



Appeal Decision

Site visit made on 13 August 2019

by Matthew Jones BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 October 2019

Appeal Ref: APP/G1250/W/19/3228077

Petrol Filling Station, Bath Road, Bournemouth BH1 2NJ

- 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 EG Group against the decision of Bournemouth Borough Council.
 - The application Ref 7-2018-2760-AU, dated 5 October 2018, was refused by notice dated 4 April 2019.
 - The development proposed is the extension of the forecourt building serving the petrol filling station.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. I note that discussion has taken place between the main parties about a potential alternative scheme. However, having regard to the Wheatcroft principles¹, I determined the appeal on the basis of the development subject to the Council's decision.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the area, with particular regard to protected trees and the setting of the East Cliff Conservation Area.

Reasons

4. This appeal site is a petrol filling station (PFS) fronting St Peter's roundabout in central Bournemouth. Whilst the area forward of the PFS is highly developed and dominated by the roundabout, it also features trees and vegetation, which provide some natural relief. Behind the PFS, to the east, a hedgerow and 6 trees subject to a Tree Preservation Order separate the site from the flatted development Amberley Court. The site is within the setting of the East Cliff Conservation Area (CA) which is adjoined to its south east boundary with Gervis Road and a short distance beyond its north east boundary with Bath Road.
5. I must therefore consider the effect of the proposal on the significance of the CA, which derives not only from its physical presence, but also its setting. As heritage assets are irreplaceable, any harm requires clear and convincing justification. The National Planning Policy Framework (the Framework) advises that any harm which is less than substantial must be weighed against the public benefit of the proposal. The significance of the CA is defined by its homogenous,

¹ Bernard Wheatcroft Ltd v Secretary of State for the Environment and Another [1980]

planned layout, with a variety of large buildings set back from the carriageway, allowing appreciation of its spacious tree punctuated avenues. Landscaping is an important unifying feature within the CA and the streets that provide its setting.

6. The PFS site has a gateway position on the edge of the CA. Despite this, the small PFS building maintains a low profile at the rear of the site, set behind softly landscaped boundaries. Although its canopy is a prominent feature, its suspended appearance reduces its effect on the street scene. As such, the site makes a neutral contribution to the character and appearance of the area and the setting of the CA.
7. The extension would bring the wider flank wall of the PFS building close to the site's north boundary. Although Amberley Court is the dominant building at this point of Bath Road in terms of scale, it is set back in conformance with the character of the street scene. Whilst the extension would be far smaller, its conspicuous forward position would disrupt the spacious width which defines Bath Road. This would not be mitigated by reductions to the PFS canopy or limited additional planting, or by the structure's low height or linear design, which would accentuate the effect of its projected position.
8. The extension would cause the partial removal of the boundary hedge and likely reductions to the canopy of two of the protected trees (T1 and T2). The hedge is an important feature and, while I note that the trees are Category C, and therefore confer low landscape benefits as individual specimens, they nonetheless contribute positively to the appearance of the area as a whole. Although the extent of pruning would be minor, it would reduce this contribution. As such, the operational development and associated loss of soft landscaping would harm the spacious and verdant character of Bath Street, within the setting of the CA. Any health benefits to the trees gained through reducing their canopies would not mitigate this harm.
9. The landscaping along the site's principal boundary is also vital in softening the visual effect of the PFS when viewed from the vicinity of the roundabout and Gervis Road. Although I note that some features are to be retained and improved, the overall reduction and removal of the landscaped edges in order to enlarge the forecourt and add parking would cause the site to exhibit a significantly more developed appearance. Any benefit arising from the reduction of the PFS canopy would be offset by its more prominent height. Taking all elements of the scheme together, I find that it would harm the character and appearance of the area, including the significance of the CA derived from its setting.
10. I categorise the harm to the CA to be less than substantial. I acknowledge that the PFS is busy and constrained by its size and layout. Its redevelopment would widen its retail offer, providing additional economic and community benefits in a central location, consistent with Paragraph 80 of the Framework and the economic aims of the Bournemouth Local Plan Town Centre Area Action Plan (adopted 2013) (the AAP). This, combined with the increase in circulation space and parking, including disabled parking, would allow the site to better support the welfare and safety needs of users of the highway. Lifting the canopy would diminish the risk of collision and dependence on artificial lighting.
11. However, there would also be a net decrease in fuel pumps on site. No detailed evidence has been provided to substantiate that a less intrusive scheme would be unviable, and consequently that the scheme represents the site's optimum

viable use. Given these circumstances, and that the PFS already supports the needs of motorists to an extent, I find that the proposal would provide moderate additional public benefits. Considering the Framework's guidance that great weight should be given to the CA's conservation, the benefits would not outweigh the harm I have identified.

12. I therefore conclude that the proposal would have a harmful effect on the character and appearance of the area, with particular regard to protected trees and the setting of the East Cliff Conservation Area. It would conflict with the design and heritage aims of Policies 4.4 and 4.25 of the Bournemouth District Wide Local Plan (adopted 2002), Policies CS39 and CS41 of the Bournemouth Local Plan Core Strategy (adopted 2012), Policies D3, D4 and D7 of the AAP, and the Framework. I also find conflict with the guidance contained within the Bournemouth Town Centre Development Design Guide (adopted 2015) and the emerging East Cliff Conservation Area Management Appraisal Plan. However, given the status of the latter document, and its potential to change, it has had limited weight in my assessment.

Other Matters

13. I have also had regard to representations about air quality, noise, highway safety, congestion and the living conditions of the occupants of Amberley Court. However, these matters have not altered my findings against the main issue.

Conclusion

14. For the reasons outlined above, and taking all matters raised into account, I find that the proposal would conflict with the development plan when read as a whole. There are no other considerations, including the Framework, that outweigh this conflict. I therefore conclude that the appeal should be dismissed.

Matthew Jones

INSPECTOR