
Appeal Decision

Site visit made on 4 February 2020

by Tobias Gethin BA (Hons), MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 February 2020

Appeal Ref: APP/V1260/W/19/3240848

51-53 Parkwood Road, Bournemouth, Dorset BH5 2BS

- 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 Mrs L Telford against the decision of Bournemouth, Christchurch and Poole (BCP) Council.
 - The application Ref 7-2019-15473-C, dated 30 November 2018, was refused by notice dated 10 May 2019.
 - The development proposed is described as the erection of a two bedroom dwelling revised application.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. On 1 April 2019, Bournemouth Borough Council merged with Borough of Poole Council and Christchurch Borough Council to become a Unitary Authority, Bournemouth, Christchurch and Poole (BCP) Council. Until such time as they are revoked or replaced, the development plans for the merged local planning authorities remain in place for the area within the BCP authority which they relate to. It is therefore necessary to determine this appeal with reference to policies set out in the plans produced by the now dissolved borough council.
3. After the Council's decision on the planning application, the Boscombe and Pokesdown Neighbourhood Plan (BAPNP) was 'made'. Accordingly, it now forms part of the adopted development plan for the area. The Council's appeal statement sets out the BAPNP policy which it alleges the proposed development conflicts with and the appellant has had the opportunity to comment on this. I have taken this into account in reaching my decision.

Main Issues

4. The main issues are:
 - the effect of the proposed development on the character and appearance of the surrounding area;
 - the effect of the proposed development on the living conditions of adjoining occupiers, with particular regard to overlooking of 55 Parkwood Road and the size of the remaining garden of 53 Parkwood Road;
 - whether the living conditions of future occupiers of the proposed development would be sufficient, with particular regard to internal space;
 - the effect of the proposed development on highway safety; and

- the effect of the proposed development on designated nature conservation sites.

Reasons

Character and appearance

5. Located within a residential area, the appeal site is situated to the rear of 51 and 53 Parkwood Road. It contains an area of garden and some single-storey outbuildings of varying quality. There are also various single-storey outbuildings within the rear gardens of surrounding properties. The Olde Coach House, adjacent to the site and which contains first-floor accommodation within its roof, is a notable exception to those. However, the generally modest height and scale of the outbuildings in the locality and the relatively large size and soft landscaped nature of the rear gardens means that the surrounding area has a verdant appearance and an open, spacious character. The singular presence of the Olde Coach House does not diminish this.
6. Introducing a dwelling with two floors of accommodation, the proposed development would be noticeably larger than the various existing outbuildings on the site and in the locality. Its presence would significantly reduce the spaciousness of the surrounding area. The limited space between the proposed dwelling and the shared boundary with No 55 would exacerbate this, with the development appearing as a cramped addition that would erode the locality's open and verdant nature. The Council's conclusion that it would not cause any significant shadowing or overbearing impact does not lead me to a different conclusion in relation to this matter.
7. The proposed dwelling would be located in a similar position and have a similar footprint and height as The Olde Coach House, which is clearly an established feature in the area and, given its gable and raised eaves, is relatively bulky in some respects. However, as a single building, it does not establish a clear development pattern to the rear of the properties in the locality and which are within an area described by the BAPNP as having a strongly linear form of development. Furthermore, the available evidence indicates that it was originally an ancillary outbuilding to No 49 and was in a poor condition prior to its conversion to a separate dwelling. Accordingly, neither its presence nor the lesser scale of the proposed development lead me to a different conclusion. In coming to this view, I have taken account of the fact that the local plan supports and encourages urban intensification in this area.
8. It has been put to me that the appellant benefits from extensive permitted development rights which would allow for a very substantial outbuilding to be constructed. Although it is asserted that any such structure could have a larger footprint than the appeal proposal, its scale would be less. In any event, I have little substantive evidence that indicates that this is anything more than a theoretical scenario. I therefore do not consider it to be particularly likely and consequently attach limited weight to it.
9. I observed on my site visit that the various other in-fill/back-land developments that my attention has been drawn to are not particularly visible from the site and its immediate locality. Accordingly, and irrespective of their history, their presence in the wider area neither influences the character and appearance of the locality in which the development would be experienced nor indicates that it would be acceptable. In any event, I have determined the appeal proposal on its own merits.
10. For the above reasons, I conclude that the proposed development would harm the character and appearance of the surrounding area. I therefore find that it conflicts

with Policies CS6, CS21 and CS41 of the Bournemouth Local Plan: Core Strategy (CS) and Policy 6.8 of the Bournemouth District Wide Local Plan (DWLP). Amongst other aspects, these support infill residential development in appropriate locations, seek to ensure that neighbourhoods are improved and enhanced to reinforce local identity, and require high-quality development that respects its surroundings and maintains and enhances the quality and character of the area. The proposal would also be inconsistent with: the provisions in the Framework in relation to achieving well-designed places; and the Council's guidance document, Residential Development: A Design Guide (adopted September 2008) (Design Guide), in respect of achieving good design and, amongst other aspects, its advice that built form must respect and integrate with the surrounding context.

