



Appeal Decision

Site visit made on 27 August 2019

by M Bale BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3rd September 2019.

Appeal Ref: APP/G1250/W/19/3223374
38 Purbeck Road, Bournemouth BH2 5EF

- 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 Location BH Ltd & Dorset Property Lab Ltd against the decision of Bournemouth Borough Council.
 - The application Ref 7-2018-11620-E, dated 5 November 2018, was refused by notice dated 10 January 2019.
 - The development proposed is the partial conversion of a basement to a self-contained bedsit flat.
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Decision

1. The appeal is dismissed.

Procedural matter

2. The development to which this appeal relates has already been carried out. Plans have been provided that confirm the layout of the site and internal arrangement. The floor plans indicate that the flat is lit by a 3-bay bay window. I saw at the site visit that only two of these bays contained windows, which accords with the submitted elevation drawing. As the appellant's statement indicates that no external changes are proposed, I have considered the appeal on the basis of the development as it exists at the site.

Main Issue

3. The main issue is whether the accommodation provides suitable living accommodation for future residents.

Reasons

4. The majority of 38 Purbeck Road is currently used as a house in multiple occupation (HMO). At the front of the property, external steps provide access down to a self-contained flat that does not link to the remainder of the HMO. It contains a single room for sleeping, living and cooking and an en-suite bathroom.
5. As a self-contained flat, the accommodation is very small. In this regard, the Council has referred me to the nationally prescribed space standards, of which the flat falls short. However, there is no local development plan policy adopting these standards and so this in itself does not dictate that the appeal should be dismissed.

6. However, Policy CS41 of the Bournemouth Local Plan: Core Strategy 2012 (CS) requires, amongst other things, that development should through matters including scale and layout be designed to provide a high standard of amenity to meet the day to day requirements of future occupants. Consideration of the size of the accommodation is, therefore, a legitimate part of the assessment of this main issue.
7. From my own observations at the site visit, it was clear to me that the available accommodation was so constrained that it could not be said to provide a high standard of amenity. Furthermore, the windows of the flat have been fitted with obscure glazing that seriously impedes outlook and without which there would be direct views down the external staircase into the flat from the road. I accept that with clear glass in place, this could also be mitigated through the installation of blinds or curtains, but such features could have a similar effect on outlook.
8. In any case, the majority of the outlook would be onto a wall retaining ground at street level and providing access to the main door to the HMO. Whilst this situation exists for other basement flats, I observed that the retaining wall was particularly close to the basement windows at No. 38 compared to other nearby examples in Purbeck Road.
9. It may well be that there are a number of other basement flats in nearby properties. However, I have no substantive information relating to their internal layouts, floor areas or whether the front windows provide the only outlook. I, therefore, attribute limited weight to them.
10. It may also be that the flat is capable of providing accommodation to people who could not otherwise afford housing and that they would be able to make an informed choice about whether to occupy the flat before choosing to do so. I note that the site is in a highly accessible location, which may well be suitable for high density development, and so may comply with those development plan policies that seek to make an efficient use of appropriately located land.
11. However, whilst the planning system may be tasked with meeting accommodation needs of all sectors of society, it should also act to provide an appropriate standard of housing. The National Planning Policy Framework (the Framework), at paragraph 127, makes clear that a high standard of amenity should be provided for future users of a development. For the reasons given above, I find that this flat provides a wholly inadequate living environment for future occupiers contrary to those aims of CS Policies CS21 and CS41, and Policy D4 of the Bournemouth Town Centre Area Action Plan that seek to ensure that development delivers an appropriate amenity for future residents.
12. The Council's reason for refusal also cites a conflict with Policy 6.10 of the Bournemouth District Wide Local Plan 2002 (LP) relating to the development of flats. However, whilst the policy makes reference to the living conditions of occupiers of buildings in the vicinity, it does not explicitly refer to those of future occupiers of the development. I, therefore, do not find a conflict with this policy, but compliance with it does not lead me away from my above findings.

Other matters

13. The proposal would contribute to the supply of housing, which is a benefit particularly given the need for much housing in Bournemouth to be delivered through urban intensification and windfall sites. In this regard, the proposal may well comply with certain policies of the development plan supporting intensive development in the vicinity of the site. There is discussion in the evidence regarding the Council's ability to demonstrate a 5 year supply of deliverable housing land. However, whether or not paragraph 11(d) of the National Planning Policy Framework were engaged, the harms that I have identified would significantly and demonstrably outweigh the benefits associated with the supply of one additional dwelling in this location. Accordingly, the presumption in favour of sustainable development would not apply and so would not weigh in favour of granting permission.
14. The Council's reason for refusal references LP Policy 4.4 relating to development in conservation areas. However, given the lack of external changes proposed to the building and the characteristics of the use of the remainder of the building, I find that the proposal would preserve the character and appearance of the conservation area.
15. Finally, the Council's reason for refusal refers to a lack of measures to mitigate harm to European Nature Conservation Sites¹. However, as I am not granting permission, there are no pathways that would result in a significant adverse effect on these sites.

Conclusion

16. Whilst the proposal may comply with certain aspects of the development plan, I find that the harm identified in respect of the main issue results in a conflict with the development plan when considered as a whole. The Framework at paragraph 9 indicates that the three overarching objectives of the planning system should be delivered through the preparation of plans and application of policies in the Framework. Given the conflict with the development plan and Framework that I have identified, I conclude that these objectives are not met.
17. Therefore, the appeal is dismissed.

M Bale

INSPECTOR

¹ The Dorset Heathlands Special Protection Area, Ramsar Site and Dorset Heaths Special Area of Conservation.