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## Appeal Decision

Site visit made on 20 January 2020

**by R Lankshear BSc (Hons) MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 11 February 2020**

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**Appeal Ref: APP/V1260/W/19/3240356**

**8 Glencoe Road, Bournemouth BH7 7BE**

- 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 Edgewater Homes against the decision of Bournemouth, Christchurch and Poole Council.
  - The application Ref 7-2019-27479, dated 26 June 2019, was refused by notice dated 2 October 2019.
  - The development proposed is demolish existing garage and lean to, sever land and erect a 3 bedroom bungalow with parking.
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### Decision

1. The appeal is dismissed.

### Main Issues

2. The main issues are the effect of the development on:
  - i) the character and appearance of the area;
  - ii) living conditions of occupiers of neighbouring residential properties of 8 Glencoe Road and 10 Glencoe Road having regard to noise and disturbance;
  - iii) living conditions of future occupiers of the appeal property with regard to outlook and lack of outdoor amenity space; and
  - iv) its effect on the ecology of the nearby Dorset Heathlands Special Protection Area (SPA), Ramsar Site and Dorset Heaths Special Area of Conservation (SAC).

### Reasons

#### *Character and appearance*

3. 8 Glencoe Road is a detached bungalow situated within a residential street in an area of similar styled properties, generally characterised by dwellings within spacious plots that front onto the public highway. The site itself is set within the rear garden of 8 Glencoe Road.
4. The proposal is to partially demolish the existing dwelling and erect a detached bungalow within the rear garden. The dwelling would be in a backland location and would be served by an access drive between the altered dwelling at No 8 and the neighbouring dwelling of No 10.

5. I acknowledge the design approach adopted, including single storey mass, has sought to reflect the general scale of development within the immediate street scene. However, the introduction of the appeal development would be evident from neighbouring gardens and setback from frontage properties. Noting this, coupled with the intensity and nature of the proposed use, the appeal development would cause significant harm to the largely undeveloped, open character enjoyed to the rear of surrounding residential development. As such although largely obscured from view from Glencoe Road, the appeal development would be at odds with the predominant character and form of residential development in the surrounding area, representing a conspicuous and discordant addition in its context.
6. My attention has been drawn to an existing dwelling within a backland location at 3A Glencoe Road on the opposite side of the road, with the appellant indicating a number of similarities with the appeal site. Although I acknowledge that there are similarities between the appeal proposal and the development at 3A including plot coverage and separation from neighbouring dwellings, from the evidence before me there are also number of differences between the appeal site and No 3A. This includes that the property of 3A benefits from a significantly larger plot and was granted consent prior to the adoption of the current development plan.
7. Regardless of this, whilst I acknowledge that some backland development has occurred in the area and the subdivided plot would be similar in size to some nearby plots, I do not find that such development is a predominant or overriding characteristic of the area. With the exception of 3A the surrounding pattern of development maintains a strong highway frontage and the appeal development would evidently be at odds with this, introducing a dwelling within an established garden environment. In any event, I have determined the appeal on its individual planning merits and within its particular context, and reference to other nearby developments does not alter my findings that the proposal would be at odds with the character of surrounding built form.
8. For the above reasons, I conclude that the proposed development would harm the character and appearance of the area. As such, it would be contrary to Policies CS6 and CS41 of the Bournemouth Local Plan: Core Strategy 2012 (CS) that seek respectively, amongst other things, that neighbourhoods are enhanced to reinforce local identity and development should be designed to respect the site and its surroundings. It would also be contrary to policy CS20 of the CS that encourages small family dwellinghouses, if the site is suitable and resulting development would not be out of character. The proposal would also fail to accord with Policy 6.8 of the Bournemouth District Wide Local Plan 2002 (LP) that seeks amongst other things infill residential development that respects the character of neighbouring development. The proposal would also fail to accord with the design requirements of Chapter 12 of the Framework and advice contained within the Residential Development: A Design Guide 2008.
9. The appellant considers that Policy CS22 of the CS is more relevant than Policy CS21 that is cited within the Council's reason for refusal owing to the sites location. Although I acknowledge this point, both of these policies require that such development should be in keeping with the surrounding area and respect living conditions. As such, for the reasons given above, I consider that the proposal would be contrary to both of these policies and as such I have not sought further clarification from the parties in this regard.

