



Appeal Decision

Site visit made on 17 June 2019

by Tim Crouch DipUD MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: Tuesday, 09 July 2019

Appeal Ref: APP/G1250/W/19/3226002

9 Tower Road, Bournemouth BH1 4LA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Dorset Property Lab Limited against Bournemouth Borough Council.
 - The application Ref 7-2018-22736G, is dated 13 September 2018.
 - The development proposed is extension to the existing dwelling and conversion to a 7 bed House in Multiple Occupation (Sui Generis).
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Decision

1. The appeal is allowed and planning permission is granted for extension to the existing dwelling and conversion to a 7 bed House in Multiple Occupation (Sui Generis) at 9 Tower Road, Bournemouth BH1 4LA in accordance with the terms of the application, Ref 7-2018-22736G, dated 13 September 2018, and the plans submitted with it, subject to the conditions in the attached schedule.

Procedural Matters

2. Following submission of the appeal, the Council has confirmed that if it had been in a position to determine the application, it would have refused planning permission. The Council set out one reason for refusal relating to effect of the proposal on the character of the area.

Main Issue

3. The main issue is therefore the effect of the proposal on the character of the area.

Reasons

4. The property is set to the rear of the frontage dwellings along Tower Road. It is a detached two storey dwelling, with planning permission granted for extension to the same footprint and design appearance as the building works and extension proposed by the appeal scheme. To the west is a pair of semi-detached dwellings, and to the east is a site with extant permission for the erection of a bungalow.
5. Whilst Tower Road has a number of semi-detached and detached dwellings, it also comprises a number of other uses, such as a NHS Health Centre, a Salvation Army Church and Community Centre and a Funeral Directors. It also has development in depth to the north of the road around the appeal site.

6. Policy CS24 of the Bournemouth Local Plan: Core Strategy (2012) (CS) states that in order to encourage mixed and balanced communities, change of use to a House in Multiple Occupation (HMO) will only be permitted where no more than 10% of dwellings in the area adjacent to the property are within an HMO use. The Council has confirmed that the proposal would satisfy this requirement.
7. Policy 6.17 of the Bournemouth District Wide Local Plan (2002) also allows for HMOs where conditions are met in relation to the character of the area, size of existing property, sufficient amenity space and car parking requirements. The Council has indicated that the amenity space and highways elements of the proposal are acceptable. I have no reason to disagree.
8. The Council identifies that the proposal does not comply with Policy 6.17 (ii) as the building should provide (amongst other things) 7 habitable rooms. The current building appears to provide 5 habitable rooms from the floorplans. However, the property is a substantial detached building which has existing extensions that could be adapted (rather than require extension) to make this floorspace habitable. It also benefits from separate planning permission to extend the property to a level which would comply with the policy. Therefore, given these factors, whilst there is a technical current breach of this point, the building is considered to be aligned with the purpose of the policy in these circumstances.
9. Policy BAP8 of the emerging Boscombe and Pokesdown Neighbourhood Plan (submission version) (2018) (NP) also addresses HMOs, seeking to prevent new provision unless there would be no harm to the character of the area or neighbouring occupier's amenity and further considerations of similar points within the CS and LP policies relating to amenity space, highways and over concentration.
10. The main issue is therefore the effect of the proposal on the character of the area. The proposal would retain the appearance of a dwelling and be located in a small cluster of dwellings. The siting to the rear of Tower Road, and containment within the railway line, is reflective of the spatial pattern of development within the area. The proposal is also in close proximity to Palmerstone Road, a busier mixed-use street. Given this, and the different uses within the street, there is a variance of intensity of use along it and the proposal will reflect this.
11. The cluster of existing and proposed buildings will already be increasing the use of the access route. Whilst the proposal would result in an increased number of residents, and associated movements, given the established relationship, screening and side elevations of the existing buildings alongside the access route this would not have a detrimental or intrusive impact on the peace and quiet of surrounding residents.
12. The proposal is also within the 10% threshold of HMOs as required in the CS to maintain balanced communities. Whilst I note that the NP area contains a higher number of HMOs, this is an emerging policy and the CS policy is more closely linked to local impacts in this case. I therefore consider that the proposal will contribute towards different forms of housing and will encourage mixed, but retain, balanced communities as required by Policy CS24 of the CS.

