The Planning Inspectorate

Appeal Decision

Site visit made on 17 June 2019

by Andrew Tucker BA (Hons) IHBC

an Inspector appointed by the Secretary of State

Decision date: 26 June 2019

Appeal Ref: APP/G1250/W/19/3225314
1, 3 and rear of 5 Stourfield Road, Bournemouth BH5 2AR

- 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 & Mrs Michael & Emma Janes against the decision of Bournemouth Borough Council.
- The application Ref 7-2018-13890-L, dated 23 November 2018, was refused by notice dated 18 January 2019.
- The development proposed is demolish existing building and erect a 3 bedroom detached house with parking.

Decision

1. The appeal is dismissed.

Procedural Matter

2. On 1 April 2019 Bournemouth Borough Council merged with Borough of Poole Council and Christchurch Borough Council to become Bournemouth, Christchurch and Poole Council. The development plans for the merged local planning authority remain in place for the former area of Bournemouth Borough Council until such a time as they are revoked or replaced. It is therefore necessary to determine this appeal with reference to policies set out in the plans produced by the now dissolved Bournemouth Borough Council.

Main Issues

3. The main issues are:

   a) the effect on the character and appearance of the area, and

   b) whether the proposal would secure acceptable living conditions for the occupiers of Nos 1 and 3 Stourfield Road, with particular regard to outlook and external garden areas; and the effect of the proposal on the living conditions of the occupiers of No 5 Stourfield Road, with particular regard to privacy.

Reasons

Character and appearance

4. The appeal site is located in a developed residential area. Although the area displays a variety of building styles, the majority of buildings are semi-detached and detached properties dating from the late 19th and early 20th century. Properties in the area are fairly close-knit; set back only a short

distance from the road edge and generally closely spaced. However, the few wider gaps that currently exist between buildings fronting the street do give some relief to what is otherwise a densely developed area.

5. The site of the proposed dwelling is currently occupied by an annex building. Although this building is large it is single storey. It is sat between the two storey forms of the existing dwellings to either side and has the appearance of an outbuilding. Its single storey form provides No 20 West Road (No 20) with an open setting to the side, which reflects the open area on the opposite side and gives this detached dwelling a more spacious setting than the majority of other dwellings in the area.

6. Although the proposed dwelling adopts an architectural style that would reflect the character of No 20, it would be significantly narrower and positioned much closer to this existing dwelling than the more modestly scaled annex. The two buildings side by side would appear cramped, and would fail to respect the more spacious setting that this detached building currently enjoys.

7. Planning permission has been obtained for a dwelling[1] in the western corner of the appeal site. The submitted plans take this into account. The cramped appearance resulting from the siting of the proposed dwelling subject of this appeal close to No 20 would be exacerbated by this extant permission on the other side of the plot, and the complex division of the intervening space as viewed from the street. This would comprise parking areas of different depths and significant lengths of fencing defining the various areas. This would not relate well to the simple linear manner by which the majority of other plots in the area are divided. The blank side wall of the proposed dwelling would be close to the rear elevations of the existing dwellings. This relationship would be easily viewed from the street and would not accord with the more typical arrangement found in the area where blank side elevations of detached dwellings are side by side and not prominent to view. In combination, these factors would result in a plot that would appear over-developed.

8. There are a number of dwellings in the area that have been erected on the plots of existing properties, as evidenced in the appellant's submission and as I saw at my visit to the area. Most of these are in a backland context behind existing dwellings, and therefore have little impact on the wider character and appearance of the area. Examples given of dwellings that have been erected fronting the street do not appear to have been constructed recently, and in any case the examples are isolated in the context of a densely developed area and can certainly not be considered a prevailing characteristic of the area.

9. In summary, the proposal would have a harmful effect on the character and appearance of the area, contrary to Policies CS6, CS20, CS21 and CS41 of the Bournemouth Local Plan Core Strategy adopted 2012 (CS) and Saved Policy 6.8 of the Bournemouth District Wide Local Plan adopted 2002, which together seek to ensure that development proposals are of a high quality of design and reflect local character.

