



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: 15 October 2019

Appeal Ref: APP/G1250/W/18/3210314

6 Merlewood Close, Bournemouth BH2 6JQ

- 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 Hurst and Hurst Estates against the decision of Bournemouth Borough Council.
 - The application Ref 7-2017-526-CH, dated 3 November 2017, was refused by notice dated 28 June 2018.
 - The development proposed is to demolish existing and erect 4 terrace town houses.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. On 1 April 2019 Bournemouth Borough Council merged with Borough of Poole Council and Christchurch Borough Council to become Bournemouth Christchurch and Poole Council. The development plans for the merged local planning authority remain in place for the former area of Bournemouth Borough Council until such a time as they are revoked or replaced. It is therefore necessary to determine this appeal with reference to policies set out in the plans produced by the now dissolved Bournemouth Borough Council.

Main Issues

3. The main issues are the effect of the development on:
 - The character and appearance of the area.
 - Highway issues due to proposed parking provision;
 - Living Conditions of future occupants;
 - The special habitat value of European Protected Sites.

Reasons

Character and Appearance

4. The appeal site is within the Meyrick Park and Talbot Woods Conservation Area (CA). The character of the CA is defined by the Council as predominantly residential or recreational (such as parkland area), with the residential comprising mostly of single family detached houses. The Meyrick Park and Talbot Woods Conservation Area Appraisal (2009) highlights the phases of

- development of middle class housing in Bournemouth through Victorian, Edwardian, pre-war and post-war periods. There is also the Meyrick Park which takes up a large proportion of the CA.
5. Section 72(1) of the Planning (Conservation Area and Listed Buildings) Act requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of Conservation Areas in the exercise of planning functions.
 6. The appeal site lies within a mostly residential area. This includes dwellings with a mix of ages and styles, with both dwellings and blocks of flats in the area. Many dwellings in the area sit within spacious and verdant plots. This includes No. 6 Merlewood Close, which is one of several modern detached houses within a residential cul-de-sac that is within the CA. The generous size of the plots within which the houses and flats are positioned, along with the mature trees and planting, gives a verdant and spacious character and appearance to the CA.
 7. There is no disagreement between the main parties that the existing house is not a positive contributor to the conservation area, and I have no reason to disagree. The redevelopment of the site would replace the existing house with a proposed terrace of four houses that would have a modern style and flat roof. There are a variety of styles present within the conservation area and so the principle of modern design approach for the site is acceptable.
 8. The proposed residential development follows the dismissal at appeal for 7 flats (ref: APP/G1250/W/17/3173124). Previous to this, residential development has been approved at the site with flats allowed at appeal in 2009 (ref: APP/G1250/A/08/2091500 and APP/G1250/E/08/2092940), but this included No 5a Merlewood Close as part of the site. Whilst the proposed scheme with this appeal is different to that which has been proposed previously, I take into account the planning history of the site, particularly the latest appeal as this just related to the site of No 6 Merlewood Close.
 9. Revisions since the previous appeal for the 7 flats has resulted in a block of 4 houses rather than flats. The block has less height and width than the previously proposed building. There is also more landscaping proposed, including around the parking area.
 10. Whilst the proposed block of terraced housing would be a smaller building than the previous scheme of flats, it would still be a relatively large and bulky building. The existing house, although not having a particularly positive contribution in regard to its design, is a less intrusive building within this spacious plot. The proposed terrace would be significantly more prominent and take up much more of the plot.
 11. Although set in from the side boundaries, the terrace would still take up most of the width of the plot at its widest section. Furthermore, the side (south-east) elevation would project forward from the line of the existing house, presenting an elevation with little detail or visual interest for view from the street. This would be mitigated to an extent by the existing and proposed planting along this boundary.
 12. Although there have been some improvements in the scale and massing of the development from that previously proposed, I would regard the terrace of four

- town houses in replacing the single house a cramped form of development, which would have a significantly more intrusive impact than the current dwelling.
13. Furthermore, the proposal would also include an extensive area of hardstanding to the front of the proposed houses for parking and turning. This would necessitate the removal of some existing landscaping and some of the existing front garden area, replacing it with a parking and turning area. Even with the new landscaping proposed, the development would erode the verdant character of the site and street scene, which contributes positively to the CA.
 14. The National Planning Policy Framework (the Framework) requires that great weight should be given to the significance of designated heritage assets. For the reasons given the proposal would neither preserve nor enhance the character or appearance of a CA. Whether there may be other buildings with a negative impact to this CA within the vicinity of the site is not reason to consider this proposal acceptable, as it would further detract from the character of the CA. In this regard, there are also positive buildings nearby, such as No 7 Merlewood Close. This is identified in the CA Appraisal as being a positive contributor to the area and is immediately adjacent to the site. As such, the area of the site is not all 'negative' in its contribution to the CA character, which should be preserved or enhanced with new development proposed.
 15. Furthermore, I am not satisfied from my observations on site and the proposed plans that the use of proposed landscaping would be sufficient to screen the development to the extent that it would not harm the character of the area, especially as this landscaping could fail over time and is often seasonal in its screening effect.
 16. This proposal would therefore be contrary to policies CS21 and CS41 of the Bournemouth Local Plan: Core Strategy (2012), and policies 4.25, 4.4 and 6.10 of the Bournemouth District Wide Local Plan (2002). These policies seek amongst other things, high quality and well-designed development that contributes positively to an area, and that which preserves or enhances the character or appearance of a CA. The proposal is also not in accordance with guidance within the Council's Residential Development: A Design Guide (2008), particularly in regard to scale and context, for example.
 17. The Framework also requires that where a development proposal would lead to less than substantial harm to the significance of a designated heritage asset, that this harm should be weighed against the public benefits of the proposal. In this case the proposal would result in less than substantial harm, as was the opinion of the Inspector with the previous appeal. The proposal would result in a net increase of three dwellings in an accessible location, near services and potential job opportunities. There would be public benefits as a result of the proposal, but three additional houses would be only a modest benefit and would not outweigh the adverse impact I have found to the CA.

