The Planning Inspectorate

Appeal Decision

Site visit made on 30 October 2019

by S Leonard BA (Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 January 2020

Appeal Ref: APP/V1260/W/19/3235400
718 Christchurch Road, Bournemouth BH7 6BZ

- 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 Max De Kment (European Equities PLC) against the decision of Bournemouth Christchurch and Poole Council.
- The application Ref 7-2018-3357-D, dated 2 October 2018, was refused by notice dated 24 April 2019.
- The development proposed is demolition of existing two storey rear extension and erection of two and a half storey extension accommodating three one-bedroom flats with the retention of the existing three-bedroom maisonette flat.

Decision

1. The appeal is dismissed.

Procedural Matter

2. The refusal reasons and the officer report do not refer to any neighbourhood development plan policies. However, the Council's statement of case and the appellant's design and access statement refer to policies within the emerging Boscombe and Pokesdown Neighbourhood Plan (BPNP). Subsequent to the planning application determination and appeal submission, the BPNP referendum took place on 31 October 2019 and the BPNP was made by the Council on 5 November 2019. Accordingly, the relevant BPNP policies form a part of the development plan for the area.

3. Both parties have confirmed that drawing Ref J.57.2013-08A is the relevant drawing upon which the Council based its decision. The appellant's appeal documents, including the appeal statement, refer to subsequent revisions to the proposed development shown on revised drawing Ref J.57.2013-08B, which was submitted to the Council prior to the determination of the application, but was not considered by the Council as part of the application determination. The appellant has requested that I take this revised drawing into account as part of the appeal determination.

4. However, the planning appeals procedural guidance[1] (Annexe M) advises that, if an applicant thinks that amending their application proposals will overcome the local planning authority's reasons for refusal, they should normally make a fresh planning application. Moreover, if an appeal is made, the appeal process should not be used to evolve a scheme, and it is important that what is

[1] Procedural Guide. Planning Appeals – England. The Planning Inspectorate August 2019.

considered by the Inspector is essentially what was considered by the local planning authority, and on which interested people's views were sought. Accordingly, I have determined the appeal on the basis of drawing Ref J.57.2013-08A and I have not considered the subsequent revision drawing -08B.

Main Issues

5. The main issues are:

- Impact on the character and appearance of the host property and surrounding area;
- Effect upon the living conditions of the occupiers of 2 Portman Road, first floor rear flat at 720 Christchurch Road and No.1, 716 Christchurch Road, with particular reference to privacy, light and outlook impacts;
- Impact on the living conditions of future occupants of the proposed development, with particular reference to external amenity space;
- Whether the proposed development makes adequate provision for parking off-road and the effect of any lack of provision on highway safety;
- Whether the appeal proposal would provide appropriate facilities for waste and recycling storage and collection; and
- Whether the proposal should make a financial contribution towards heathland mitigation.

Reasons

Character and appearance

6. The appeal property is located on the north side of Christchurch Road within the local district centre of Boscombe. It forms half of a semi-detached pair of two and a half storey period properties, and has been extended to the front and rear. This part of Christchurch Road is characterised by two/three storey buildings comprising ground floor retail/commercial uses, often with residential over. The ground floor of the appeal property is occupied by an estate agency office, which also occupies the adjacent ground floor at No.716, with both properties incorporating a front flat roofed ground floor element which wraps around the Christchurch Road and Portman Road frontages of the building. There is a three bedroomed flat on the upper two floors of the appeal property.

7. The adjacent properties in Portman Road and Haviland Road East lie within a predominantly residential area of lower density, height and site coverage of development than that of Christchurch Road, characteristically comprising domestic scale, two storey, residential properties with rear gardens.

8. Both parties acknowledge that rear extensions to properties in this stretch of the north side of Christchurch Road are characteristic of the immediate area, and that some of these extend deeply into the plots, resulting in a high degree of site coverage. These rear additions comprise a variety of designs, roof forms, scale and site coverage, so that there is no set pattern of development to the rear of the Christchurch Road frontage buildings.

