



Appeal Decisions

Hearing Held on 7 January 2020

Site visit made on 8 January 2020

by M Bale BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31st January 2020 .

APPEAL A: Appeal Ref. APP/G1250/W/19/3225225 Nos.14-20a Belle Vue Road, Bournemouth BH6 3DP

- 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 Renaissance Retirement against the decision of Bournemouth Borough Council.
 - The application Ref. 7-2018-20591-A, dated 15 December 2017, was refused by notice dated 8 November 2018.
 - The development proposed is demolition of the existing buildings and erection of 40 sheltered apartments for older people (comprising 11 x one bedroom apartments and 29 x two bedroom apartments age restricted to 60 years and over); with associated access electric buggy/cycle store and refuse bin store and 34 parking spaces.
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APPEAL B: Appeal Ref. APP/V1260/W/19/3237444 Nos.14-20a Belle Vue Road, Bournemouth BH6 3DP

- 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 Renaissance Retirement against the decision of Bournemouth, Christchurch and Poole Council.
 - The application Ref. 7-2019-20591-B, dated 10 May 2019, was refused by notice dated 29 August 2019.
 - The development proposed is demolition of the existing buildings and erection of 38 sheltered apartments for older people (comprising 13 x one bedroom apartments and 25 x two bedroom apartments age restricted to 60 years and over); with associated access electric buggy/cycle store and refuse bin store and 33 parking spaces.
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Decisions

1. The appeals are dismissed.

Main Issues

2. The main issues are:
 - (a) The effect on the character and appearance of the area;
 - (b) The effect on the living conditions of nearby residents, with particular regard to privacy and outlook; and
 - (c) The effect on the local housing mix with particular regard to the effect on the availability of family housing.
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Reasons

Character and appearance

3. The appeal site is formed of 5 dwellings and their gardens. The dwellings are relatively small in appearance having the majority of their accommodation at ground floor, with first floor living accommodation within their roof spaces. They are set on the inside of a curve in Belle Vue Road, behind a wide grass verge. The scale of the dwellings and their siting combine to give the immediate environs an open, spacious character.
4. Either side of the site, albeit separated at one end by a further dwelling, are two substantial Victorian villas – the subdivided Nos.10/12 and No.22 Belle Vue Road. I understand that these villas were among the first houses to be built on Belle Vue Road shortly after it was laid out and therefore provide a tangible link to the history of the area and early aspirations for 'Southbourne-on-sea'¹. The notably smaller-scale of the dwellings around these villas, including those at the appeal site, allows the villas to stand out as prominent built form in the area and it is possible to see from one to the other, across the appeal site.
5. Belle Vue Road is long and it is evident when passing along it that it can be divided up into various sub-character areas. From my own observations, heading broadly from west to east, I saw a change in character to a more suburban form where Southbourne Road initially becomes Belle Vue Road and then returning to a more commercial environment with significantly higher buildings around the area of Bolton Road in the East.
6. There are wide views across much of the site from the closest parts of Grange Road that frame the site and the two villas that bookend it. However, whilst this provides an area of localised spaciousness, the presence of this framed view, or smaller scale of the dwellings therein, does not mean that it should be considered as an isolated character area separate from the wider suburban section of Belle Vue Road.
7. The suburban section, which includes the appeal site, includes a mix of relatively fine-grain domestic scale properties. These are interspersed with a number of substantially larger buildings. At the hearing there was debate about the 'Sunrise' development, a particularly large scale building within the suburban section of Belle Vue Road that also contains the site. I understand that it replaced a previous large, bulky building but nevertheless it is now part of the area, informing its character and appearance. That said, despite having a large, wide planform, it has two forward projecting side wings and a deeply recessed central core that break up the width. It is also set behind substantial mature trees, so, despite the relatively narrow width of the road here, it does not appear particularly large and intrusive in the street scene.
8. There are more large buildings on the opposite side of Belle Vue Road. Whilst this gives the two sides of the road a slightly different character, the seaward side more closely associated with the higher density cliff-top development and the landward side relating to the suburban environment behind it, they cannot be ignored in defining the context of the site or the character and appearance of the area. In general, the area displays a sense of piecemeal development over time. The majority of buildings relate well to one another, but there is no

¹ Representation of Bournemouth Civic Society to appeal A (08.03.2018).

prevailing architectural style and the individuality of buildings is also a clear part of the character.

