
Appeal Decision

Site visit made on 16 December 2019

by Janet Wilson BA (Hons) BTP MRTPI DMS

an Inspector appointed by the Secretary of State

Decision date: 25th February 2020

Appeal Ref: APP/V1260/W/19/3235018

19a Wimborne Road, Bournemouth, BH2 6LZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Paul Bloomfield of Holton Homes against the decision of Bournemouth Christchurch and Poole Council.
 - The application Ref 7-2019-441-AG, dated 8 March 2019, was refused by notice dated 24 May 2019.
 - The development proposed is Demolish house and replace with a new development of 5no 3-bedroom houses with associated parking.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application was made to Bournemouth Borough Council. However on 1 April 2019 the Council became part of Bournemouth Christchurch and Poole Council (BCP) and the decision was made by BCP. Despite this administrative change the development plan policy in force continues to be the Bournemouth Local Plan: Core Strategy (October 2012) and the saved Policies of the Bournemouth District Wide Local Plan (February 2002).
3. The application is made in outline with landscaping details reserved as a matter for subsequent consideration. This decision therefore considers access, appearance, layout and scale as detailed in the submitted plans which indicate five three storey, three bedroomed dwellings.

Background and Main Issues

4. Both parties have referred to a previous appeal decision¹ for a similar scheme which is material in my assessment of the planning merits of this appeal. This alternative scheme would locate a building further forward on the site; incorporate a new access and parking arrangements as well as providing longer gardens than those proposed in the dismissed appeal.
5. In this context the main issues are the effect of the development on:- a) the character and appearance of the area including the effect on protected trees; b) highway safety; and d) The Dorset Heathlands Special Protection Area (SPA), Ramsar site and Dorset Heaths Special Area of Conservation (SAC).

¹ APP/G1250/W/18/3205623

Reasons

Character and appearance

6. The site is adjacent to the Dean Park Conservation Area (CA). Like my colleague before me in the earlier appeal, I find that the context of the CA in relation to this site places no unusual demands on the appeal site over and above the Development Plan and the National Planning Policy Framework (the Framework) requirements to deliver good design; contribute positively to the character of the area; and enhance the quality of the street scene.
7. The scheme proposes a building further forward on the site than the existing dwelling. This would not present any threat to the vegetation on the rear boundary (which is not bounded by the CA). It would nonetheless locate the side elevation of a substantial new building much closer to the vegetation at the northern boundary of the site which is the boundary of the CA and includes trees protected by a Preservation Order. The appellants plan indicates that the construction would encroach upon the root protection area (RPA) of one of the protected trees². Whilst a zone of ground protection and tree protection fence are shown beyond the footprint of the proposed building, there is no specific evidence to demonstrate that suitable engineering measures would be taken to construct that part of the building within the RPA, including details of any foundations which would be necessary to protect the health and longevity of the TPO'd tree. In these circumstances, I find that the siting of the building would be likely to be detrimental to the long-term health of a tree which is afforded statutory protection. The protection of the RPA should be prioritised and on the basis of the current evidence I am not satisfied that this could be appropriately covered by a planning condition.
8. Substantial vegetation would also be removed from the site frontage. Notwithstanding the fact that landscaping is a reserved matter and despite the inconsistencies between more extensive planting shown on the indicative street scene, the layout plan indicates vegetation would be retained over only a small part of the site frontage, other plans indicate over half of the site devoid of all but the most modest of planting. This approach would do little to assimilate the development into what is currently an established street scene where dense planting across the site frontage is an important characteristic.
9. I have noted the previous Inspectors comment that the concept of a terrace on this site would not be out of character. I have also borne in mind the comments in the earlier appeal with regard to the harmful impact of a significantly greater footprint and extent of hard surfacing to the site frontage. Whilst a terrace may be acceptable in principle, those elements of harm which I have identified would not be resolved by the current appeal scheme which is essentially for a very similar building and for the same number of dwellings. The impact would, in my view, be very similar to the earlier appeal and would be just as harmful. The effect would be exacerbated by the position of the building set further forward on the site such that it would be partially in front of the adjacent terrace and therefore of greater visual prominence adjacent to the edge of the CA.
10. The lack of opportunity to achieve effective planting, to offset that which would be removed, would do little to ameliorate the prominence of the new building in

² Tree No 16 on plan 2122/1B

the street scene. The result would be a prominent development which would be visually harmful and out of keeping with the character and appearance of the site located immediately adjacent to the Dean Park CA. It would be both stark and visually prominent leading to a harmful impact on the appearance of the site and the area in general which is characterised by large buildings set back from the road and with robustly planted frontages. Local Plan policies require infill development to complement and respect local character, however for the reasons given the proposal would not achieve these aspirations.

11. Taking all of the above into account, the proposal would conflict with Policies CS21 and CS41 of the Bournemouth Local Plan Core Strategy (2012) (Core Strategy) and to Saved Policies 4.25, 6.8 and 8.1 of the Bournemouth District Wide Local Plan (2002) (BDWLP) and to the aims of the Framework. These policies seek, amongst other things to contribute positively to the character and function of the area, and to be designed to respect the site and its surroundings.