Parking Provision

18. The parking area proposed is to the front of the proposed houses. As stated by the Council, they regard the number of spaces to be sufficient, despite a slightly deficient provision. However, the tight and constrained turning area is such that it could potentially dissuade future occupants from using these

- parking spaces, especially if most of the other spaces are full (thereby further reducing the space for turning).
19. The Council has provided swept path analysis illustrations which show that with a larger car it would be difficult to enter and exit the site in a forward direction, as turning would take potentially multiple movements within the confined turning space. Although I recognise that occupants may have a smaller car, there is no control over this.
 20. It could also mean that some drivers decide to reverse out of the site. Whilst this is not uncommon within this street, this driveway would serve four houses rather than just one, which would likely result in more movements along this driveway which could lead to conflict of vehicles on the narrow driveway. Furthermore, the driveway proposed is relatively long and curved, which would require longer distances for reversing a vehicle when exiting, which would likely prove difficult when reversing. In these circumstances it would be, to my mind, more suitable to be able to drive in and out in a forward direction.
 21. As stated above, from the swept path illustrations provided the inadequate turning space could result in some occupants or visitors deciding to park elsewhere. However, due to parking restrictions, including along Merlewood Close, there is a lack of alternative on-street parking provision. I also note that streets with less parking restrictions are also heavily used for on-street parking due to lack of general availability.
 22. Although this is an accessible location, some level of parking would be required for the proposed houses. Due to parking restrictions and limitations in the area of the site, including double-yellow lines on Merlewood Close, it is important to provide enough spaces on-site and for them to be sufficiently accessible. Future residents and visitors of the proposed development would likely find it difficult to find an on-street parking spaces at peak times within the vicinity of the site on streets without parking restrictions, as the evidence the Council has provided demonstrates and as I observed on site.
 23. This may then lead to poor parking practices due to lack of available space, which could be to the detriment of pedestrian or highway safety. This is an issue that would be usually for the Council or Police to manage, but it is an indication of parking provision issues, which would be added to by the lack of suitable parking spaces to access at the site.
 24. I therefore find that the proposal would be detrimental to highway safety in the area of the site and as such would conflict with Policies CS16 and CS41 of the Bournemouth Local Plan Core Strategy (2012), which sets out, amongst other things, that development should provide sufficient parking provision.

Living Conditions of Future Occupants

25. The proposed houses would be set adjacent to some banked levels and tall mature trees. There would be some shading as a result of this. However, I have no substantive evidence that there would be a significant impact to light levels attained in the rooms of the proposed houses. There may be some limitation on light, but I do not regard there as being a substantial effect as a result of these trees.
26. The outdoor private amenity space is limited for some of the proposed units, especially considering the banked levels to the rear. However, there is space

that would be provided which would be relatively private and this would also be supplemented by balconies for example.

27. The front of Unit 2 is set between projecting frontages of the Units either side. However, this is not to a significant degree that would impose on the living conditions of future occupiers to a high degree. The occupiers of this proposed Unit would still have sufficient quality outlook from the property with no significant overlooking from Unit 1.
28. Overall, the proposal would not result in a poor standard of living conditions for future occupiers and therefore the scheme is in broad accordance with the aims of Policies CS21 and CS41 of the Bournemouth Local Plan: Core Strategy (2012), along with the 'Residential Development: A Design Guide' (2008). These policies require a good standard of amenity for future occupiers, amongst other things.

European Sites

29. The site is within 5km of a designated Dorset Heathlands SPA (Special Protection Area) and Ramsar Site, and part of the Dorset Heaths candidate SAC (Special Area of Conservation). These are sites of international significance as habitats and wildlife areas.
30. Natural England is concerned at the intensification of residential development in and around these heathland areas and the pressures placed upon them by additional people who occupy these new dwellings near these protected areas. The proposal is not directly connected with, or necessary to, the management of the Dorset Heathlands European Sites. The evidence submitted indicates the potential for damage to the Dorset Heathlands European Sites arises from the likelihood of increased recreational disturbance (including dog walking), such as trampling and disturbance to breeding birds for example, because of residential development and increased local population.
31. The Council's Supplementary Planning Document: The Dorset Heathlands Planning Framework 2015-2020 (SPD), sets out that the provision of Heathland Infrastructure Projects, with Strategic Access Management and Monitoring (SAMM) funded through individual planning obligations which can mitigate the adverse effects of development.
32. The appellant has submitted a legal agreement to 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. I would have also required a consultation response from Natural England.
33. However, even if there were no likely significant effects to ecology to result in the proposals being in line with Policies CS32, CS33 and CS34 of the Bournemouth Local Plan: Core Strategy (October 2012), and National Planning Policy Framework paragraph 170, that would be neutral in the planning balance rather than representing a positive factor weighing in favour of allowing the appeal.

Conclusion

34. Whilst I have found no harm to the living conditions of future occupiers, the harm I have found regarding the impacts to heritage asset as a result of the design and scale of the proposal, together with the parking issues identified, is such that the appeal should be dismissed.

S. Rennie

INSPECTOR