9. The appeal property has been extended to the rear with a two-storey hipped roof addition with a small single storey extension beyond. Both extensions are set in at the side and set down at roof level from the front part of the building, so that they are clearly read as being subservient to the main building. A side alley way between the property and the adjacent property at No. 720, together with a rear yard area behind the appeal property, provide further around the building. The adjacent property at No.720 has a similarly designed subservient hipped roof rear two storey extension. Notwithstanding that the property has also been further extended to its rear boundary with a flat-roofed single storey extension, there still remains a significant amount of space at upper level around the rear of the building.

10. The appeal proposal would replace the existing rear single and two storey extensions with a two and a half storey extension with a width which almost matches that of the original main building and a depth extending beyond that of the two storey rear wall of the neighbouring property at No.716. The proposed footprint, combined with the full two and a half storey height throughout the whole extension and the replacement of the existing rear hipped roof with a gable end, would result in a cramped development that would significantly erode the existing open space around the appeal site property and between the appeal site and its neighbours. As a result, the proposed development would not sit comfortably in relation to the appeal site and the adjoining development. The proposal would result in a main roof ridge depth of about three times that of the existing, and this, combined with the proposed flat roofed apex of the extended part of the roof and the large expanse of blank façade in the rear most part of the east elevation all serve to emphasis the unduly dominant scale and depth of the extension in relation to the original building.

11. The incongruous nature of the appeal proposal in relation to the main building and the adjacent properties to both sides would be emphasised by the rear elevation. The gable-ended roof, with a flat-roofed apex and non-matching eaves on the west side, would be out of keeping with the adjacent hipped roofs to both sides. The windows on the rear elevation would also appear out of keeping and visually dominant in relation to that of the original host property and neighbouring period properties, exhibiting a wide horizontal design and cumulatively taking up a large amount of space in relation to the rear wall.

12. As a result, the proposed extension would result in an overintensive development of the appeal site with a scale, mass and design of development that would not sit well on the appeal site and would appear incongruous, overdominant, and cramped in relation to the host property and its immediate neighbours. The fact that the proposed development would not be perceived when viewed from Christchurch Road does not outweigh the aforementioned concerns with respect to its detrimental impact on the character and appearance of the area.

13. The appellant has drawn my attention to the rearward projection of the adjacent property at No. 716 which extends to almost the whole depth of its plot and does not have any degree of subservience to its rear projection. I have not been provided with the planning history of that property and therefore I cannot ascertain with certainty whether or not the rear-most part of this building comprised part of the original building. Notwithstanding this, I find that the circumstances in respect of that property are significantly different to those

of the appeal property, since it has a prominent visual frontage onto Portman Road and the design of the rearmost part is wholly in keeping with that of the original period building as a whole, so that it is perceived as being part of the original period property when viewed from Portman Road, and its depth is befitting of its frontage onto Portman Road.

14. The appellant has also referred me to three other properties on the north side of Christchurch road within the appeal site vicinity, which have been extended to the rear, and which, the appellant cites as being not subservient to the main building and extending closer to their rear boundary neighbouring properties than the appeal proposal. I have not been supplied with information regarding the planning history of those properties and, on the basis, of the information before me, including the appellant's aerial photographs, I do not consider those developments, or the site circumstances, to be directly comparable with the appeal proposal, which in any case, I must consider on the merits of the scheme before me.

15. The Council also considers that inadequate provision of waste storage facilities is indicative of poor design and over-intensive development of the site in respect of the appeal scheme. This is a matter I return to below.

