



Appeal Decision

Site visit made on 24 June 2019

by David Wyborn BSc(Hons), MPhil, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 July 2019

Appeal Ref: APP/G1250/W/18/3216253
122A Tuckton Road, Bournemouth BH6 3JY

- 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 MHH (Poole) Ltd against the decision of Bournemouth Borough Council.
 - The application Ref 7-2018-3856-G, dated 20 February 2018, was refused by notice dated 11 September 2018.
 - The development proposed is divide existing two bedroom flat into a two bedroom flat and a studio apartment.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The first floor flat has been sub-divided and the studio apartment has been created, although at the time of my visit the studio apartment was not occupied. The works are therefore retrospective, and I will deal with the appeal accordingly.
3. The decision to refuse the application was made by Bournemouth Borough Council. On 1 April 2019, the Council ceased to exist, and the Council area now forms part of the new Bournemouth, Christchurch and Poole Unitary Authority. In accordance with the provisions within the Local Government (Structural Changes) (Transitional Arrangements) (No.2) Regulations 2008, the status of the saved policies in the Bournemouth District Wide Local Plan (adopted 2002) (the Local Plan) and Bournemouth Local Plan Core Strategy (adopted 2012) (the Core Strategy) have not changed as a result of the formation of the new Council.

Main Issues

4. The main issues are whether the studio apartment would provide acceptable living conditions for future occupiers, and whether the parking arrangements would be adequate, with particular regard to highway safety.

Reasons

Living conditions

5. Viewed from the rear drive, there are 4 similar, 3 storey rear projections, all with external metal staircases, that are located in a terrace. The upper two floors of each of the rear projections appear to be in residential use. The studio

apartment has been created by the subdivision of the first floor flat within one part of one of the rear projections.

6. The studio apartment is accessed via the external staircase. The other flat on this floor can be accessed via a side, ground floor door and then an internal staircase. The upper floor flat can be accessed by the side door then the internal staircase or externally via the rear staircase.
7. The studio apartment is self-contained with an adequately sized kitchen and bathroom area. The only other room would provide all the other living accommodation for day to day living and is modest in size. Once this room accommodates a bed and any other furniture for normal occupation it would be cramped. As this room would be the main living space, I consider that overall the accommodation would provide substandard living conditions because of the cramped nature of this main room. The ability to access open space nearby and that the unit may well be rented accommodation for an individual or couple does not alter my view on the substandard nature of the accommodation.
8. The occupants of the second floor flat are able to use the rear staircase to access their flat and it seems to me that this route could be more convenient and direct than using the side door and the internal staircase. This would then lead to residents and visitors accessing the top floor flat using the metal staircase. My assessment from the site visit is that the staircase would generate some noise when in use, and users of this external staircase would pass close by the door and window of the main room of the studio apartment. Notwithstanding the double glazing and other insulation, when top floor residents were to use the rear staircase, it is likely, albeit perhaps briefly, to cause some disturbance to the occupiers of the studio apartment. This disturbance could be most disruptive at night or early in the morning when occupiers of the studio apartment may be trying to sleep.
9. The combination of the cramped conditions and the likely disturbance from the adjoining metal staircase, would result in poor living conditions for the occupiers of the studio apartment. This would be contrary to the approach in the National Planning Policy Framework (the Framework) that development should create places with a high standard of amenity for existing and future users.
10. I attach limited weight to the argument that the space has been successfully rented in the past because this does not justify occupation of the apartment when I have found that it would not provide acceptable living conditions. Also, it is said that the apartment provides a size and layout better than many rooms in houses in multiple occupation. However, the scheme is advanced as self-contained accommodation and not a room in a property that may have access to more space overall. I therefore attribute this comparison, particularly when examples have not been drawn to my attention, limited weight.
11. In the light of the above analysis, I conclude that the studio apartment would not provide acceptable living conditions for occupiers and therefore would be contrary to saved Policy 6.8 of the Local Plan, Policies CS20, CS21 and CS41 of the Core Strategy, the Residential Development – A Design Guide (2008) and the Framework which seek, amongst other things, to provide a high standard of amenity to meet the day to day requirements of future occupants.

Parking arrangements

12. 122 Tuckton Road consists of commercial premises on the ground floor that front the main road, and residential accommodation on the upper floors. There is a parking area at the rear with access over this area to an integral garage. The plans show two car parking spaces side by side and room for a space in front of the garage, in a tandem position. The appellant has indicated that access has to be given to the garage at all times.
13. The site is located with good access to shops and services, and close to a bus stop. However, the site is not in such a sustainable location to negate the need for some occupiers to wish to own and park a car, and in all likelihood, there would be demand for car parking spaces both now and in the future. The additional unit of accommodation is likely to place an additional demand on the rear car parking area and, in accordance with the Parking Supplementary Planning Document (2014) (the Parking SPD), would generate a need for a single parking space.
14. I have noted the case made that the commercial premises and the second floor flat have no right to park at the back and that the allocation of parking has been historically for the occupants of the first floor flat. However, I have little documented evidence that there has usually been a parking space available that would accommodate the additional vehicle from the new unit. In all likelihood, the vehicle associated with the additional unit would either displace car parking from the site into adjoining roads, which appear to have some car parking restrictions, or could crowd the use of the car parking area which may then lead to reversing movements back out onto the adjoining road.
15. While the appellant indicates an opportunity was not given to provide a street parking availability assessment, nevertheless, I have no clear evidence that the adjoining streets could accommodate the vehicles without inconvenience to local residents. In relation to any crowding of the parking area, the potential reversing movements could lead to harm to highway safety. As a consequence, I am not satisfied that the proposal would lead to an acceptable situation in relation to parking and highway safety.
16. Accordingly, I conclude that the parking arrangements would not be adequate and thereby the proposal would conflict with Policies CS16 and CS41 of the Core Strategy and the Parking SPD which seeks, amongst other things, that parking provision for new development shall be in accordance with the adopted parking standards.
17. Although referenced in the reason for refusal, given the location and the nature of the proposal, there would not be a clear conflict with Policy CS18 of the Core Strategy which concerns cycling and walking.

Other Matters

18. The studio apartment could help provide for an unmet local need for low cost accommodation in an expensive area to live. The proposal would deliver an additional unit of housing on a windfall site with the associated social and economic benefits accruing from occupation. The proposal would meet with the Framework requirement to make effective use of existing land and buildings in a location which has good access to local services and facilities. However, I attribute these benefits limited weight because only a single unit of

accommodation would be provided by the scheme, and this would not outweigh the harm I have identified above.

19. The evidence indicates that the site is within 5km of a designated Dorset Heathlands SPA (Special Protection Area) and Ramsar Site, and the Dorset Heaths candidate SAC (Special Area of Conservation). The Dorset Heathlands Planning Framework 2015-2020 Supplementary Planning Document sets out a strategy that seeks to mitigate the impacts on the heathland arising from recreational pressure from residents of new accommodation. The appellant has indicated a willingness to sign a planning obligation to address the necessary contribution to Heathlands Mitigation Strategic Access and Monitoring and, in all likelihood, this would address the matter set out in the third reason for refusal. However, no signed and completed obligation is before me and therefore this matter has not been addressed. Nevertheless, in the light of my conclusions above, I do not need to undertake an appropriate assessment and consider this matter further.

Conclusion

20. Having regard to the above, and taking all other matters into account, I conclude that that the appeal should be dismissed.

David Wyborn

INSPECTOR