



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/18/3215126

32 -34 Markham Avenue, Bournemouth BH10 7HN.

- 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 Winter against the decision of Bournemouth Borough Council.
 - The application Ref 7-2018-18781-C, dated 23 March 2018, was refused by notice dated 7 August 2018.
 - The development proposed is new dwellings and alterations to 32 Markham Avenue.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. 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 (February 2002) (the Local Plan) and the Bournemouth Local Plan Core Strategy (October 2012) (the Core Strategy) have not changed as a result of the formation of the new Council.

Main Issues

3. The main issues are:
 - the effect of the proposal on the Dorset Heathlands Special Protection Area (SPA), Ramsar site and Dorset Heaths Special Area of Conservation (SAC),
 - the effect of the development on the character and appearance of the area, and
 - whether the development would provide acceptable living conditions for existing and future occupiers of 30, 32a, 32c, 32 and 34 Markham Avenue.

Reasons

Habitats sites

4. The evidence indicates that the site would be within 5km of a Site of Special Scientific Interest (SSSI) which is part of the designated Dorset Heaths SAC, Ramsar site and is also part of the Dorset Heathlands SPA. The Dorset

Heathlands Planning Framework 2015-2020 Supplementary Planning Document (Heathlands SPD) sets out a strategy that seeks to mitigate the impacts on the heathland arising from recreational pressure from residents of new dwellings. The Heathlands SPD indicates that the provision of Heathland Infrastructure Projects would be delivered through the Community Infrastructure Levy and that Strategic Access Management and Monitoring (SAMM) would be secured via a planning obligation.

5. The development, in combination with other projects, would be likely to have a significant and adverse effect on the integrity of the protected sites, by way of the additional recreational pressure resulting from residential development. The appellant has indicated a willingness to address this issue of the required SAMM contribution towards the mitigation of the nearby habitats sites and that the appropriate payment would be made prior to this decision. However, a completed obligation, to accord with the approach in the Heathlands SPD to address this matter, has not been submitted. Consequently, the significant and adverse effects that I have identified would not be mitigated and therefore there would be harm to the integrity of the habitats site.
6. Accordingly, I conclude that the development would have an adverse effect on the Dorset Heathlands SPA, Ramsar site and Dorset Heaths SAC. Therefore, the proposal would conflict with Policy CS33 of the Core Strategy which requires, amongst other things, that development will not be permitted unless it can be ascertained that the development will not lead to an adverse effect on the integrity, directly or indirectly, of the Dorset Heaths international designations.

Character and appearance

7. The site is located within an established residential area with, in the vicinity of the site, mainly detached bungalows fronting this side of Markham Avenue. I noted at my site visit the recently constructed residential development located behind some of the dwellings and accessed via new drives. The new dwellings have limited influence on the character and appearance of the wider street scene, although they are clearly visible from adjoining rear gardens and nearby properties.
8. The two dwellings (32b and 32c) which are proposed within the back section of the site would be sited in a similar type of position and pattern of development to some of the adjoining sites. I consider that their design, height, bulk, and spacing between buildings would not be out of keeping with the general character and appearance of this rear area, following the construction of the recent residential schemes.
9. A third dwelling (32a) would be accommodated in part of the space between the existing bungalows fronting the road and the proposed dwellings at the back of the site. This bungalow would be modest in extent, with a fully hipped roof and there would be reasonable spacing between it and the adjoining buildings. There are buildings in a broadly similar position behind 24/26 Markham Avenue, although that original site was larger. Nevertheless, the bungalow on plot 32a would not be at odds with the general layout of other sites and the residential character of the surroundings. Adequate separation would be provided around this and the other buildings such that overall the layout would not, in the context of the surroundings, be cramped.

