



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: 18 September 2019

Appeal Ref: APP/G1250/W/19/3225916 76 Huntly Road, Bournemouth BH3 7HJ

- 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 P & M Cheer against the decision of Bournemouth Borough Council.
 - The application Ref 7-2018-19052-D, dated 17 December 2018, was refused by notice dated 22 February 2019.
 - The development proposed is to demolish existing dwelling and erect two no. 3 bedroom houses.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr & Mrs P & M Cheer against Bournemouth Borough Council. This application is the subject of a separate Decision.

Procedural matter

3. Since the Council determined the application there has been a reorganisation of local government in the area. However, the decision was made by Bournemouth Borough Council and my above heading reflects this.

Main Issues

4. The main issues are the effect of the development on the character and appearance of the area; and the effect on European Nature Conservation Sites.

Reasons

Character and appearance

5. The site is located in a low density, suburban residential environment characterised by large dwellings in generously sized plots. There are a number of mature trees and other established vegetation, and the dwellings are set back from the highway edge giving the area a spacious appearance.
6. I understand that the existing dwelling at the appeal site formerly stood in a larger plot that has been relatively recently subdivided and a further dwelling erected. This has largely maintained the pattern of plots in terms of their

- width as the recent dwelling has a wide frontage like many others in the area, including the existing No.76.
7. The current proposal, would divide the remaining plot further and result in two smaller dwellings with narrower frontages. However, whilst the side of the dwelling would be closer to Huntly Road they would follow the prevailing characteristic set-back and alignment of dwellings in the area in terms of the distance from the highway on Roslin Road South to the front and Huntly Road to the side.
 8. The gaps between the proposed dwellings and their existing neighbours would be less than currently exists. However, I observed during my site visit that there are other relatively narrow gaps in the vicinity of the site and that the spaces between adjoining dwellings do not make a significant contribution to the character or appearance of the area in any case.
 9. One of the dwellings would provide parking alongside, whilst the other would have a forecourt to the front. Whilst frontage parking may not strengthen the appearance of the area and would limit the opportunity for future landscaping, the main existing landscaping to the site on the corner of Roslin Road South and Huntly Road would be unaffected by the parking. Furthermore, I observed numerous examples in the area of parking areas to the front of dwellings. I, therefore, do not find this aspect uncharacteristic of the locality.
 10. With regard to the above, whilst the proposed dwellings would be smaller than most, I do not find that they would appear cramped or result in a congested appearance to the plot. I have been referred to another appeal decision¹ on a site at 59 Huntly Road. However, the decision indicates that it would have resulted in a dwelling facing Alford Road which did not otherwise contain any dwellings. The effect on the character and appearance of the area would therefore have differed from the proposal before me, so I attribute it limited weight.
 11. Architecturally, the existing dwellings in the area largely follow a similar language, although there are differences between the individual designs of most dwellings. This gives the area an informal character that appears to have developed on a piecemeal basis. The two proposed dwellings would share an architectural language and be a clear pair. They would also adopt a number of features deployed on the adjoining dwellings 45 and 45a Roslin Road South that, whilst having some differences, also appear as a pair.
 12. However, whilst the use of brick with 'mock Tudor' detailing above and matching fenestration patterns, would give strong similarities to their existing neighbours, the proposed dwellings would not be the same as Nos. 45 and 45a. All would have projecting front gables, but the shape of those gables and extent to which they drop below the first floor windows would be markedly different. I observed that 'mock Tudor' detailing is a feature of a number of other dwellings in the locality. As this would be main unifying feature with Nos 45 and 45a, given the notable shape differences between the dwellings, I am satisfied that the four dwellings considered together would not appear as an uncharacteristically dominant set of dwellings or appear as 'estate' style housing.

¹ APP/G1250/W/17/3167013

13. Individually, given the variety of designs within the locality, the steepness of the roofs or inclusion of rooflights within them would not look out of place or detract from the street scenes. The Council has noted the presence of trees and that care would be required to adequately safeguard their health. However, there is no substantive evidence that this could not be achieved.
14. With regard to the above, I find that the proposal would not harm the character and appearance of the area. It would not, therefore, conflict with those aims of Policies CS21 or CS41 of the Bournemouth Local Plan: Core Strategy 2012 (CS) or Policy 6.8 of the Bournemouth District Wide Local Plan 2002 that seek to ensure that new development respects the character, local distinctiveness and appearance of the area in which it is sited.

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 2017 (CHSR) is required which I have conducted on a proportionate basis with regard to the evidence provided.
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. A planning obligation has been provided by the appellant that would make a SAMM contribution. However, the obligation is a unilateral undertaking and as such does not bind the Council to spend the contribution on relevant mitigation measures. That is not to suggest that the Council may not spend the contribution appropriately, and it may well be that the Council has agreed a strict, audited system with Natural England to ensure that the monies are directed towards specific projects that would deliver the required mitigation, including funding the core team costs of the Urban Heaths Partnership. However, being unilateral, the obligation does not trigger the operation of that system.
18. I note the appellant's confirmation that the submitted obligation follows the Council's standard format and that the SPD indicates that a unilateral undertaking may be appropriate. Indeed, I can envisage a situation where an authority determining a planning application which is also responsible for implementing the mitigation, could satisfy itself that a sufficiently robust link exists between effect and mitigation. However, I am the competent authority under the CHSR in respect of this appeal and the submitted obligation does not give me certainty.
19. In light of the above, following Appropriate Assessment and adopting a precautionary approach, 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

20. The proposal would make a contribution to the supply of housing, which would be a benefit. There is discussion in the evidence about the Council's ability to demonstrate a 5 year supply of deliverable housing land. 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. Therefore, in light of my above findings, regardless of the land supply situation, the presumption in favour of sustainable development does not apply in this case and cannot weigh in favour of granting permission.

Planning balance

21. I have found that the proposal would not result in harm to the character and appearance of the area. 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. This indicates that permission should be refused.
22. I note that a number of other issues have been raised by local residents. However, as I am dismissing the appeal the referenced possible effects would not arise.

Conclusion

23. For the reasons given above I conclude that the appeal should be dismissed.

M Bale

INSPECTOR