16. For the above reasons, I conclude that the proposal would harm the character and appearance of the host property and the surrounding area and would conflict with Policy 6.10 of the Bournemouth District Wide Local Plan 2002 (the Local Plan), Policies CS21 and CS41 of the Bournemouth Local Plan Core Strategy 2012 (the Core Strategy), Policy BAP1 of the BPNP and Part 3 of the Residential Development – A Design Guide SPG 2008 (the Design SPG). These policies and guidance, amongst other things, seek to ensure that new development is well designed and respects the site and its surroundings. For similar reasons, the proposal would also be contrary to Policies of the National Planning Policy Framework 2019 (the Framework) which seek to secure high quality design as set out in Chapter 12

Living conditions of neighbours

17. The appeal proposal has the potential to impact on the living conditions of the occupiers of the first floor rear flat at 720 Christchurch Road, the ground floor residential property at No. 716, and the residential property at 2 Portman Road.

18. The first floor rear flat at No.720 is accommodated within a first floor element of the building which extends to roughly the same depth as the existing two storey rear extension to the appeal property. Beyond that, there is a single storey flat-roofed projection to the rear of No.720 which extends as far as the rear boundary of the site and abuts the side boundary with the appeal site. Double doors in the wall of the first floor of No.720 provide access from the rear first floor flat to the flat roof of the single storey extension. During my site inspection I observed the presence of domestic paraphernalia including plants and a washing line on, and railings around, the flat roof of the extension. These factors, together with the double doors opening directly onto this roofspace, suggest that this area is used as an external amenity space by the occupants of the rear first floor flat, despite the appellant's view to the contrary.

19. The proposed first and second floor side kitchen windows to flats 2 and 3 would positioned in close proximity to, and look towards, the roof amenity area

immediately to the rear of the double doors to the rear first floor flat at No.720. The potential for loss of privacy to that property would be magnified by the position of the windows above the kitchen sink, where occupants are often likely to stand. The close proximity of the east elevation side wall of the proposed extension and its degree of projection beyond the rear wall of the first floor projection at No.720 and its gable ended roof form, would combine to result in an oppressive and overbearing impact on the outlook from the rear doors of the neighbouring flat and area of roof leading directly off them. There would also be some overshadowing and loss of light to the area around the rear doors of the flat, given the position of the proposal to the west/southwest of this area.

20. The ground floor residential property at No.716 has two sets of doors leading onto a small enclosed rear outdoor amenity area. I observed during my site inspection that this appears to be used as an amenity area evidenced by the presence of outdoor seating. The proposed extension would extend as far as the rear of this outdoor courtyard and with a two/three storey wall positioned on the boundary with the courtyard. This would have an overbearing and oppressive impact on the outlook from the rear outside amenity area and rear doors of No.720 and result in some loss of light to, and increased overshadowing of, the outdoor amenity area.

21. The appeal proposal would result in the gable-ended rear wall of the two/three storey extension being sited in very close proximity to, and directly facing onto, the rear garden of the residential property at 2 Portman Road which abuts the rear of the appeal site. A degree of overlooking of residential gardens form upper floor windows is an expected occurrence within a built-up urban area. However, the juxtaposition of the proposed extension in relation to the garden of No.2, and the positioning of three large upper floor living room windows in its rear elevation, would result in an unduly harmful degree of direct overlooking in close proximity to the rear garden of that property. The extension would also have an overbearing impact on the outlook from that garden due to its mass and height and proximity to the mutual site boundary. I am less concerned about the impact on the outlook and privacy of the windows in the side and rear elevations of No.2, given the angled position of that property in relation to the appeal proposal.

22. For the above reasons, I conclude that the proposed development would unacceptably harm the living conditions of the occupiers of first floor rear flat at 720 Christchurch Road, No.1, 716 Christchurch Road, and 2 Portman Road, with particular reference to outlook, light and privacy impacts. The proposal would therefore conflict with Local Plan Policy 6.10, Core Strategy Policies CS21 and CS41 and Part 3 of the Design SPG in so far as these policies and guidance seek to ensure that new development does not harm the living conditions of neighbours.