9. It is unsurprising, then, that the Belle Vue Road locality is referred to in Residential Development: A Design Guide (2008) ("RDG") as an example of an 'area in transition' where there has been a shift in urban character of some traditional residential properties to blocks of flats. The RDG goes on to indicate that the redevelopment of sites in areas in transition has resulted in a very different architectural form between the traditional buildings and blocks of flats, and that there can be little argument that redevelopment has resulted in a loss of architectural quality of the urban environment. Amongst other things, it indicates that as a key watch point, care must be taken to respect the remaining traditional properties. Finding an area as being 'in transition' does not, therefore, automatically indicate that redevelopment for flats is appropriate, but there is also no substantive evidence that the buildings at the site are of particular architectural quality.
10. The appeal schemes would both introduce considerably greater built form onto the site. Although the buildings would not span the full width of the site, amalgamating the individual plots and erecting a building spanning across those former plots, would disrupt the finer grain of this part of Belle Vue Road.
11. Both schemes would see a building erected close to or behind the front elevation line of the existing Nos. 16-20a. However, whilst this is an established line for development, the building would stand forward of both Nos. 12a and 22 that flank the site and given the significant increased height, relative to the existing dwellings at the site, would be prominent in the street scenes looking along Belle Vue Road.
12. The forward projection would be particularly noticeable in the elevations alongside No. 22. However, whether or not oriel windows in that side elevation have been included solely to avoid overlooking, given the articulation of these elevations they would not be dominating, unwelcoming or particularly harmful to the street scene. Whilst the buildings would have a different appearance to most surrounding development, given the mixed architecture in the area, I find no compelling reason why the architectural approach in either scheme would be fundamentally harmful.
13. In both schemes, the architect has attempted to reduce the apparent width of the building by creating an illusion of two separate buildings with a recessed, glazed central linking section. As from some vantage points, the buildings would clearly be a single mass, the approach has been criticised by some as being dishonest. However, despite the linking section extending to 4 storeys in height, and being less recessed in the appeal B scheme, I find that the division of the façade in this way, together with other details and differing forward projections across the elevation, would adequately reduce the visual mass of the buildings and would prevent them being overly horizontal in their architectural emphasis. To my mind, the approach is more successful in appeal A given the marked contrast in architectural language between the two 'wings' of the building, but adequate in both.
14. Both schemes would result in a building that was taller than those neighbouring the site. However, in appeal A, the top floor accommodation would be provided in the roofspace of the pitched roof section. In the flat roof section of appeal A and both the front wings of appeal B, the upper floor would be

substantially recessed from the side elevations of the lower floors. This would reduce the visual mass such that the buildings would each sit comfortably within the street scene. The lower rear wings of both schemes may be visible in some views, but this would be limited and so would not be so intrusive as to result in tangible harm in itself.

15. The increased height and spread of development across the site would result in a loss of some openness, particularly in terms of views through the site and over the buildings. The greatest effect would be when approaching the site along Grange Road, which I understand to be a popular walking route back from the beach. Viewed from here, there would be a notable reduction in the amount of sky visible across the site. Based on the numerous written and oral representations, I appreciate that this spaciousness is highly valued by very many local residents.
16. However given the width of the road, coupled with the openness of the junction with Grange Road, and aided by the set back of surrounding buildings and those proposed, the effect on Belle Vue Road would not be harmful. Viewed from Grange Road, the presence of other large buildings such as 'Hotel Bristow' and, in closer range views, the 4 storey building at 2 Marine Drive, the change would not harm to the area's overall character.
17. The developments would also provide a substantial amount of car parking across the site frontage. There is already parking provision and hard surfaces on the site frontages of the existing dwellings, but as the car parking arrangement would become more formal, densely arranged, and provided in a single expanse, it would be more noticeable in the street scene. That said, it would not cover the entire site frontage and, with the addition of new landscape planting, would not cause harm to the street scene.
18. The scale of the buildings and their height would also reduce the prominence of the two Victorian villas and it may no longer be so easy to appreciate the relative, historic space between them. However, given the presence of 12a between Nos.10/12 and the distance to facilitate vehicle access and parking between the proposed buildings and No.22 these villas would not become cramped within the street. As such, the proposals would respect the traditional buildings, as required by the RDG and they would still provide a tangible link to the early development of the area. Therefore, even if I were to regard these villas as non-designated heritage assets, there would not be any demonstrable harm to their individual significance.
19. I understand that a group of local residents is seeking to secure formal heritage designations within the area, including the local listing of Nos. 10/12 and 22, and the designation of a conservation area. However, from the evidence I heard at the hearing, any associated formal process appears to be very much in its infancy.
20. The development of either scheme would undoubtedly result in a significant change to the appearance of the area, particularly the reduction in openness approaching along Grange Road, the reduced prominence of the Victorian villas and ability to read them as a group. However, in the absence of any formal heritage designation, these matters are of limited weight. Therefore, I find that there would be no overall harm to the character and appearance of the area.