Highway safety

12. The appeal scheme proposes an alternative access to that serving the existing site. It would be located further to the north east which would enable parking spaces to be formed either side of it with 7 spaces proposed to serve five houses.
13. Saved Policy 8.1 of the Bournemouth District Wide Local Plan (2002) (BDWLP) does not permit new or unimproved accesses onto Primary and County Distributor roads. The existing access is onto such a road which appears to be a generally heavily trafficked route. It is also at a point where road markings safeguarding an existing bus stop are immediately to the south east of the site access. Moving the access further north as now proposed would force vehicles turning right out of the access onto the hatched markings protecting the traffic island where vehicles would in all probability be queuing at the traffic lights. Such a manoeuvre would result in conflicting traffic movements for vehicles travelling in either direction.
14. The lack of an unimpeded access and the inability for larger vehicles to enter and leave the site in forward gear would also result in service or delivery vehicles stopping or impeding traffic in an area used for the bus stop and as a protected area for the adjacent traffic lights such that would cause an increased risk to highway safety.
15. Notwithstanding my colleagues comment in the earlier dismissed appeal³ that he was not convinced a new access should be precluded, I am equally not satisfied that the layout and position of the revised access would represent a significant improvement to the access. Furthermore, additional movements associated with 5 houses rather than 1 dwelling would place additional risk on the access and would not represent an improvement as required by Saved Policy 8.1 of the BDWLP.
16. For these reasons I conclude that the proposal would result in unacceptable risks to highway safety and as a result would not comply with that part of Policy CS41 of the Core Strategy which requires all development to contribute positively to the safety of the public realm nor with Local Plan policy 8.1 which

³ APP/G1250/W/18/3205623

precludes new or unimproved accesses onto primary and county distributor routes.

Special Protection Area, Ramsar Site and Special Area of Conservation

17. The appeal site lies within a zone of proximity to the Dorset Heathlands Special Protection Area (SPA) and Ramsar site and the Dorset Heaths Special Area of Conservation (SAC) where developments, either on their own or in conjunction with other proposals, are likely to have an adverse effect on the integrity of the SPA.
18. A completed planning obligation has been submitted to provide for a financial contribution to a scheme of Strategic Access Management and Monitoring in accordance with the Council's Dorset Heathlands Planning Framework 2015-2020 Supplementary Planning Document and this has been confirmed as acceptable to the Council. Such financial contributions and the management measures which they would fund, together with CIL contributions to infrastructure enhancements, are commonly held to provide adequate mitigation for any adverse effect on the integrity of the protected sites. Had I been minded allowing the appeal I would have had to undertake an Appropriate Assessment (AA) under the Habitats Regulations. Because I am dismissing the appeal for other reasons, it is not necessary for me to undertake an AA on this occasion.

Other Matters

19. The appellants draw attention to: the principle of residential development being acceptable on the site; that there would be no adverse impact on the living conditions of the occupiers of adjacent properties; that sufficient car parking and internal habitable space would be provided; that sufficient bin storage, ecological provision and surface water drainage can be provided; and that the garden depth at 10 metres would provide sufficient amenity space. However, whilst the proposed development would avoid harm to the living conditions of the occupants of adjacent dwellings and would deal effectively with other needs, this indicates an absence of harm caused as a result of the scheme rather than a positive benefit and I attach neutral weight to the factors identified here as they also point to an absence of harm rather than a positive benefit
20. The appellants argue that the development would enhance the visual amenities of the CA by reason of architectural design and choice of materials though argue elsewhere that the impact on the CA is minimal. Whilst efforts to ensure that the design and materials seek to reflect traditional detail and domestic proportions these are aspects of good design which are fundamental to all development, as stated within the Framework, this do not represent a notable benefit.
21. The appellant highlights that the Council is reliant on some windfall sites coming forward in order to effectively deliver the housing requirement within the area. That may be the case however the provisions of paragraph 11d of the Framework known as the tilted balance would only prove decisive if the most important policies for determining the appeal are out of date. A situation which has not been proven here.

Conclusion

22. The appellants emphasise that the proposal represents sustainable development and that schemes which would boost the supply of housing should be encouraged on windfall sites. They emphasise that great weight should be given to making effective use of existing sites within settlements for additional homes. This is not disputed however this alone does not justify an increase in density which would cause harm for other reasons. The starting point for any planning decision is Section 38(6) of the Planning and Compulsory Purchase Act 2004 which requires decisions to be made in accordance with the development plan unless material considerations indicate otherwise.
23. The development would generate benefit to the local economy through construction and through the creation of additional homes though this benefit would be modest given the number of additional units created. Notwithstanding the presumption in favour of sustainable development outlined in the Framework, the benefits identified do not outweigh the adverse impacts which would be caused to the character and appearance of the area or the increased risk to highway safety. I attach considerable weight to both these areas of harm and as a result of those adverse impacts the appeal fails.
24. For the reasons given above, and having regard to all other matters raised, the appeal is dismissed.

Janet Wilson

INSPECTOR