would be straight onto the shared parking area, and the outlook from the main living accommodation to the rear would be blank fencing and walls. Due to the limited level of space proposed and orientation of the unit the result would be an oppressive and overbearing environment for future occupiers. This harmful environment would be exasperated by the fact that the rear area would be subject to overlooking by the occupiers of the surrounding properties. Whilst some level of natural overlooking may be expected in suburban areas, the fact that the future occupiers would be overlooked within a modest and foreboding space would be entirely unacceptable.

7. Whilst it may be appropriate for a small dwelling to be served by a modest outdoor space, that space should still create a satisfactory living environment, particularly when the internal floorspace is modest in terms of area. The proposal in Appeal A would fail to achieve this.

8. Appeal B would provide an amenity space to the front enclosed by a hedge and adjacent to the parking area for the vehicles associated with the new unit and the existing unit at No 2 Holdenhurst Avenue. There are windows on the side and front corner of No 34 Hambledon Road which would be relatively close to the outdoor space. Given the relatively exposed nature of the space, its location adjacent to the parking and proximity to No 34, the occupants would have an extremely limited level of privacy. There is some dispute as to the effectiveness of the proposed boundary treatment. Once established it would provide screening, however it would be permeable in nature and would need to mature to a significant height in order to provide a definitive level of privacy.

9. The lounge area would open out onto the external space and no windows are proposed to serve the kitchen area at the rear of the unit. The internal living space would essentially function as a tunnel, with the main source of natural

light being significantly overlooked by the coming and going of those living at or visiting No 2 Holdenhurst Avenue.

10. Whilst the level of space in Appeal B would be slightly larger than that proposed in Appeal A, and orientated away from the oppressive built form of the rear fence and surrounding buildings, it would fail to satisfactorily support the overall internal and external amenity space for future occupiers.

11. Kings Park is located approximately 600 metres from the site, and therefore for recreational purposes future occupiers would have the choice of walking the 6-8 minute journey to the park. However, the presence of public open space would not overcome the fundamental inadequacies of either Appeal A or Appeal B in providing satisfactory outdoor space for future occupiers, particularly when the outdoor space would be intricately linked to the internal amenity provision.

12. Both the development plan and the National Planning Policy Framework (the Framework) advise that development should be design led in order to provide satisfactory accommodation for future occupiers. The provision of inadequate accommodation on the premise that it would then be for the occupier to decide if they were happy to live there goes against the principle of ensuring development is of a high standard of design.

13. In respect of both Appeal A and Appeal B I find that the proposal would fail to provide an adequate or satisfactory living environment for future occupiers. It would therefore conflict with Policy CS41 of the Local Plan which expects all development and spaces to be well designed and to provide a high standard of amenity to meet the requirements of future occupants. Both proposals would fail to provide adequate privacy for future occupants and would conflict with Policy 6.8 of the Bournemouth District Wide Local Plan (2002) in this regard.

14. The proposal would also fail to comply with the Residential Development SPD which at paragraph 3.7.5 requires private gardens to have a good degree of privacy and be of a useful size for proposed occupants.

Character and appearance

15. No 2 Holdenhurst Avenue and No 32 Hambledon Road are maisonettes located within a large two storey building. The area is characterised by two storey detached properties, set back from the street with modest gardens to the front. The proposal in both Appeal A and Appeal B would involve the demolition of the existing detached garage and erection of what would physically appear as a single storey extension when viewed as part of the street scene. The use of a pitched roof detail would reflect the general roof design in the wider area.

16. The single storey nature of both proposals, linked to the larger property, would appear as subordinate single storey extensions, and would sit comfortably within the street scene. Accordingly, the proposal in both Appeal A and Appeal B would be of an acceptable design within the residential area and would comply with Policies CS21 and CS41 of the Bournemouth Local Plan: Core Strategy, which, amongst other things, require development to maintain and respect the site and its surroundings.

Refuse

17. In respect of Appeal B, it would be possible to locate the refuse store within the wider site, as demonstrated within the evidence submitted as part of the appeal. This would ensure that the bins were not stored on the street and such arrangement could be secured by way of an appropriately worded condition. Subject to such provision Appeal B would comply with Policies CS21 and CS41 of the Bournemouth Local Plan: Core Strategy, which, amongst other things, require development to be of good design.

Effect on the heathlands

18. The appeal site is within 5km of a designated Dorset Heathlands Special Protection Area and Ramsar Site, and part of the Dorset Heaths candidate Special Area of Conservation. As I am dismissing the appeals on other grounds it is not necessary for me to address this matter any further. However, it should be noted that had I considered the development acceptable in all other respects, I would have sought to explore the implications of the judgment of the Court of Justice of the European Union (CJEU) in People over Wind, Peter Sweetman v Collite Teoranta, case C-323/17 of 12 April 2018 and the necessity for undertaking an Appropriate Assessment.

Planning Balance and Conclusions

19. Neither Appeal A nor Appeal B would provide a level of outdoor amenity space that would secure satisfactory living conditions for future occupiers. Accordingly, the proposal in both appeals would conflict with the development plan when taken as a whole.

20. The appellant has emphasised the priorities of the Framework in boosting the supply of housing and encouraging the use of suitable sites within existing settlements and the subdivision of larger sites. The site is not a larger site capable of positive sub-division, it is part of a residential plot and I place limited weight on the application of paragraph 68(d) of the Framework in this regard. In respect of paragraph 68(c), the proposal would provide an additional unit in a sustainable location without harming the character of the area, this would be a benefit of the scheme in both Appeal A and Appeal B.

21. However, the additional dwelling and absence of harm to character would not outweigh the fact that neither of the proposals would provide adequate living conditions for future occupiers. This would not only conflict with the development plan, but would also fail to comply with the Framework in achieving a well-designed place with a high standard of amenity for future users.

22. The appellant has not put forward an argument that the council cannot demonstrate a five year supply of housing land, however they have referred to the presumption in favour of sustainable development. Having carried out the balancing exercise as above I conclude that the benefit of one additional unit would not significantly and demonstrably outweigh the harm to the living conditions of future occupiers in any event.

23. For the reasons above, and taking into account all other matter raised I conclude that Appeal A should be dismissed.

24. For the reasons above, and taking into account all other matter raised I conclude that Appeal B should be dismissed.

J Ayres

INSPECTOR