21. Therefore, I find that there would be no conflict with the aims of those parts of Policy 6.10 of the Bournemouth District Wide Local Plan (2002) ('LP'), or Policies CS21 and CS41 of the Bournemouth Local Plan: Core Strategy (2012) ('CS') that collectively seek to ensure that new developments respect the character and local distinctiveness of the area. I note that the CS policies also refer to a need for enhancement, but in the absence of demonstrable harm, I find that no harmful conflict with the general aims in respect of this main issue would arise.

Living conditions

22. Whilst the outlook of a number of surrounding properties would be affected, the main effects would arise in respect of the proposed relationships to Nos.12, 12a and 22 Belle Vue Road, No.13 and the garden of 15 Newstead Road.
23. No.12a directly adjoins the site. It is a similar scale dwelling to those on the appeal site, but has a small rear garden between the site and No.12. To some extent this garden is already overlooked by some bedroom windows in No.12. The garden has an enclosed feel by virtue of its own boundary fencing and the presence of No.12. No.14, at the appeal site, is also particularly close but given the small scale of that existing dwelling and that the roof slopes away from the boundary with No.12a, it does not intrude heavily on the outlook from the garden or the dwelling's rear conservatory.
24. By contrast, whilst the proposed building would be further away from the boundary than the existing No.14, it would be considerably taller. The uppermost floor would be set well in from the lower floors, but the main front wing in both schemes would still present a high wall, the rear corner of which would be in close proximity to No.12a. Although the appellant's shadow study² indicates that there may be little change in respect of direct shading, the presence of the building would intrude upon the outlook from the garden and rear conservatory. Given the already enclosed nature of the rear portion of No.12a, these effects would be significant and harmfully overbearing.
25. The front wings would also include balconies on their rear facing elevations at first and second floor. Whilst obscure glazed privacy screens on the side returns of those balconies could limit direct overlooking of No.12a it would still be possible to look out from the front of the balcony into its small garden area at close range. Given the external nature of these outward views from the proposal, they would be more harmful than any existing overlooking experienced from Nos.12 or 14.
26. No.12 has a longer rear garden that tapers to a point furthest from the house, beyond the rear appeal site boundary. However, at the site visit, I saw that the main usable part of the garden is alongside the site. It currently has a relatively open outlook as there are only low structures in the rear gardens of the surrounding properties. The rear wing of the proposal, at around 14.9m from the boundary³ would be clearly noticeable. When viewed alongside the rear elevation of the front wing, there would be a strong enclosing effect on the rear garden of No.12, but given the distance involved, it would not be so overbearing as to harm the living conditions of the occupiers.

² Planning Appeal Statement (Appeal A) prepared by Laurie Marlow – Appendix 1

³ Planning Appeal Statement (Appeal A) prepared by Laurie Marlow Fig 6.9 (p.57)