Living conditions of future occupiers

23. The proposed one-bedroom ground floor flat would be provided with a small private external amenity area to the rear, leading directly off the living room. The adjacent remaining part of the rear yard would be given over to a smaller area of community amenity space. Whilst the Councils policies do not prescribe minimum external amenity area standards, the Design SPG states that amenity space should be of a useful size for the proposed occupants, enabling flexibility

of use and personalisation over time. I do not find the proposed communal amenity space to be either a useful size or sufficient to provide flexible use to serve the needs of the remaining three flats, which include a three bedroom flat, having regard to the fact that none of these units would be provided with balconies or any other means of private external amenity space.

24. The appellant points out that the existing rear yard is not in use and there is little existing soft landscaping on the site, so that the proposal would be a betterment. I do not agree, since, whilst there is no existing garden, the rear yard is an area which could be used by occupants of the existing flat or enhanced in the future. This potential area of amenity would be largely lost as a result of the proposed extension, which in itself would generate the need for additional amenity space to serve the three additional flats.

25. I acknowledge that there are parks and other areas of open space within reasonable walking distance of the appeal site, which may allow for a smaller area of private space for the occupants. However, even taking this into consideration, the amount of amenity space proposed for flats 2, 3 and 4 is not sufficient, particular given that flat 4 is three bedroomed and could potentially accommodate a family.

26. The Council has also expressed concern about the impact on the living conditions of future occupants arising from inadequate waste storage capacity. This is a matter I return to below.

27. For the above reasons, I conclude that the proposal would not provide adequate living conditions for the future occupants in terms of outdoor private amenity space, contrary to Core Strategy Policy CS41, BPNP Policy BAP7, and Part 3 of the Design SPG in so far as these policies and guidance seek to ensure that new development provides a high standard of living accommodation to meet the needs of future occupants, including the provision adequate amenity space. This is generally consistent with paragraph 127 of the Framework, which seeks to ensure that developments will function well and promote a high standard of amenity, health and well-being for existing and future users.

Parking

28. Policy CS16 of the Core Strategy requires parking provision for new development to be in accordance with the Council's adopted parking standards. These standards are set out in the Bournemouth Parking Supplementary Planning Document (Parking SPD) 2014. The SPD adopts a zonal approach in its assessment of local parking standards which reflects advice in paragraph 105 of the Framework, including the accessibility of the development and local car ownership levels.

29. No on-site car parking is proposed to serve the proposed development, nor is it feasible, given the site constraints and built up nature of the area around the site. Consequently, when assessed against the Council's adopted standards set out in the Parking SPD, the Council considers that there would be a car parking shortfall of three spaces.

30. The site is located close to the junctions of Christchurch Road with Portman Road and Crabton Close Road where there are double yellow lines, together with traffic lights and traffic islands on Christchurch Road. Unrestricted on-

street parking is available further north along Portman Road and in neighbouring residential streets including Haviland Road and Haviland Road East near the site. However, the appellant has not provided a street parking availability assessment to demonstrate that there would be sufficient and adequate on-street parking capacity. The Highways Authority has objected on the grounds that the area already experiences high levels of parking stress, evidenced by details of recorded obstructions and illegal and inconsiderate parking within the vicinity of the appeal site, and that the appeal proposal would exacerbate these existing nuisance and highway safety problems.

31. During my site inspection I observed that there was a high demand for on-street parking in the area around the appeal site. At the time of my visit there were no available parking spaces within the immediate vicinity of the site and limited availability in the residential streets further afield. I also noted that a large number of property frontages within the vicinity have been laid out as off-street parking, indicating a high parking demand in the area and also reducing the availability of on street parking spaces. I consider that this emphasises the need for the appeal proposal to make adequate parking provision for any intensification of the existing use of the site.

32. I concur with the Council's view that increased instances of inconsiderate parking are likely to interfere with the free flow of traffic within the nearby roads and possibly lead to disputes between residents over parking, obstructions to highways and footways, and inconvenience to drivers, pedestrians and cyclists, all leading to increased harm and adverse impacts on highway safety.

