
Appeal Decision

Site visit made on 6 August 2019

by S. Rennie BSc (Hons), BA (Hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 September 2019

Appeal Ref: APP/G1250/W/19/3220970

Southwood Lodge, 36-40 Southwood Avenue, Bournemouth BH6 3QB

- 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 Messrs Elliot Heron Ltd against the decision of Bournemouth Borough Council.
 - The application Ref 7-2018-9658-S, dated 9 July 2018, was refused by notice dated 4 December 2018.
 - The development proposed is the conversion, extension and change of use of existing care home to 17 apartments.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Elliot Heron Ltd against the Council. This application is the subject of a separate Decision.

Procedural Matter

3. On 1 April 2019 the former Councils of Bournemouth, Christchurch and Poole combined to form a single Authority. Nevertheless, until superseded, the existing development plan documents of these former Councils remain extant.

Main Issues

4. The main issues are:
 - The effect of the development on the character and appearance of the area.
 - The effect on the living conditions of future occupiers and neighbours to the site
 - Whether sufficient affordable housing has been proposed towards an inclusive and mixed community.
 - The effect of the development on habitats within designated European Sites.

Reasons

Character and Appearance

5. The proposal is to develop a site and its buildings which were recently used as a nursing home into 17 apartments. The proposal does include some physical alterations to the building. However, the general form of the overall building, which is essentially made up of three linked sections, would remain similar to the existing.
6. The proposals would keep the mansard roofs to two of the sections. This roof form differs from the more typical pitched roofs of the area, but nonetheless this is the existing and established feature of these buildings.
7. There are other alterations proposed, which include the removal of the box bays at first floor level. I recognise that bay windows at first floor level are common within Southwood Avenue, but not all dwellings have this feature. The existing bays also appear visually different to many of the other more traditional bay windows in the street. As such, I do not regard the loss of these features to be harmful to the streetscene.
8. The proposed design would have a more modern appearance than existing, including front balconies with glass balustrades and full length windows. These are not typical features of Southwood Avenue, but this former nursing home currently has a quite distinct appearance from other dwellings in the street. Therefore, further alterations would not detract from the character of the street scene, especially as there is already some variety evident.
9. The southern most element of the existing building appears as a typical traditional dwelling, similar to many others within this street. The proposal is for to incorporate this part of the building in what would appear a more cohesive overall design. This includes more of a continuous link at roof level. This would increase the bulk of this section of the roof, but not to an extent that would result in this aspect appearing incongruous or overly-prominent.
10. It would also mean that this section, which I assume is a former single dwelling, would appear as part of a singular large building, which has effectively been its function for some time. The proposal would also reflect aspects of this part of the existing building, including the front gable and the bay windows.
11. It is my opinion that the proposed development would result in an improved design and appearance for the building overall, even if there is some loss of some features that are reflective of more traditional features within this street.
12. The proposal would result in the loss of an area of front garden that currently spans more than half of the frontage of the overall site. There is a short wall with evergreen hedges providing landscaped screening. This area would be removed for more parking to serve the proposed apartments. Whilst I acknowledge that the loss of such landscaped areas would affect the character of the street, I also observed that there are many other examples of frontage parking in the area, including along Southwood Avenue. The proposal has also indicated space for landscaping to the front of the building, which would visually mitigate to some extent the loss of the front garden area. As such, the proposal for more parking to the site frontage would not be out of character

with the street scene and nor would it harm the appearance of the area to any significant extent.

13. Overall, the proposals would not result in an adverse effect to the character and appearance of the area. Therefore, the proposal is in accordance with policies 4.25, 6.10, 6.13 of the Bournemouth District Wide Local Plan and policies CS21 & CS41 of the Core Strategy Bournemouth Local Plan. These policies seek to, amongst other things, require development to be of a good design which respects the character of the area, maintain and enhance the quality of a street scene, provide sufficient landscaping, amongst other things.
14. Furthermore, I regard the proposals on this main issue to be in general accordance with the Councils Residential Development Design Guide 2008.