27. The rear wing of the proposed buildings would have numerous windows facing towards the garden of No.12 and its side windows, which serve both living space and bedrooms. Whilst accepting that some degree of overlooking in an urban area is inevitable, the RDG provides guidance on acceptable separation distances between dwellings to maintain a reasonable degree of privacy.
28. The RDG advice is based upon back to back distances in parallel buildings. In a table at Section 3.7.1, it confirms that 21m is an appropriate distance between parallel 2 or 3 storey buildings with rear facing windows but no living room windows on upper floors. It indicates that 25m is required for 3 storey buildings with living room windows on upper floors. The standards cannot be cleanly applied to the appeal proposals because back-to-back arrangements, as described in the RDG, would not exist. However, I see no reason why they would not indicate appropriate distances between any residential windows in a broadly direct line.
29. The appeal buildings would have living room windows at upper floors. I understand that the windows were reduced in size and balconies were removed during the Council's consideration of the appeal A scheme. I was advised at the hearing that those in a broadly direct line would be around 26m from the side windows of No.12 which, following the RDG would be sufficient to maintain sufficient privacy of the internal spaces. There is no guidance within the RDG about appropriate distances to garden areas. As the RDG refers to back to back building distances, it may be reasonable to assume that half of the given standard may be appropriate in respect of gardens.
30. However, whilst that could make the stated 14.9m distance to the rear wing appropriate if a single dwelling were facing another, the appeal A scheme would have four main living room windows broadly alongside the garden area to No.12 and the appeal B scheme would have two. This is in addition to the other, bedroom, windows that would also exist by virtue of the single aspect of the proposed accommodation. The balconies on the rear elevation of the front wing, would also face in the general direction of the garden of No.12 at a similar distance. The existing outbuilding to the rear of 12a would do little to screen views from those upper floors. Whilst slightly off-set, the more panoramic nature of an external view compared to an internal one would add to the harm generated by the rear wing.
31. I can understand the frustration expressed by the appellant at the hearing if a Council does not strictly adhere to published guidance in standards such as this. However, there is no clear guidance in respect of gardens and given the number of dwellings that would overlook what has, until now, been a residential garden enjoying typically suburban levels of privacy, I find that significant harm would arise to No.12 in respect of privacy.
32. In many ways, No.22 would have a similar relationship to the proposals as No.12. Living room windows in the rear wing would be 22.4m⁴ from the side face of No.22, which contains windows. Such would be below the 25m standard outlined in the RDG and on this basis, I find that a loss of privacy would occur. The garden would, however, be further away from the proposed building. No.22 also has a larger area of usable garden space across its full width and further away from the upper floors of the proposed buildings, especially in respect of Appeal B which would have a shorter rear wing at first

⁴ Planning Appeal Statement (Appeal A) prepared by Laurie Marlow Fig 6.14 (p.66)

- and second floors. Accordingly, I do not find that there would be a harmful effect on the privacy of the garden space for No.22, nor a harmful overbearing impact.
33. Turning to those dwellings on Newstead Road, No.13 would be broadly aligned with the rear elevation of the rear wing. It would, therefore, have a significant effect on the outlook from this property. However, part of the garden space to No.15 runs between the garden area at No.13 and the appeal site and as such, there would be sufficient separation distance to avoid a harmful overbearing effect.
34. Appeal A proposes first and second floor kitchen windows in the facing rear elevation at a distance of at least 27.3m from the rear face of No.13⁵. I saw at the site visit that the main living space at No.13 is at first floor level and there is a small sitting out area. Nevertheless, the appropriate distances in the RDG would be exceeded and as such, I find no demonstrable harm to privacy would arise. The situation would be further improved by appeal B where the first and second floors would be further back and contain only obscure glazed windows.
35. The dwellings either side of No.13 would be off-set from the main rear wing and so experience a lesser effect on their outlook. However, the rear garden of No.15 includes a section behind the rear boundary of Nos.11 and 13 that forms the boundary with the site. That area is currently used primarily as an allotment.
36. The appellant's shadow study in respect of Appeal A indicates that at 3pm on 21 March, there would be partial shading of the allotment area. Such would not occur on 21 June. Accordingly, I find that not all of the allotment area would be in shade, such would be transient throughout the day and would not cause a detrimental effect at all times of the year. On this basis, I have no substantive evidence that the proposal would harm the ability of the occupants of No.15 to cultivate the allotment. Again, the situation would improve in respect of appeal B.
37. However, the aforementioned kitchen windows proposed in Appeal A would be only 5.5m from the boundary of the 'allotment'⁶. Whilst this part of the garden may not be currently used for sitting out, it is nevertheless relatively private garden space. The proximity of the kitchen windows in the appeal A scheme would significantly harm the privacy of this garden area. Although the top floor would be set in slightly, the building would also be so close as to loom over this garden space, causing harm to the outlook of its occupiers. Given the differences outlined above, such would not occur in respect of Appeal B.
38. The proposals would also introduce additional activity close to the boundaries of No.22 Belle Vue Road and No.15 Newstead Road. The car parking in this area and associated vehicle movements, opening and closing of car doors and the like has the potential to cause noise disturbance in this relatively tranquil back garden environment.
39. The appellant has produced a noise assessment⁷ that indicates that noise generated by these activities, averaged over time, would remain below background levels in the area. Whether or not that is an appropriate