33. The appellant's submitted Transport Statement highlights the accessibility of the site to shops and services along Christchurch Road and well-developed public transport links, including a main bus route along Christchurch Road and Pokesdown rail station. However, the accessible location has already been taken into account within the Council's Parking SPD which is divided into three zones on the basis of differing accessibility levels.

34. The appellant has also highlighted spare parking capacity at the nearby Hawkwood Road Car Park 3 public car park, for which parking permits are available, and the proximity of the appeal site to the Bournemouth wide Car Club which offers an alternative car travel option to private car ownership. However, whilst the appellant's intentions to contribute to the car club and/or provide parking permits for future residents of the development may be genuine, there is no guarantee that these options will occur and no binding agreement to compel the appellant or future residents to take either of these options. Furthermore, I concur with the Council, that in the absence of any binding legal agreement, future occupants are unlikely to wish to pay for either of these options given the availability of unrestricted on-street parking significantly closer to the appeal site.

35. I have had regard to the recently adopted BPNP Policy BAP6, which confirms that, in the case of developments of 9 or less dwellings, car-free housing may be acceptable above commercial premises on Christchurch Road and in highly constrained locations provided that appropriate financial contributions are made towards alternatives such as car clubs, walking and cycling improvements and public transport provision. However, I have not been

provided with any evidence to confirm how such contributions would be ensured with respect to the appeal proposal.

36. The appellant contends that extant permission, Ref 7-2018-3357-C granted in May 2018 for the conversion of part of the existing office use to a one-bedroom flat is a material consideration, implying a car parking shortfall of two instead of three spaces, having regard to the number of residential bedrooms of the extant permission (4) compared to the appeal proposal (6). I have no evidence before me to come to a view as to whether the extant permission is likely to be implemented. However, notwithstanding this, even with a shortfall of two spaces when assessed against the Parking SPD, the appeal scheme would still have the potential to exacerbate the existing on-street parking problems, having regard to the shortfall in parking and also the increase in the number of independent units of accommodation.

37. As such, in the absence of a street parking availability assessment to the contrary, I am of the opinion that the proposal would add to the existing on-street parking pressure, which is already at or near capacity. This would likely lead to obstruction to traffic and increased issues with potentially illegal/unlawful parking within the vicinity of the site. As such, I conclude that the parking arrangements would not be adequate and the proposal is contrary to Core Strategy Policies CS16 and CS41, BPNP Policy BAP 1 and the Parking SPD, which, amongst other things, seek to ensure that new development provides adequate car parking, does not exacerbate existing pressure for on-street parking, and provides a high standard of amenity for future occupiers. This is generally consistent with the Framework which states that development can be refused on highway grounds if the residual cumulative impacts on the road network would be severe (paragraph 109).

Waste and recycling facilities

38. The proposal includes a bin store within the ground floor, which would serve the commercial premises and the four residential units, and would be accessed from Christchurch Road via the alleyway which runs between the appeal property and No.720. The appellant states that this is an improvement over the existing situation where there is no integral bin store and bins are left in the side alleyway. I concur with this view, as during my site inspection I found bins to be left in the side alleyway and rear yard of the appeal site.

39. The Council has concern about the layout and capacity of the bin storage, in particular in respect of the need for separate provision for commercial waste storage. The proposed arrangement does not comply with the Council's waste and recycling standards which are required to enable Council collection. The Council confirms that the use of waste management plans identifying a suitable workable scheme for private collection are an option to manage waste/recycling facilities, subject to a less intensive development of the site than the appeal scheme. No such waste management plan has been submitted by the appellant. Whilst I am of the view that this matter is capable of resolution, this has not been satisfactorily demonstrated as part of the appeal proposal.