10. Furthermore, the layout would allow for some landscaping to help soften the presence of the built development and there would be adequate garden spaces for residents in both the new and existing dwellings. The positioning of the buildings would make efficient use of the site to deliver housing in a way that would only have limited influence on the surrounding area.
11. The Council refer in their statement, in respect of the impact on the character and appearance of the area, to the Residential Development – A Design Guide (September 2008) (the Design Guide) and the recommended minimum spacing between a back and side wall of buildings. The space between the existing dwellings that front Markham Avenue and 32a would be less than that recommended. However, this recommended separation distance refers to two storey buildings and the spacing appears to be designed to protect the privacy of occupiers. I am satisfied that the relationship between these single storey buildings would be acceptable from an amenity point of view and the spacing would not overdevelop the site to the detriment of the character and appearance of the area. As a consequence, there would be no meaningful conflict with the intentions of the Design Guide.
12. The proposal shows a bin collection area within the front garden of No 32. However, the information indicates that this area would be utilised only on collection days and there would be separate and practical areas for bin storage in proximity to each dwelling. When the front area would be used there are likely to be other bins present in the street and this would be a common occurrence. For this reasonably brief period, the visual presence of bins would not be unreasonable or unduly harmful, and on other occasions the hard surface would not be widely apparent.
13. Based on the above, the scheme would be supported by the National Planning Policy Framework (the Framework) which seeks to make the efficient use of land taking into account the desirability of maintaining an area's prevailing character and setting, including residential gardens.
14. In the light of the above analysis, I conclude that the scheme would not adversely affect the character and appearance of the area and thereby would comply with saved Policies 4.25 and 6.8 of the Local Plan, Policies CS21 and CS41 of the Core Strategy, the approach in the Design Guide and the Framework which seek in this respect, amongst other things, to ensure that development will complement and respect the character and amenity of neighbouring development.
15. The reason for refusal refers to Policy CS16 of the Core Strategy which concerns parking standards. However, I have not been presented with details to demonstrate that the scheme would conflict with the parking standards and, therefore, I have not considered it necessary to examine this matter further.

Living conditions

16. The adjoining new residential schemes are accessed via drives that pass between and alongside some of the existing, nearby dwellings. The proposed scheme would provide a broadly similar arrangement. The plans show that No 32 would be rearranged internally to allow the removal of the side windows and door, so that there would be no openings in the side wall that would adjoin the drive. This could be subject to a planning condition in any approval and

therefore would reduce the impact of the traffic movements on the occupiers of No 32 to an acceptable level.

17. Furthermore, No 32 would be provided with an adequate rear garden and the plans show that it would be fenced to help provide privacy. This would ensure satisfactory external amenity space which would not be unduly affected by the location of residential buildings to the rear, and the associated traffic and activity. The occupants of No 34 would be affected to a lesser extent and the scheme would provide an acceptable living environment for these residents.
18. No 30 would be located on the other side of the drive. This property has a side, obscure glazed window and a roof light in the slope of the roof that would face the proposed drive. Nevertheless, given the reasonably limited level of traffic movements and related activity that would be likely to be generated from 3 dwellings at the rear, the occupation of these rooms would not be affected to such an extent that it would adversely affect living conditions.
19. If permission was to be granted, No 30 would have a drive on both sides of the property which would be used to access residential schemes at the rear. However, the principal windows of No 30 generally face the front and rear, and the property has a reasonably private rear garden. I am satisfied, given the levels of activity resulting from the various residential schemes, that the proposal, even in combination with other surrounding residential development, would still provide acceptable living conditions for the occupiers of No 30.
20. The three dwellings at the rear of the site would face the drive and parking areas. The occupiers of the units would, at times, be aware of the presence of vehicle movements and associated activity, including those on occasions at night from vehicle headlights. However, the scheme is reasonably modest in extent with adequate space between buildings and with space for some limited landscaping. Each unit would have a separate and reasonably private garden area and with the proposed arrangement of habitable rooms, the development would provide acceptable living conditions for these residents.
21. Accordingly, I conclude that the scheme would provide acceptable living conditions for both existing and future occupiers of surrounding and the proposed properties. It would thereby comply with saved Policies 4.25 and 6.8 of the Local Plan, Policies CS21 and CS41 of the Core Strategy and the approach in the Design Guide which seek in this respect, amongst other things, to ensure that development provides a high standard of amenity to meet the day to day requirements of future occupants.

Other Matters

22. There would be social and economic benefits with the provision of the residential development both during construction and in subsequent occupation. The development would make a modest but worthwhile contribution to housing supply in a reasonably sustainable location within a settlement area. This would accord with Framework policy objectives. However, as only 3 units of accommodation would be provided, I attribute these benefits limited weight.
23. Local residents have raised a number of concerns including the impact of the proposal on the character and appearance of the area, harm to residential amenities and the combined effect with other residential schemes. I have taken

into account all the relevant views and considered them as part of the main issues set out above.

Planning Balance and Conclusion

24. The appellant makes the case that the Council cannot demonstrate a 5 year housing land supply of deliverable sites. However, regardless of the position, this is not a case where the presumption in favour of sustainable development, as set out in paragraph 11d of the Framework, is engaged. This is because, applying the policies in the Framework that protect areas of particular importance, I have found that the proposal would be likely to have a significant and adverse effect on habitats sites and this provides a clear reason for refusing the development proposed.
25. I have found that the development would be acceptable in relation to the character and appearance of the area and in relation to the living conditions of existing and future occupiers. These are, however, matters that are neutral in the overall considerations. The benefits of the scheme, outlined above, afford limited weight. However, the proposal would not adequately mitigate the impact on the habitats sites. This is a matter which I attribute substantial weight. Accordingly, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

David Wyborn

INSPECTOR