



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: 6th September 2019

Appeal Ref: APP/G1250/W/19/3229040

1698-1700 Wimborne Road, Bournemouth, BH11 9AN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Paul Bloomfield of Holton Homes against the decision of Bournemouth Borough Council.
 - The application Ref: 7-2018-23237-A dated 16 October 2018, was refused by notice dated 13 February 2019.
 - The development proposed is demolish chalet bungalow and care home and replace with a new development of 24 no. 1 and 2-bedroom flats and family house with associated parking.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The application form gives the site address as 'Summerhayes Lodge, 1698 Wimborne Road, Bournemouth, BH11 9AN'. The Council's decision notice refers to the site as 'Summerhayes Lodge, 1698 and 1700 Wimborne Road'. The appeal form refers to the site address as '1698-1700 Wimborne Road, Bournemouth, BH11 9AN'. From the evidence before me, the appeal site includes both Numbers 1698 and 1700 Wimborne Road and No. 1700 is also known as Summerhayes Lodge. I have therefore used the address from the appeal form in my heading above.
3. The original application was made in outline with access, appearance, layout and scale to be determined at this stage. Landscaping was reserved for future determination. I have fully assessed the proposal based on the existing and proposed site plans in all respects apart from landscaping, which I have regarded as indicative.

Main Issues

4. The main issues are the effect of the proposed development on:
 - the supply of family-sized housing;
 - the character and appearance of the area;
 - the living conditions of occupiers of Number 4 Roundhay Road (No. 4), with regard to noise and disturbance from the car park;

- the living conditions of future occupants, with particular regard to the size of the accommodation;
- 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; and
- the provision of affordable housing and whether an appropriate contribution towards affordable housing has been provided.

Reasons

5. The appeal site is located on the south side of Wimborne Road at its junction with Roundhay Road. It is formed of two plots, one occupied by a bungalow at No. 1698; the other, at No. 1700, by a substantial single storey building with roof space accommodation, previously used as a nursing home. Both buildings are vacant. The proposal is to re-develop the site to provide a detached two-storey residential building with accommodation in the roof space. A total of 25 residential units would be provided on site with associated car parking.

The supply of family-sized housing

6. Policy CS19 of the Bournemouth Local Plan: Core Strategy (2012) (the Core Strategy) resists the loss of small family sized dwellings through sub-division or demolition. The policy clarifies that a small family sized house for the purposes of the policy has an original gross external floorspace of less than 140sqm.
7. The bungalow at No. 1698 is indicated on the plan as having two bedrooms and approximately 88sqm of floor space. Due to its relatively small floor space, it would be considered a small family-sized house in terms of this policy. The proposed development would result in the loss of this property, contrary to this policy.
8. A two-bedroom unit would be provided within the proposed building with its own private garden and separate access from the shared parking area. In terms of size and private amenity space, the proposed unit could be an appropriate replacement. However, since the unit forms part of the main building, with no street frontage of its own and is accessed from within the wider site, it would not be a standalone dwelling and would not be comparable to the house that would be lost through this development. The proposal therefore leads to a loss of small scale residential development contrary to the objectives of the policy in protecting the character and appearance of an area. I return to this later in my decision.
9. I conclude that the proposed development would harm the supply of family-sized housing. It would therefore conflict with Policy CS19 of the Core Strategy which resists the loss of small family-sized dwellings.

Character and appearance

10. This part of Wimborne Road is suburban and residential in character with a variety of property styles. Two-storey blocks of flats some with third storey accommodation within the roof space are characteristic of properties on the south side of Wimborne Road heading towards Bear Cross Roundabout. Elsewhere residential development is predominantly domestic in scale, in the

form of bungalows with some two-storey houses along Wimborne Road on the opposite side of the junction to the appeal site.

