



Appeal Decision

Site visit made on 29 July 2019

by Rachael Pipkin, BA (Hons), MPhil, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2nd September 2019

Appeal Ref: APP/G1250/W/19/3222737

68 Bennett Road, Bournemouth, BH8 8RH

- 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 David Bailey against the decision of Bournemouth Borough Council.
 - The application Ref: 7-2018-12867-G dated 26 April 2018, was refused by notice dated 28 August 2018.
 - The development proposed is formation of a studio flat.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The appeal property is already in use as a residential one bed studio flat. I have proceeded to consider the appeal on that basis.

Main Issues

3. The main issues are:
 - whether the proposed development would provide acceptable living conditions for future occupants with regard to internal floorspace, light, outlook and privacy;
 - whether the proposed conversion would provide satisfactory cycle storage space; and
 - The effect of the proposed development on the designated Dorset Heathlands Special Protection Area (SPA), Ramsar Site and Dorset Heaths Special Area of Conservation (SAC) and whether adequate compensation has been provided.

Reasons

Living conditions

4. The studio flat occupies part of the ground floor at the rear of a retail unit fronting Bennett Road. The flat is accessed via the open rear yard to Number 68 Bennett Road (No. 68) from which a first floor flat and a separate bungalow at the rear of the site are also accessed.

5. The Council considers that the proposed studio flat is too small to provide acceptable living conditions. In support of this the Council, which has no policy or guidance on space standards, refers to the Government's *Technical housing standards – nationally described space standard* (2015). These standards advise that the minimum gross internal floor space for a 1-person dwelling should be 37sqm. The submitted drawing indicates the studio flat has 24sqm of floorspace, which is substantially smaller than the recommended minimum size.
6. Both the Written Ministerial Statement of 25 March 2015 and the Planning Practice Guidance (PPG)¹ make it clear that these standards can only be applied where this is referred to in current local plan policy. As such non-compliance with these standards cannot be relied upon as a reason for refusal. Nevertheless, the size of the proposed accommodation can be taken into account if it is so restricted as to provide unacceptable living conditions. The appellant considers that size should not be the determinative factor but whether the property meets all the essentials for living.
7. The space comprises a small kitchen area and a living area which includes a double bed and a separate, small bathroom. I observed on site that the sofa and double bed were pushed up close to each other and that there was only a narrow area of floorspace on one side of the bed and very little storage, with clothes hanging on a rail adjacent to the television. I accept that a single bed would provide more space within the sleeping area. Nevertheless, with a sofa in place and other furniture and personal items, the occupier has very limited space to move around, sit at a table to eat or work or hang washing to dry, leading to a cramped and congested living environment.
8. The flat is served by two modestly sized windows in the south and east elevations. These windows are positioned away from surrounding development and therefore should receive daylight and sunlight at certain times of day. Nevertheless, at the time of my site visit, during the middle of the morning, I observed that the space felt gloomy and dark, particularly towards the sleeping area which is positioned around a corner and away from any sources of natural light. I have been provided with no technical evidence showing how much light is able to penetrate this studio flat. In the absence of this and my own observations on site, I am not persuaded that the accommodation receives adequate natural light.
9. Outlook from the windows is onto the rear yard. At the time of my site visit, I observed that wheelie bins were placed outside the window serving the living area. The outlook is reasonably open although provides limited visual interest. However, these windows look onto the shared access area with nothing to separate them from that space and with the door to the upper floor flat adjacent to the kitchen window, there would be little to prevent people directly looking into the flat. This provides the occupier with little privacy. It is therefore likely that the occupier of the flat would need to use a window treatment such as blinds or curtains to restrict views into their living space, therefore reducing both outlook and light for this room.
10. Although future occupants would be aware of the limitations of the flat, this is no reason to allow something which would be harmful to their living conditions.

¹ Paragraph: 018 Reference ID: 56-018-20150327

In this regard, I am mindful of the advice contained in the PPG² that planning is concerned with land use in the public interest. The standard of residential accommodation and ensuring it provides satisfactory living conditions is a matter of public interest.

11. I conclude that the proposed development provides unsatisfactory living conditions for future occupants with regard to internal floorspace, light, outlook and privacy. It therefore conflicts with Policy CS41 of the Bournemouth Local Plan Core Strategy 2012 (the Core Strategy), which amongst other things, requires development to provide a high standard of amenity to meet the day to day requirements of future occupants.

Cycle storage

12. The proposal shows no cycle parking provision. While a bicycle could physically be accommodated within the studio flat, it would be impractical to do so due to the small size of the space as it would block access to either the kitchen or bathroom. The lack of space for cycle storage could therefore discourage occupants from owning and using a bicycle, contrary to the objectives of Policy CS18.
13. I therefore conclude that the proposed development does not provide satisfactory cycle storage space. It therefore conflicts with Policy CS18 of the Core Strategy which requires all new developments to provide adequate cycle storage in accordance with the Council's adopted standards. It would also not comply with the Council's Parking Supplementary Planning Document (SPD) 2014, which expects one secure covered cycle space per residential unit. The Council's decision referred to Policy CS16 but since this appears to relate to car parking, it is not directly relevant here.

Dorset Heathlands

14. The site lies between 400m and 5km of the designated Dorset Heathlands SPA, Ramsar Site and Dorset Heaths SAC. The SPA and SAC are protected as European Sites of Nature Conservation Importance and are subject to statutory protection under the Conservation of Habitats and Species Regulations 2017. Regulation 63(5) imposes a duty on local planning authorities as the competent authority, to consider whether any proposal may have a significant effect on such protected areas either alone, or in combination with other plans and projects.
15. In its reasons for refusal, the Council sets out that the development would be harmful to these protected sites and that the failure to make an appropriate contribution towards mitigation measures would have an adverse effect on the integrity of these sites. The appellant accepts the need to provide a financial contribution towards mitigation measures and has indicated a willingness to secure this via a legal agreement. However, no such undertaking has been provided during the appeal process. I am therefore unable to assess whether the mechanisms are in place to ensure delivery of any required mitigation.
16. In exercising my duty to protect the European Sites, I must adopt a precautionary approach. From the evidence before me I cannot be certain that the integrity of these protected sites would not be harmed as a result of this

² Paragraph: 008 Reference ID: 21b-008-20140306

proposal, either alone or in combination with other plans and projects. Neither can I be certain that any mitigation which has been identified would be effective or secured.

17. In the absence of any mitigation, I therefore conclude that the proposed development would have an adverse effect on the integrity of the designated Dorset Heathlands SPA, Ramsar Site and Dorset Heaths SAC. It would therefore conflict with Policy CS33 of the Core Strategy which seeks to protect the Dorset Heathlands from adverse effects upon its integrity.

Other Matters

18. The provision of an additional housing unit within an existing building is a positive aspect of the scheme. However, I have found that this would not outweigh the harms I have identified.

Conclusion

19. For the reasons set out above, I conclude that the appeal should be dismissed.

Rachael Pipkin

Inspector