
Appeal Decision

Site visit made on 6 June 2019

by Martin Andrews MA(Planning) BSc(Econ) DipTP & DipTP(Dist) MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 22 July 2019

Appeal Ref: APP/G1250/W/18/3208926

7 and 7A Beechwood Avenue, Bournemouth BH5 1LZ

- 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 Cliff Hall, Clark Estates against the decision of Bournemouth Borough Council.
 - The application, Ref. 7-2017-26587-C, dated 8 December 2017, was refused by notice dated 16 May 2018.
 - The development proposed is to sever land, demolish existing garage and lean-to and construct a 3 bedroom chalet style house to the rear of the existing house, to include parking and private garden.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on (i) the character and appearance of the area; (ii) the living conditions for existing and future occupiers; (iii) highway safety, and (iv) the integrity of the designated Dorset Heathlands SPA (Special Protection Area). There is an overlap in this case between issues (i) and (ii) and I have therefore considered them together.

Reasons

Character and Appearance / Living Conditions for Existing and Future Occupiers

3. On this issue, the officers' Delegated Report observes that the area mainly comprises large two-storey detached properties and bungalows set within fairly large, spacious plots. Some properties remain in use as single houses, whilst others have been subdivided into self-contained flats, as is the case here with Nos. 7 & 7A.
 4. The Council's objection on this issue is that the footprint of the proposed dwelling would be excessive and as a consequence the site coverage of the development would be at odds with the current low density nature of the area. The resulting garden area would be too small for the properties (the new house plus the two existing flats) and there would be a harmful change to the character and appearance of the locality.
 5. I saw on my visit that the development pattern of the area is one of the land between each pair of side roads off Beechwood Avenue, in this case Keswick Road and Penrith Road being divided into rectangular back to back plots of
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roughly equal size. This is a very ordered and symmetrical arrangement and although the grounds of appeal refer to some nearby infilling, for the most part the area has remained essentially unaltered.

6. Because of this well-established development pattern, it is difficult for infill development to be assimilated without harm to the spacious and verdant character of the area. And it is in the nature of infilling that with its doubling of the site's capacity (albeit in this case less because of the two flats) there is the potential for the appearance of the host site to undergo a significant change.
7. As the grounds of appeal correctly say, change in itself is not necessarily harmful, but in this case I consider that there would be inadequate space around the existing and proposed buildings with a justifiable perception of the development being unduly cramped relative to its more spacious surroundings. On the face of it, the area of the plot for the new dwelling would be less than half of the normal plot size in this locality, but without a proportionately sized building footprint.
8. A salient point in respect of the appeal scheme is that the site to be developed, although to the flank of Nos. 7 & 7A, is to all intents and purposes the existing back garden used for the private amenity of its occupants. This would be removed, with far more restricted and less private useable space to the front and side for two households. The private amenity area for occupiers of the new dwelling would also be small and well below the area typical of the surrounding properties. Furthermore, the resulting harm caused would be exacerbated by most of the front curtilage of the new dwelling being used for access and parking and unlike a garden not available for residential or visual amenity.
9. As regards neighbouring residents, there will be an effect on the adjoining properties at Nos. 1 Penrith Road and 16 Keswick Road. I consider that the analysis in the officers' report to be correct and that the combination of the new dwelling's design (large but single aspect bedrooms) and the short distance / direct relationship between the rear of the new dwelling and the garden of the latter has the potential to cause a perception of being overlooked with possibly future pressure for this to actually come about. I have also noted and taken into account the objections from local residents. However, notwithstanding my reservations on some aspects of this issue, I do not overall regard the effects on the living conditions of neighbours to warrant a refusal of permission.
10. On this issue I conclude that there would be unacceptable harm to the character and appearance of the area and poor living conditions for future occupiers as regards the extent and quality of the external amenity area. This would be in conflict with Policy 6.8 of the Bournemouth District Wide Local Plan 2002; Policies CS21 & CS41 of the Bournemouth Local Plan: Core Strategy 2012, and Section 12: 'Achieving Well-Designed Places' of the National Planning Policy Framework 2019 ('the Framework').

Highway Safety

11. The Highway Authority's objection on this issue is that the proposed parking layout would be likely to result in an increased propensity for vehicles to reverse out of the access onto Beechwood Avenue and in addition lead to overspill parking on Keswick Road because of the proposed tandem parking arrangement for the flats.

12. However, whilst these points are not without some substance, I accept for the reasons explained in the grounds of appeal, that the effect on highway safety and convenience in this case is unlikely to be 'severe', which is the impact that the Framework indicates is needed for development to be refused on highway grounds. I also note that the Highway Authority have said that a revised parking layout for a shared access using the existing vehicular crossover at Beechwood Avenue and an extended hardstanding area might have overcome this concern.
13. On this issue I conclude that subject to conditions that could include amendments to the access and parking there would not be an unacceptable effect on highway safety and convenience in conflict with Policy 8.2 of the District Wide Local Plan and Policies CS16 & CS41 of the Core Strategy.

Dorset Heathlands SPA

14. In the event of the appeal scheme being acceptable I am satisfied that the appellant would have been in a position to formally submit a Unilateral Undertaking to make the appropriate contribution for heathland mitigation. This is therefore not a matter that in itself precludes the appeal being allowed.

Conclusions

15. On the issues of highway safety and the integrity of the Dorset Heathlands SPA I do not consider that there is a sufficient case for dismissing the appeal. However, I conversely also conclude that there would be unacceptable harm to the character and appearance of the area and inadequate living conditions as regards the external private amenity for occupiers of the three households.
16. This clearly outweighs my favourable conclusions for the appellant on the other issues. On balance therefore, and having taken all other matters into account including the need for housing and the encouragement in the Framework for a positive approach to sustainable development, the appeal is dismissed.

Martin Andrews

INSPECTOR