11. The proposed development would be a substantial L-shaped two-storey building with long street frontages to both Wimborne Road and Roundhay Road with the first and second floor oversailing the entrance to a car park on the Roundhay Road frontage. The building would step up towards the corner by the road junction and would feature substantial gables, incorporating significant areas of glazing and dormer windows at second floor level.
12. The proposed building, whilst only occupying a slightly larger footprint, would be significantly larger than the existing buildings on this site. With the first floor projection on the Roundhay Road frontage, it would leave limited space around the building, most of which would be given over to surface car parking. It would therefore appear overly large within the plot.
13. The established building line along both roads is set further back than the proposed building, particularly where the building steps forward at the corner. The building would almost extend across the full width of the Wimborne Road frontage, set behind an area of landscaping and car parking and would project rearwards along Roundhay Road at first floor level, terminating a short distance from the boundary with No. 4. The height and bulk of the substantial first floor projection, would appear unduly large adjacent to this modestly sized bungalow. Furthermore, the design of this part of the building with an oversailing first floor would be out of keeping with the domestic scale and character of built development along Roundhay Road.
14. Whilst similar to some developments along Wimborne Road including the flatted development to the west of the site, the proposed building would have much higher eaves and ridge level than these nearby properties. The large, substantially glazed gable features, whilst providing definition and visual interest to this corner position, appear overly large compared to surrounding development and the significant glazing appears out of keeping with the more traditional built form in this suburban location.
15. The appellant has drawn my attention to an approved scheme for which he is the developer at Number 1628 Wimborne Road, some distance east of the appeal site. While I note that the scheme also occupies a corner plot and incorporates gable features, it is not directly comparable with the appeal scheme as it appears to replace a similarly large building and is of a different design where the gable features are not so prominent or substantially glazed.
16. The redevelopment of this site with an appropriately designed and high quality scheme would be an enhancement of the local area. However, the proposed building, due to its position, height across a long frontage and prominent gable features, would result in a bulky form of development, that would be overbearing and out of scale with surrounding development. It would therefore appear very prominent and out of character within the local area.
17. I conclude that the proposed development would significantly harm the character and appearance of the surrounding area. It would therefore conflict with Policies CS6, CS21 and CS41 of the Core Strategy and Policy 6.8 of the Bournemouth District Wide Local Plan 2002 (the Local Plan) which together, amongst other things, seek development that is well designed and respects and contributes positively to local character. It would also not accord with the

design advice set out in the Bournemouth Residential Development: A design guide 2008 (the Residential Design Guide). It would also conflict with the design objectives of the National Planning Policy Framework (the Framework).

Living conditions of occupiers of No. 4 Roundhay Road

18. The site layout proposes fourteen car parking spaces to be positioned along the boundary with No. 4 with a further three spaces within this car parking area. Along this boundary there is a single-storey garage and the rear garden of No. 4, separated from the appeal site by a combination of fencing and dense boundary hedging. It is proposed to replace this with a 1.8m high timber fence.
19. The number of vehicle movements associated with this amount of parking is likely to be quite high. Whilst I accept that the garage would provide an adequate buffer between those vehicles parked towards the front of the car parking area, the majority of parking is to the rear and adjacent to the rear garden of No. 4. The screening provided by a 1.8m high fence is unlikely to be adequate to reduce the level of noise and disturbance arising from cars manoeuvring within the car parking area in such close proximity to this garden. I have had regard to the appellant's suggestion that the existing hedge will be retained and reinforced where necessary to provide screening. However, it is not evident from the plans that there would be sufficient space within the appeal site to provide a substantial enough hedge based on the layout shown.
20. Regardless of how the garden of No. 4 is currently laid out, this would adversely impact on the living conditions of occupiers of No. 4 and their peaceful enjoyment of their garden. Whilst I accept that positioning car parking areas to the rear of blocks of flats occurs elsewhere, this does not overcome the harm that this amount of parking would give rise to in this location.
21. I conclude that the proposed development would adversely affect the living conditions of occupiers of No. 4 with regard to noise and disturbance from the car park. It would therefore conflict with Policy CS41 of the Core Strategy and Policy 6.10 of the Local Plan. These policies, amongst other things, together seek development that respects and does not harm the living conditions of neighbouring occupiers. It would also conflict with the advice contained within the Residential Design Guide which advises the careful siting of parking areas to not adversely affect the living conditions of neighbours. It would also conflict with the design objectives of the Framework.