⁵ Planning Appeal Statement (Appeal A) prepared by Laurie Marlow Fig 6.12 (p.63)

⁶ Planning Appeal Statement (Appeal A) prepared by Laurie Marlow Fig 6.9 (p.57)

⁷ Clarke Saunders Acoustics (May 2019) 14-20A Belle Vue Road; Noise Impact Assessment ('NIA')

measurement, given the individualised, very short term effects from closing doors and starting engines, the report also indicates that the maximum levels would be below World Health Organisation guidelines⁸.

40. I understand that there are numerous situations within Bournemouth where parking has been provided alongside residential boundaries. The Council's representative confirmed at the hearing that he was not aware of any circumstances where demonstrable harm had arisen from such arrangements. Even if that is not the case, given the relatively low likely traffic generation of a scheme of older people's housing compared to general housing, and that the vast majority of movements would likely occur during the day, the effects would be limited and not harm living conditions.
41. Concluding on this main issue, I find that the appeal A proposals would cause significant harm to the living conditions of Nos. 12, 12a and 22 Belle Vue Road, and to No.15 Newstead Road by reason of a loss of privacy. There would also be further harm to the outlook of No.12a Belle Vue Road and No.15 Newstead Road. The situation is improved by the appeal B proposals given the reduced scale of the rear wing. However, there would still be significant harm to the privacy of Nos.12, 12a and 22 Belle Vue Road, and to the outlook of No.12a.
42. I have considered whether additional landscaping and tree planting could mitigate the harmful effects. However, the long-term survival and ability of such features to provide screening cannot be guaranteed so I do not find that an appropriate solution. Accordingly, I find that both proposals would cause a harmful conflict with those aims of CS Policies CS21, CS41, and LP Policy 6.10 that seek to respect and enhance neighbouring residents' living conditions and amenities.

Housing mix

43. The CS predicted at paragraph 4.3.11 that by 2014 there would be more flats in Bournemouth than individual dwellings and the Council's evidence indicates that this may now be the case. A simple visual assessment indicates that flats are common within the vicinity of the appeal site, albeit that there are also a large number of family dwellings. Within the written representations and at the hearing, I received anecdotal evidence that many families have difficulty finding appropriate housing within the Southbourne area.
44. I understand local resident's desire to maintain a strong presence of family housing within the locality and avoid a shift to a community focussed on housing provision for the older people. However, whilst there may already be considerable provision for older people's housing within the area there is no substantive evidence that these proposals would create a harmful shift in demographic. Indeed, the appellants evidence indicates that the proportion of flats within the vicinity of the sites is lower than the Bournemouth average⁹. The National Planning Policy Framework ('the Framework') is clear that housing needs for older people must be catered for¹⁰ and it is common ground between the appellant and the Council that there is an increasing need for older people's housing within Bournemouth. The main point of contention, therefore, is the effect that the proposals would have on the availability of family housing.

⁸ World Health Organisation (1999) Guidelines for Community Noise, cited within NIA

⁹ Planning Appeal Statement (Appeal A), 13.21, referencing census data.

¹⁰ Framework paragraph 61.

