



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/19/3222092

22 Truscott Avenue, Bournemouth BH9 1DB

- 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 & Mrs H Royds against the decision of Bournemouth Borough Council.
 - The application Ref 7-2018-27081-A, dated 2 November 2018, was refused by notice dated 21 December 2018.
 - The development proposed is demolition of existing garage and erection of a 1 bed dwelling with associated access and parking.
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Decision

1. The appeal is dismissed.

Procedural matters

2. Another appeal¹ relating to this site is also before me and combined evidence has been provided by the main parties. However, I have prepared separate decisions in the interests of clarity. This appeal has been referred to by the parties as Appeal B and relates to a proposed two storey dwelling.
3. The appellant's evidence refers to the preparation of a unilateral undertaking planning obligation in respect of the appeal. However, no such obligation has been submitted and I have determined the appeal accordingly.

Main Issues

4. The main issues are (i) the effect on the character and appearance of the area; (ii) the effect on the living conditions of neighbouring residents at Nos. 20 and 22 Truscott Avenue; and (iii) the effect on European Nature Conservation Sites (European Sites).

Reasons

Character and appearance

5. The area is residential in character with dwellings that have a fairly consistent scale and relationship to the street. There are occasional notable exceptions to the scale, such as a recently built bungalow at 23A Somerley Road that faces a pair of 1.5 storey dwellings, but the predominating house types are 2 storey with front elevations parallel to the roads at an almost uniform distance back from the highway.

¹ APP/G1250/W/19/3222091 (referred to by the parties as Appeal A)

6. Somerley Road, along with other streets including Maxwell Road, Leamington Road and Heron Court Road are arranged on a grid. Truscott Avenue cuts diagonally through the grid which has resulted in irregularly shaped plots at sites around its junctions. 22 Truscott Avenue is one such plot where the front face of the dwelling is parallel to Truscott Avenue but a garage at the rear, on the appeal site, faces Somerley Road at an oblique angle.
7. The proposed dwelling would face Somerley Road with the front elevation broadly parallel to the road. It would be forward of the neighbouring dwellings 1/1a² Somerley Road, but these are a slight anomaly being further back than other dwellings on this road. In this regard, the proposal would respect the strongest defining features of the area being the alignment and positioning of dwellings.
8. The front of the dwelling would stand partly behind the slanted boundary with 20 Somerley Road and the close proximity of No. 22 would be visible from Somerley Road. However, there are other examples within the area of dwellings constructed close to one another, such as the side of 17 Somerley Road and the rear of the corner dwelling at 34 Hankinson Road. Whilst examples such as this may be on regularly shaped plots, the alignment of Truscott Avenue means that the separation at the Somerley Road frontage would be not be uncharacteristic of the area. Given that the main effect on the area would be on the Somerley Road street scene, the proposal would not appear unacceptably close or cramped.
9. Most dwellings in the area are of similar appearance and scale. With first floor rooms contained partly within the roofspace, the proposal would be slightly lower. Its narrow width would also not reflect the majority of dwellings and its design would not adopt the prevailing architectural language. However, the adjoining neighbour at 1/1a Somerley Road has various uncharacteristic design elements including a lower two storey section and single storey section alongside the appeal site. In this context, the proposed scale and design would not look out of place. Given its respect for the prevailing alignment of dwellings, I find that it would not harm the character and appearance of the area.
10. Therefore, the proposal would not conflict with those aims of Policies CS6, CS20, CS21 and CS41, of the Bournemouth Local Plan: Core Strategy 2012 (CS) or Policy 6.8 of the Bournemouth District Wide Local Plan 2002 (LP) that seek to ensure that development applies good design principles, respects the character and appearance of the area, maintains the quality of the street scene, and contributes positively to the public realm.

Living conditions

11. The proposed dwelling would be close to the rear of 22 Truscott Avenue. It is also proposed to further reduce the garden length of No. 22, increasing the size of the appeal site from that currently delineated by a timber fence. However, some garden space would remain available for 22 Truscott Avenue and whilst many of the gardens in the area are large, the location plan indicates that a number of examples with comparable sizes to that proposed also exist. Moreover, I have not been directed to any particular policy requirements concerning garden sizes.

² As labelled on the Appellant's location plan

12. The resulting distances between the properties would be below that set out in the Residential Development: A Design Guide Supplementary Planning Document 2008. However, the relative orientation of the properties where the closest point would be a corner and the separation distance would increase along the elevation would significantly reduce the effect on neighbouring residents.
13. There are also rooflights facing towards Nos. 20 and 22 Truscott Avenue. However, this would not be the only source of light to the upper floor bedroom and obscure glazing could be used to prevent any loss of privacy. Such could be secured by planning condition and so would not warrant the refusal of planning permission.
14. With regard to the above, I find that there would be no harm to the living conditions of neighbouring residents. As such, there would be no conflict with those aims of CS Policies CS21, CS41, or LP Policy 6.8 that seek to ensure respect for residents' amenities.

European Sites

15. Additional residents within the area could result in increased visitor pressure on the Dorset Heathlands Special Protection Area, Ramsar Site and Dorset Heaths Special Area of Conservation. Such, in combination with other development, could result in harm to the integrity of the European Sites and their conservation objectives. Accordingly, Appropriate Assessment under the Conservation of Habitats and Species Regulations is required which I have conducted on a proportionate basis with regard to the evidence provided by the Council.
16. The Dorset Heathlands Supplementary Planning Document 2016 (SPD) sets out that the effect of increased visitor pressure can be mitigated through the provision of Heathland Infrastructure Projects (HIPs) and Strategic Access Management and Monitoring (SAMM). Whilst HIPs can be funded through the Community Infrastructure Levy, individual contributions are required in respect of SAMM through planning obligations.
17. The appellant's evidence makes reference to a planning obligation, but it has not been provided with the application documents. Nor is there any other proposal before me that would mitigate the impacts. In light of this, and following Appropriate Assessment, I am unable to conclude that likely significant effects on the integrity of the European Sites can be excluded. As such, the proposal is contrary to CS Policy CS33 which seeks to ensure that development will not lead to an adverse effect on the integrity, directly or indirectly, of the European Sites.

Other matters

18. I note the appellant's suggestion that the site should be considered to be in an accessible location. There is discussion in the evidence about the Council's ability to demonstrate a 5 year supply of deliverable housing land and the proposal would make a contribution to the supply of housing. However, the National Planning Policy Framework, at paragraph 177, is clear that the presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site unless an Appropriate Assessment has concluded that it would not adversely affect the

integrity of the habitats site. In light of my above findings, therefore, the presumption in favour of sustainable development does not apply in this case and cannot weigh in favour of granting permission.

Planning balance

19. I have found that the proposal would not result in harm to the character and appearance of the area, nor would it harm the living conditions of neighbouring residents. However, in accordance with Paragraph 175 of the Framework, if significant harm to biodiversity cannot be avoided, then planning permission should be refused. My findings in respect of European Sites are, therefore, decisive in this case.

Conclusion

20. For the reasons given above, the appeal is dismissed.

M Bale

INSPECTOR