Living conditions of future occupants

22. The Council has raised a concern about the size of the proposed units and considers that, based on the submitted floorplans, ten of the two-bedroom flats would fall significantly below the size standards as set out in the Government's *Technical housing standards – nationally described space standard 2015*. While I acknowledge the Council has no policy or guidance on space standards and cannot rely on non-compliance with the technical standards as a reason for refusal, they do nevertheless provide a useful benchmark. Notwithstanding that this cannot be rigorously applied, the extent to which the units provide acceptable living conditions is nevertheless a valid material consideration.
23. I have been provided with no figures to show the extent to which these units fall short of the benchmark. I am concerned that while the two-bedroom flats

have a shared living/dining/kitchen area with two double bedrooms, the space within that accommodation could be inadequate. I would have sought further information on this matter were I not dismissing for other reasons.

24. Based on what is before me, there is insufficient evidence to conclude that that proposal would not have a harmful impact on future occupants by virtue of the size of the accommodation. It would therefore conflict with Policy 41 of the Core Strategy which requires development to provide a high standard of amenity for future occupants. It would not comply with the advice set out in the Residential Design Guide which encourages the provision of good standards of internal accommodation. It would also conflict with the design objectives of the Framework.

Dorset Heathlands

25. The site lies between 400m and 5km of the designated Dorset Heathlands SPA, Ramsar Site and Dorset Heaths SAC such as Turbary and Kinson commons and Bourne Valley. 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.
26. In its reasons for refusal the Council's set 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 Section 106 Agreement. However, no such agreement 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.
27. 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 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.
28. It therefore follows that I have no choice other than to 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.

Affordable housing

29. Policy AH1 of the Bournemouth Affordable Housing Development Plan Document 2009 (the DPD) sets out that all residential development should contribute towards meeting the Borough's target of 40% affordable housing except where it is proven to not be financially viable. The Council's *Affordable Housing Supplementary Planning Document – Replacement advice notes for developers 2011* (the AHSPD) sets out in greater detail how the DPD will be

implemented. It also sets out an indicative contribution to which a developer can agree to instead of submitting viability information.

30. The appellant agreed to make a financial contribution in accordance with the AHSPD and the Council accepted this approach. However, in the absence of a legal agreement the contribution towards affordable housing was not secured and this formed part of the reason for refusal.
31. The appellant has indicated that a Section 106 Agreement to secure the financial contribution to affordable housing will be provided during the appeal process. However, no such agreement has been provided. I am therefore unable to assess whether the mechanisms are in place to make an appropriate contribution to the provision of affordable housing.
32. Consequently, I conclude that the proposed development would harm the provision of affordable housing and would fail to provide an appropriate contribution towards affordable housing. It therefore would conflict with Policy AH1 of the DPD, as referred to above.

Planning Balance and Conclusion

33. The Council is currently undertaking an assessment of its 5-year housing land supply (5YLHS) in line with paragraph 73 of the Framework. The Council acknowledges that it is unlikely that it will be in a position to demonstrate it has a 5YHLS. The appellant considers that since the Council cannot demonstrate a 5YHLS, the presumption in favour of sustainable development, as set out in Paragraph 11 should apply.
34. However, paragraph 177 of the Framework makes it clear that the presumption in favour of sustainable development does not apply where a proposal is likely to have a significant effect on a SPA, either alone or combination with other projects, unless an appropriate assessment has concluded that it will not adversely affect the integrity of the site. For the reasons already set out, the proposal would be harmful to the integrity of the SPA. This provides a clear reason for refusing the appeal proposal. As such, the 'tilted balance' in paragraph 11d)ii would not apply.
35. The site is in a reasonably accessible location, near to a bus stop and within walking distance of some local shops. It would provide 25 units which would contribute to housing supply. Some economic benefits would arise during the construction of the scheme and from future occupiers of the development making use of local services. In addition, the closure of the existing access serving No. 1698 and its replacement with a new access from Roundhay Road, positioned away from the junction and the provision of a more energy efficient building on the site would be improvements on the existing situation. These are all benefits of the scheme that weigh in favour of the development.
36. However, the proposed development would result in harms as I set out above and to which I attach significant weight. These are not outweighed by the scheme benefits. Furthermore, the benefits of the scheme are not sufficient to overcome the statutory presumption in favour of the development plan. For these reasons, I conclude the appeal should be dismissed.

Rachael Pipkin

Inspector