45. CS Policy CS19 is specifically concerned with protecting small family dwellinghouses. It states that in order to retain a balanced stock of housing, the loss of small family sized dwellinghouses will be resisted. It goes on to clarify that for the purpose of this policy, a small family dwellinghouse is a house or bungalow with an original gross external floorspace of less than 140m².
46. It is common ground¹¹ that all but one of the dwellings at the appeal site had an original floor area consistent with this definition, but all have subsequently been extended such that they exceed the 140m² threshold. The appellant suggests that their size and characteristics may mean that they would not be affordable to many small families. However, that contention is based upon predicted borrowing amounts and does not account for those wishing to upsize. Furthermore, the policy is not seeking to provide affordable housing.
47. Thus, it may well be that extensions to the existing dwellings mean that they are no longer small family houses, but this is not to say that they do not make a contribution to the family housing market. Whilst the title of the policy relates to small family dwellinghouses, the explicit policy reference to original size allows extended properties to be included. Given that the supporting text¹² outlines that the policy is in response to the mix of flats and houses, I find no compelling reason that the policy should not apply to those properties at the site that originally complied with the definition. Only one of them did not, and, therefore, overall the proposals would result in a clear conflict with CS Policy CS19.
48. The Council does not dispute the appellant's evidence that the provision of specific housing for the older people can result in the freeing up of other family housing. Such potential was also reflected in the Housing White Paper¹³ (February 2017). Indeed, the appellant's experience elsewhere suggests that up to 16 family houses could be released within 4 miles of the development. Further releases could occur when the units became vacant in the future. There is also evidence relating to the effect over a 10 mile area, but as there is no substantive evidence regarding the need to protect family houses over this wide area that includes neighbouring development plan areas, I attach little weight to that.
49. However, the Council contends that those family houses would be released at some point to the market and would not be completely lost, as would be the case through demolition. Indeed, whilst the proposed units could be occupied by those over the age of 60, the appellant suggested at the hearing that those occupying the properties tended to be considerably older and most downsize primarily as a response to changes in their circumstances or individual needs. Therefore, whilst the availability of specialist housing may provide an impetus to move, those vacating existing housing may leave the properties in any case within a relatively short timeframe. Furthermore, other evidence from the appellant indicates that the release of under-occupied properties is a complex picture as new buyers may themselves under occupy¹⁴.

¹¹ Statement of Common Ground 5.1.

¹² CS paragraphs 4.3.11-4.3.13

¹³ "Fixing our broken housing market"

¹⁴ Shelter (2012): A Better Fit? Creating Housing for Older People (Appellant Appeal Statement, Appeal A, Appendix 22).

50. I note that the benefits in freeing up under-occupied housing have been acknowledged by other Inspectors¹⁵. Considered alongside a host of other benefits relating to the provision of older people's housing, they were considered to outweigh various harms including to the significance of heritage assets. However, one of those cases cited would have resulted in the loss of a single dwelling and another in the loss of a commercial building. The potential effects on the housing mix in the area are not, therefore, comparable to the current situation where there are clear policy reasons for resisting the loss of family housing.
51. I do not doubt that there would be some benefits to the availability of housing stock from the vacating of under occupied properties. However, given the uncertainties above, I am not convinced that those benefits are sufficient to avoid a conflict with the aims of CS Policy CS19 or to outweigh the clear conflict with it. I, therefore, find that harm would result to the availability of family housing in the area and by extension the housing mix overall.

Other matters

52. There is no dispute that the Council cannot currently demonstrate an adequate supply of housing land. Whilst the Council believes their figures to be conservative, both parties place the current supply below 3 years. This is a significant shortfall. As noted above, it is also common ground that there is a need for additional housing for older people. The proposal in appeal A would provide 40 new dwellings, with 38 in appeal B. Accounting for the net reduction arising from the loss of existing dwellings, this is a significant contribution, especially given the shortfall.
53. Furthermore, the site is located within one of the locations that the overall spatial distribution strategy, set out in CS Policy CS21, describes as being appropriate for urban intensification. There is limited land available for housing within Bournemouth and, therefore, a process of urban intensification is the most likely mechanism whereby new dwellings would be provided. I, therefore, attach substantial weight to the benefits arising from the delivery of housing generally and at this site in particular.
54. The appellant also cites various benefits from the provision of specialist housing for the older people. These include savings in health and social care, improvements to health and wellbeing, and a reduction in social isolation. There is also evidence that older people's housing can have positive economic benefits such as through local spending. There is no robust counter evidence and, therefore, I give these benefits substantial weight.
55. The listed Seafeld Water Tower is visible across the rooftops of the existing dwellings. It is an important local landmark, and like the Victorian villas gives clues to the history of the area. However, whilst I have little information about this designated heritage asset, the views of the tower through the site are limited and at some distance. I, therefore, find that the loss of such views would, at most, result in a low level of less than substantial harm to the significance of the tower.
56. Whilst great weight should be applied to any harm to the significance of a designated heritage asset, given the shortfall in housing, the contribution to

¹⁵ For example, in APP/N1730/W/18/3199797 and APP/B1740/W/18/3198347

housing supply and the other benefits associated with older people's accommodation would clearly outweigh the harm. The effects on designated heritage assets would, therefore, be neutral in the planning balance.