Living Conditions – Future Occupants

15. The proposal includes an area of garden/patio to the rear of the building. This area would be a communal outdoor space, which would not be of substantial depth but would be almost the width of this large site. The existing garden area to the front of the building is proposed to be replaced with parking spaces.
16. There are some larger three bedroom flats proposed, which would likely accommodate a family. The 'Residential Development: Design Guide' (2008) states that private gardens are particularly important where family size units form part of the development' (3.7.5). However, there would be no private space for these apartments, with no access to private garden space or balconies either. Whilst there may be other examples of flats in Bournemouth without private amenity space, it is my opinion that there needs to be some such provision for all the larger flats to ensure sufficient quality of living conditions for future occupants.
17. There are areas of public outdoor space, such as towards the coast, which I would regard as beneficial to future occupants, but not sufficient to outweigh the lack of private space for the larger family sized apartments included in the development.
18. There are other issues raised by the Council with regards living conditions of future occupiers. Firstly, there is the issue of ground floor Apartment 10, which would have the proposed detached cycle and bin store near its windows. There would be approximately 4m between the bedroom and lounge window and the front of the store building. As these are the only windows serving this apartment, the view at close proximity of the front of a large store building would constitute a poor quality of outlook. The fact that one of the windows serves a bedroom does not overcome this issue, as a decent level of outlook would still be required, and a privacy screen would only add to the poor level of outlook also. Furthermore, increasing the security through surveillance of the bicycle store is not sufficient reason to overcome this issue.
19. The proximity to the store building to the windows of Apartment 10 would limit the privacy of its future occupants, but this will not be significantly different to the other ground floor flats adjacent to the communal garden or front parking spaces. As such, I do not regard this arrangement to result in a significant loss of privacy. Nonetheless, there would be harm to the living conditions of future occupiers of this flat by way of poor levels of outlook.

20. For Apartment 12, the open kitchen/living room area would be served by three windows. However, two of these windows would be obscure glazed. This would have an impact in reducing the light that would be obtained from these obscure windows. However, the obscure glazed windows would still provide some level of light, in combination with the side-facing clear glazed window. As such, this window arrangement would not result in a poor quality living environment for occupants of Apartment 12.
21. Finally, there is the issue regarding the size of the proposed apartments, particularly Apartment 17 at second floor level. In this regard the Council has referred to the Technical Housing Standards - Nationally Described Space Standard (Department of Communities and Local Government). I recognise that these standards have not been adopted by the Council through the Development Plan. However, they do provide a useful indication as to what quantity of space should be provided for occupants of a dwelling.
22. In this case, Apartment 17 has a floor area approximately 13sqm less than the 50sqm minimum the Standards set as appropriate for the 1-bedroom two-person apartment. This is significantly less than the Technical Housing Standards state as a reasonable minimum size. This is a clear indication that this Apartment 17 would be a cramped dwelling for future occupiers, significantly compromising their living conditions.
23. Several of the other apartments appear small for the number of persons likely to occupy, but only Apartment 17 would be small to the extent that it would be harmful to future occupants living conditions in my opinion. The good level of light and outlook for this apartment would not outweigh the cramped size.
24. I recognise that generally people would be aware of the flats and their size/outlook before purchase or decision to rent. However, this should not result in dwellings being built or formed with poor levels of amenity for future occupiers.
25. Overall, the proposal would be harmful to living conditions of future residents as described above. The proposal is therefore contrary to policy CS41 of the Core Strategy Bournemouth Local Plan. This policy seeks to, amongst other things, ensure that residential development is constructed to provide a high standard of amenity for future occupiers. It is my opinion that the proposal would not achieve high standards of amenity for all future occupants of the proposed development.
26. The proposal is also contrary to some of the some of the guidance set out in the Council's Residential Design Guide (2008), which include reference to outlook for example.
27. I have found no conflict on these matters with policies 6.10 and 6.13 Bournemouth District Wide Local Plan or CS21 of the Core Strategy - Bournemouth Local Plan, as these policies relate to design and potential impact to neighbour amenities and not particularly future occupant living conditions.