40. For the above reasons, I conclude that the appeal proposal would not provide appropriate facilities for waste and recycling storage and collection. As such, it would be contrary to Local Plan Policy 6.10, Core Strategy Policy CS41, BPNP Policies BAP2 and BAP7 and Part 3 of the Design SPG, in so much as these

policies and guidance require good design principles for new development and safeguarding the residential amenities of future occupants, including the provision of adequate refuse storage.

Heathland mitigation

41. The site is within 5km but outside 400m of the Dorset Heathlands Special Protection Area (SPA). Natural England is concerned about the intensification of residential development in South East Dorset, and the resultant pressures upon protected Heathland by the new occupants of these dwellings living in close proximity to such areas. Studies have shown that increased access to lowland heathland from nearby development leads to an increase in wildfires, damaging recreational uses, the introduction of incompatible plants and animals, loss of vegetation and soil erosion and disturbance by humans and their pets. It is the view of Natural England that within 5km of Heathland, there will be significant adverse effects in combination with other proposals. However, avoidance or mitigation measures, including access management measures to divert recreational pressure from heathland can allow development to be permitted.

42. This has led the Council, along with others in the area, producing the Dorset Heathlands Planning Framework 2015 – 2020 SPD (DHPF), which includes an Avoidance and Mitigation Framework Strategy and Strategic Access Management and Monitoring requirements. This is in line with CS Policy CS33. The Council has carried out an Appropriate Assessment under the Habitats Regulations, concluding that adverse effects on the designated nature conservation sites would be avoided if a financial contribution in accordance with the requirements of the DHPF were to be made.

43. The appellant has provided a signed and dated Unilateral Undertaking that secures such payment. This was sent to the Council after the appeal was lodged and the Council has not yet commented upon it. However, as I have found against the proposals on the substantive issues, I need not take this matter further at this time.

Other Matters

44. The Council has confirmed that it is currently preparing the annual update to the 5-year supply of deliverable sites required by paragraph 73 of the NPPF and that it is unlikely that the Council will be able to demonstrate a 5-year housing land supply once the assessment is complete. As such, relevant policies for the supply of housing should not be considered up-to-date. Paragraph 11 of the Framework should therefore be applied, and permission should be granted unless the application of policies in the Framework that protect areas or assets of particular importance, including habitats sites, provides a clear reason for refusing the development proposed, or the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole or specific policies in the Framework indicate that development should be restricted.

45. Paragraph 8 of the Framework defines the three dimensions of sustainable development as performing economic, social and environmental objectives. When judged against some of the core planning principles of the Framework, the appeal proposal would perform well, in that it would be in an urban area where access to facilities is likely to be greatest.

46. In terms of its component dimensions, there would be a social benefit in providing three additional dwellings. However, whilst paragraph 59 of the Framework refers to boosting significantly the supply of homes, the provision of three extra residential units would make little meaningful difference. Economic advantages would also arise from the construction and occupation of the new flats.

47. However, the aforementioned harm to the character and appearance of the area, living conditions and highway safety would be significant, and, as a result, the environmental and social roles of sustainable development would not be achieved. Accordingly, notwithstanding whether footnote 6 to Paragraph 11 of the Framework applies with respect to habitats sites, I have found that, when assessed against the policies in the Framework taken as a whole, the adverse impacts would significantly and demonstrably outweigh the benefits. Therefore, the proposal would not be a sustainable form of development. The conflict with the development plan is not outweighed by other considerations including the Framework.

48. I am cognisant that the Framework encourages the effective use of land in meeting the need for homes, including giving substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs. It also recognises that residential development often plays an important role in ensuring the vitality of town centres, encouraging residential development on appropriate sites. However, these policy stances are not unqualified, and would not address or outweigh the aforementioned harm that I have identified to the character and appearance of the area, living conditions and highway safety.

Conclusion

49. For the reasons given above, and having regard to all matters raised, I conclude that the appeal should be dismissed.

S Leonard

INSPECTOR