13. I note the concerns of the Council in relation to the different style of occupancy of potentially unrelated individuals, rather than families. However, I do not have any firm evidence before me to suggest that this would be significantly different to the variety of modern familial circumstances and lifestyles, or specifically harmful to the character of the area or neighbouring occupiers.
14. Therefore, the proposal would not harm the character of the area. Consequently, it would not be contrary to Policy CS24 of the CS, Policy 6.17 of the LP or emerging policies BAP1, BAP5 or BAP7 of the NP. Taken together, and amongst other objectives, these require development to encourage mixed and balanced communities and ensure that it is compatible with the existing character of the area.

Conditions

15. In addition to the standard time limit condition, a condition is required to ensure that development is carried out in accordance with the approved plans in the interests of certainty. A condition to ensure that the materials used are as those in the application details is required to ensure an appropriate appearance of the development.
16. To protect the living conditions of neighbouring occupiers, a construction method statement is required, as well as drainage details for the site. To ensure suitable living conditions of future occupiers, noise and vibration details are required given the proximity of the railway line. In the interest of local highways requirements, a condition to lay out and retain the parking area is required, as well as erect a cycle store to encourage non-car modes of transport.
17. The Council also suggested a separate condition, should the appeal be allowed, to ensure that all hard surfacing is porous or drained to such an area. This detail will be provided as part of the wider drainage condition and therefore is not considered necessary in this case.

Conclusion

18. For the reasons given above, I conclude that the appeal should be allowed subject to conditions.

Tim Crouch

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 001 Rev A (Existing floor plan layout & elevations), 004 Rev C (Site Layout Plan) and 005 Rev A (Proposed floor plans & elevations).
- 3) No work (including site clearance) shall commence until there has been submitted to and approved in writing by the Local Planning Authority a Method Statement that includes the following measures:
 - a) parking arrangements for operatives and construction vehicles working on-site;
 - b) noise reduction measures (including times of piling operations); and the
 - c) details and siting of equipment, machinery and surplus materials on the site.

The parking arrangements for operatives and construction vehicles shall be implemented prior to development commencing and the development shall be carried out in accordance with the approved details.
- 4) Prior to commencement of development a noise and vibration report shall be submitted for approval in writing to the Local Planning Authority. The noise report shall demonstrate how internal noise levels in accordance with BS8233:2014 will be achieved with the windows shut (e.g 3ddBA_{Leq}, 16 hours in living rooms (daytime) and 30dBA_{Leq}, 8 hours in the bedroom (night-time). The assessment should be carried out in accordance with BS64721 in relation to ground borne vibration.
- 5) Before the commencement of development, unless otherwise agreed in writing by the Local Planning Authority, a scheme for the whole site providing for the disposal of surface water run-off and incorporating sustainable urban drainage systems (SUDS), shall be submitted to and approved in writing by the Local Planning Authority. The drainage works shall be completed in accordance with the approved details prior to occupation of the development or in accordance with a timetable to be agreed in writing by the Local Planning Authority. The scheme shall include the following as appropriate:
 - a) A scaled plan indicating the extent, position and type of all proposed hard surfacing (e.g. drives, parking areas, paths, patios) and roofed areas.
 - b) Details of the method of disposal for all areas including means of treatment or interception for potentially polluted run-off.
 - c) Scaled drawings including cross section, to illustrate the construction method and materials to be used for the hard surfacing (sample materials and literature demonstrating permeability may be required).
- 6) Before the occupation of the development hereby approved, the car parking area shall be laid out in accordance with the approved plans and thereafter permanently maintained for its designated purpose and kept available for the use of the occupants of the development at all times.
- 7) Before the occupation the development hereby approved, the cycle store shall be erected as shown on the approved plans and thereafter maintained and kept available for the occupants of the development at all times.

- 8) Notwithstanding the details included on the application form the materials and colours to be used in the construction of the external surfaces of the extension hereby permitted shall match the elevation(s) to which the extension is to be added and such work shall be completed prior to occupation of the development granted by this permission.