Living Conditions of Neighbours

28. The site is in a residential area, with dwellings to the side and rear. The proposal would have new apartments being served by existing windows in the rear elevation. These windows are in close proximity to existing residential

building at Nos 34 and 36 Pinecliffe Avenue that back onto the site, with an approximately 15.6m separation distance.

29. The ground floor flats proposed would be at a level which would not result in significant overlooking effect, due to the boundary vegetation and enclosures obscuring views. Furthermore, as mentioned above, Apartment 12 has obscure glazed windows which would obscure most views towards these neighbours. There are other windows in Apartments 4 and 12 at first floor and Apartment 6 at second floor. However, based on the information before me these windows would likely have previously served bedrooms in the nursing home. On this basis, the proposal would not result in a significant increased overlooking or loss of privacy for neighbours.
30. The proposal would not harm the living conditions of neighbours, and therefore in this regard the proposal accords with policies 6.10 and 6.13 of the Bournemouth District Wide Local Plan and policy CS41 of the Core Strategy Bournemouth Local Plan. These policies seek to, amongst other things, ensure development does not adversely impact neighbour amenities.
31. The proposal is also in accordance on this matter with the guidance set out in the Councils Residential Design Guide (2008), where it refers to the effects of development on the living conditions of neighbours.

European Sites

32. The Council indicates that there would be a need for the development to provide mitigation of potential impacts on the Dorset Heathlands Special Protection Areas. The appellant has submitted a legal agreement which, from the evidence before me, would meet the requirement set out in the Dorset Heathlands Planning Framework. Had I been minded to allow the appeal it would have been necessary for me to undertake an Appropriate Assessment of the development in order to confirm its effect and need for mitigation.
33. However, even were no likely significant effects to ecology to result in line with Policy CS33 of the Bournemouth Local Plan: Core Strategy and the adopted Dorset Heathlands Planning Framework 2015-2020 (January 2016), that would be neutral in the planning balance rather than representing a positive factor weighing in favour of allowing the appeal. Therefore, given my findings on another main issue where I have identified significant harm, this is not a matter I need to address further.

Affordable Housing

34. The adopted Affordable Housing Development Plan Document (adopted 8 December 2009) sets the requirement for affordable housing. The Council and the appellant have negotiated a total contribution of £37,702.96 towards off-site affordable housing, but there was no completed legal agreement.
35. There is no dispute that this contribution is necessary or reasonable. Indeed, the appellant has signed a legal agreement dated 11 July 2019 which includes an affordable housing contribution which matches that set out by the Council as necessary.
36. However, even if the affordable housing was provided in line with Affordable Housing Development Plan Document, this provision would not outweigh my findings on other main issues where I have identified significant harm.

Other Matters

37. The appellant states that the Council currently cannot provide sufficient housing land supply. The Council state it is 'unlikely' that following assessments that they could demonstrate sufficient housing land supply. However, even were I to conclude in the terms of the appellant on 5-year housing land supply issue, the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits. Seen in the round this would not be sustainable development.
38. The development would provide potentially for small family homes, which would be beneficial for the area based on the evidence submitted. However, this matter does not outweigh the harm I have identified above.
39. The apartments proposed would have economic benefits, through the construction work and bringing new people to the area which could help support local businesses. There would also be a social benefit of providing more choice of homes in an accessible location. I also recognise that this would be a redevelopment and conversion of an existing building which is currently vacant, with permeable surfacing being proposed. However, all these potential beneficial factors do not outweigh the harm when considered in the planning balance.

Conclusion

40. Due to the harm I have identified with regard the living conditions of future occupiers of the proposed apartments, the appeal should be dismissed.

S. Rennie

INSPECTOR