Living conditions

10. The existing garden areas at the rear of Nos 1 and 3 Stourfield Road are small. I note that the area to the rear of No 1 Stourfield Road (No 1) would be

[1] 7-2017-13890-J

marginally increased as a result of the proposal, and would have a reasonably open south and southwest aspect. As such it would benefit from good levels of daylight and sunlight during the afternoon and evening.

11. The garden area to the rear of No 3 Stourfield Road (No 3) would however be significantly reduced, as this dwelling also has an area of garden to the rear of no 5 Stourfield Road (No 5), which would be given over to the new dwelling. The remaining area of garden would be limited to a small area between the rear of the dwelling and the blank side elevation of the proposed dwelling. This area would be less than the depth suggested in the Council's Residential Development Design Guide 2008 and would result in a poor outlook from the rear of the existing property. Furthermore, the full two-storey side elevation would be to the south of this garden, which would have a significant affect on daylight and sunlight levels entering the retained garden, and would be much more significant than the shading that results from the lower annex building currently at the site. Although there are other examples of small garden areas serving dwellings in the area, No 3 is a large family dwelling. This small and constrained area of garden, that would be dominated and shaded by the blank side wall of the proposed dwelling, would not be sufficient to meet the needs to future occupiers of the dwelling.

12. The rear of the proposed dwelling would be closer to No 5 than the existing annex building. Furthermore, unlike the single obscure glazed window that faces out from the rear roof of the existing annex building, the proposed dwelling would have two rear facing bedroom windows at first floor level. From these rooms it would be easy for future occupiers to look over the garden of No 5 and towards its large rear windows. In such close proximity this would have a harmful effect on the living conditions of occupiers of this existing dwelling.

13. I appreciate that existing gardens in the area are often overlooked as the area is densely developed. However, in the vast majority of cases the situation is similar to the arrangement that would arise between the rear elevation of No 20 and the garden to the rear of the proposed dwelling, where the rear elevations of the two properties would be side by side. This would afford occupiers some privacy in the areas of garden that would be immediately outside their properties and would not result in overlooking directly into one property from another. This would not be the case between the proposed dwelling and No 5, where the rear of the proposed dwelling would be perpendicular to the rear of No 5 and very close to its garden area. This would introduce a new and significant level of overlooking in this direction.

14. In summary, the proposal would fail to secure acceptable living conditions for occupiers of No 3, and would have a harmful effect on the living conditions of occupiers of No 5, contrary to Policies CS21 and CS41 of the CS, and Saved Policy 6.8 of the LP, which together seek to ensure that development proposals provide adequate amenity and privacy for the occupiers of adjacent properties.

Other Matters

15. The appeal site is within the buffer area of the Dorset Heathlands Special Protection Area, the Dorset Heathlands Ramsar Site and the Dorset Heathlands Special Area of Conservation. The addition of a residential unit within this area would be likely to have a significant effect on the internationally important interest features of these areas. In accordance with Policy CS33 of the CS development will not be permitted within the buffer zone unless mitigation

measures have been secured. However, as I am dismissing the appeal the likely significant effect will not occur and this matter does not therefore need to be considered further.

16. From the evidence before me it would appear to be the case that the Council is unable to demonstrate a five year housing land supply. Even if I were to conclude that this is the case, and that the policies which are most important for determining the appeal should be considered out-of-date in accordance with paragraph 11 (d) of the National Planning Policy Framework (the Framework), I find that the matter would not outweigh my conclusion on the main issues. This is because the contribution that a single dwelling would make to any under supply situation would be very limited, and the principles of good design and safeguarding the amenity of existing residents are consistent with paragraph 127 of the Framework.

Conclusion

17. For the reasons above, the appeal is dismissed.

Andrew Tucker

INSPECTOR