*Living conditions of occupiers of neighbouring properties*

10. The proposal would result in the provision of an access road immediately adjacent to the boundary with 10 Glencoe Road. Owing to the position of the access road, the proposal would result in a significant number of vehicular movements immediately adjacent to, and along much of the depth of, the rear garden serving No 10. Although I acknowledge that the proposal would only introduce a single dwelling, given its location it would be difficult for users of the garden to avoid noise and disturbance arising from the traffic movements that would be introduced. Additionally, the parking and turning areas would also result in additional noise and disturbance from manoeuvring vehicles to the rear of 8 Glencoe Road, owing to their position to the rear of the neighbouring property. For these reasons, I consider this would significantly impact upon the living conditions of occupiers of Nos 8 and 10 by virtue of noise and disturbance.
11. Although such an access arrangement may be similar to that at 3A, this does not to my mind result in a presumption for development that would result in detriment to living conditions of occupiers of either the host or neighbouring dwellings.
12. For the above reasons, I conclude that the proposal would not accord with Policy CS41 of the CS and Policy 6.8 of LP which seek, amongst other things, that development enhance the amenities of future and neighbouring occupants. The proposal would also fail to accord with the living conditions aims of the Framework, including those within chapter 15 and advice contained within the Residential Development: A Design Guide 2008.

*Living conditions of future occupiers*

13. Although I acknowledge concerns regarding amenity provision for future occupiers, I consider on balance that the appeal development would provide adequate useable and private amenity space to the rear of the property to meet the day to day needs of future occupiers. Furthermore, owing to the separation with neighbouring properties, I do not find that the proposal would provide an unacceptable form of outlook for future occupiers.
14. For the above reasons, I conclude that in consideration of the living conditions of future occupiers, the proposals would accord with the requirements of Policy CS41 of the CS which seeks, amongst other things, that development does provide a high standard of amenity to meet the day to day requirements of future occupiers.

*Special Protection Area, SSSI, Ramsar and Special Area of Conservation*

15. The site lies between 400 metres and 5 kilometres of the designated Dorset Heathlands SPA, Ramsar Site and Dorset Heaths SAC. Cumulatively with other development in the area, the appeal development would be likely to have a significant effect on these sites, and without mitigation it could have an adverse effect on the integrity of these sites.
16. Policy CS33 of the CS states that development will only be permitted where it will have no adverse effect on the heathlands. The Dorset Heathlands Planning Framework 2015-2020 Supplementary Planning Document (SPD) sets out the Council's approach to the mitigation of such harmful effects. This sets out that all new residential development between 400 metres to 5km of the protected

heathlands is subject to a financial contribution towards mitigation measures in order to avoid adverse effects on the integrity of the sites. The Council's statement notes that a signed legal agreement would remove their objection to the development in this regard.

17. The appellants have now provided a completed unilateral undertaking (UU) which would provide a contribution to the Dorset Heathlands Strategic Access Management and Monitoring (SAMM). I am satisfied that this would provide the necessary mitigation to the habitats sites if the appeal was allowed and consequently in this regard there would be no conflict with CS33 or paras 175 and 176 of the Framework.
18. However, as I have found harm in relation to other main issues there is no need for me to consider this further.

### **Planning Balance**

19. The Council indicates that it cannot demonstrate a 5-year housing land supply. Consequently, paragraph 11 of the Framework is engaged.
20. For the reasons detailed above, I have found that the development would be harmful with regard to the character and appearance of the area and living conditions of nearby occupiers. The determinative policies referred to are consistent with the Framework and as such are not out of date. It follows that the policy conflict I have identified carries full weight.
21. Although there would be one additional dwelling, with associated social and economic benefits, this would make a minor contribution to local housing supply and the local economy and community. Such limited benefit would not be outweighed by the harm I have identified above.
22. 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.

### **Conclusion**

23. For all the reasons given above, the appeal is dismissed.

*Robert Lankshear*

**INSPECTOR**