57. Planning obligations have been submitted that would deliver various highway improvements. These include a new bus shelter, real-time travel information and a pedestrian crossing island to facilitate access to the westbound stop. Whilst some highway and transport matters were referred to in the Council's reasons for refusal, it is common ground¹⁶ between the Council and appellant that these concerns have now been satisfactorily addressed. The obligations would also make contributions to mitigate effects on European Nature Conservation Sites. However, these matters relate to mitigation and so are neutral in the overall balance.

Planning balance

58. Whilst I have found no conflict with those aspects of CS Policies CS21, CS41 and LP Policy 6.10 that concern the effect on the character and appearance of the area, I have found a harmful conflict with those parts of the same policies that seek to protect living conditions. I attach substantial weight to that issue. Whilst the proposal is in an area where intensification is broadly supported by Policy CS21, given the severity of the harm to living conditions, the proposals would conflict with CS Policies CS21, CS41 and LP Policy 6.10 when read as a whole.
59. I have also found harm in respect of the conflict with the aims of CS Policy CS19. However, some family housing would likely be freed up within Bournemouth. I have found that this would not mitigate the harm, but given the large shortfall in general housing land supply at the present time, and the fact that housing is most likely to be delivered through a more intensive use of sites in locations such as the appeal site, the substantial net increase in dwellings leads me to reduce the weight I attribute to the conflict with Policy CS19.
60. My balance of findings in respect of the setting of the Seafeld Water Tower and public benefits mean that there are no policies in the Framework that protect areas or assets of particular importance that provide a clear reason for refusing the development proposed. The Council's inability to demonstrate a deliverable supply of housing land, therefore, means that the test outlined at Paragraph 11d(ii) of the Framework is engaged. Such indicates that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
61. The Framework, like the development plan, contains policies that seek to protect the living conditions of residents¹⁷. I have found significant harm in respect of the effect on living conditions. Whilst a key aim of the Framework is to significantly boost the supply of homes, when read as whole, the Framework does not suggest that this should happen at the expense of other considerations. Therefore, notwithstanding the weight that I attribute to the supply of housing and other benefits, I find that the harm generated by both appeal schemes significantly and demonstrably outweighs these benefits when

¹⁶ Statement of Common Ground – paragraph 5.1.

¹⁷ Framework Paragraph 127

assessed against the policies of the Framework, taken as a whole. Therefore, the presumption in favour of sustainable development outlined at paragraph 11 of the Framework does not apply.

Conclusion

62. The proposals conflict with the development plan. For the reasons outlined above, the benefits associated with the schemes and any other material considerations, do not indicate otherwise that the decision should be taken other than in accordance with the development plan.
63. I, therefore, find that the appeals should be dismissed.

M Bale

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Rupert Warren QC – instructed by Pegasus Planning
Laurie Marlow ARB RIBA – Partner/Director David James Architects
Kate Holden MRTPI – Associate Planner, Pegasus Planning
Simon Broomfield

FOR THE LOCAL PLANNING AUTHORITY:

Tom Hubbard MRTPI – Senior Planning Officer
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INTERESTED PERSONS:

Gerald Adair
Christine Brooks
Elizabeth Christopher
Cllr E Coope
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Martyn Mercer
Maureen Mercer
Leanne Mowlem
Francis Owtram
Dr John Soane – Bournemouth Civic Society
Sandra Starzacher
Pat Stratford
Vicki Whitham

DOCUMENTS SUBMITTED AT THE HEARING

- 1 CS Policy CS2, including CS paragraphs 3.1.10-3.1.17
- 2 Section Drawing (Ref. Core Document 08 | Indicative Street Scene) relating to Appeal A
- 3 Section Drawing (Ref. Core Document 08 | Indicative Street Scene) relating to Appeal B