Adjoining occupiers

11. Although it would not result in overshadowing or direct overlooking into surrounding properties, the proposed dwelling would be located close to the shared boundary with No 55 and its first-floor bedroom window would face towards the rear garden of that plot. That garden is relatively long, contains an area of hard standing and outbuildings near to the proposed dwelling, and I observed on my site visit that there are some plants and soft landscaping in the part of the garden close to the proposed first-floor window. However, the window would face directly towards the garden and would allow for direct and indirect views over much of it.
12. The house at no 55 and the closest part of its garden would not be directly overlooked by the window. Be that as it may, the proposed development would increase overlooking into a section of No 55's garden which, it seems to me, is reasonably private given its degree of separation to surrounding properties. With the proposed bedroom only having one clear glazed window, the extent of overlooking would be significant and it would be unreasonable – with respect to the living conditions of the users of the proposed development – to require the window to be obscured glazed.
13. It has been put to me that the closest area of garden to the window is less well used, that there are established vegetable beds between that part of the garden and the house, and that any overlooking that were available would be over a lightly used yard area and outbuildings which are distant to the parent property. I note that the proposed window would be a rooflight, would not be of a significant size and its bottom cill would be set approximately 1.65 metres above floor level. The residential area is also relatively built up and some degree of mutual overlooking would not therefore be unusual. Be that as it may, these matters do not lead me to a different conclusion.
14. The garden of the proposed development would extend towards the rear of No 53. However, the evidence before me indicates that the appeal site is exclusively used as the rear garden of No 51 and, despite various gates within existing boundary treatment, the occupiers of No 53 do not have access to it. On this basis, the proposed development would not reduce the current size or extent of outside space available to the occupiers of No 53.
15. For the above reasons, I conclude that the living conditions of the occupiers of No 53 would not be harmed. However, the proposed development would harm the living conditions of the occupiers of No 55 due to the extent of overlooking of that property's garden. I therefore find that it conflicts with CS Policies CS21 and CS41 and DWLP Policy 6.8. Amongst other aspects, these require development to respect residents' amenities, including ensuring adequate privacy for the occupants of adjacent residential properties, and set out that development that would be detrimental to amenity will not be permitted. The proposal would also be

inconsistent with the Framework's provisions relating to the amenity of existing users and with the advice in the Council's Design Guide that existing residents are not adversely affected by new development.

16. The Council alleges a conflict with CS Policy CS6 with regards to this matter. However, my attention has not been drawn to any words in that policy that are relevant to it. The policy has therefore not been determinative in my decision on this matter.

Future occupiers' living conditions

17. The evidence before me indicates that the proposed dwelling would have an internal floorspace of approximately 64.5 square metres. Its accommodation would be set out over two floors.
18. The government's Technical housing standards – nationally described space standard (2015) sets out a minimum gross internal floor area of 70 square metres for a two-storey dwelling accommodating three people and 79 square metres for four people. It also indicates that a double bedroom should have a floor area of at least 11.5 square metres.
19. Although it has been put to me that the property is more likely to be a three-person dwelling, the available evidence indicates that the two bedrooms in the proposed development could accommodate four people. On this basis, the overall floorspace of the dwelling would fall significantly short of the minimum standards. Even if the dwelling were to only accommodate three people, the shortfall would be less but would not be negligible.
20. I recognise that the technical housing standards are non-statutory and not compulsory, and BAPNP Policy BAP7 only encourages residential development to meet the standards. Be that as it may, I place significant weight on the standards providing informative guidance as to whether the dwelling would provide an acceptable amount of internal space. The Council's Design Guide also strongly encourages the provision of good standards of accommodation by, amongst other aspects, ensuring that rooms have suitable space.
21. The shortfall in overall internal floorspace compared to the government's recommended minimum indicates that the living conditions for occupiers of the proposed development would be inadequate. The limited size of the two shower rooms – which it seems to me would be insufficient for a four-person dwelling – further substantiates this and indicates that the internal living environment would, as a whole, be unacceptably cramped. The fact that the dwelling has been designed as a retirement home to meet the appellant's needs does not lead me to a different conclusion nor indicate that it is appropriate to depart from the nationally described space standard.
22. For the above reasons, I conclude that the living conditions of future occupiers of the proposed development would not be sufficient, with particular regard to internal space. I therefore find that it conflicts with CS Policies CS21 and CS41, DWLP Policy 6.8, and BAPNP Policy BAP7. Amongst other aspects, these encourage compliance with the technical housing standards and require development to respect residents' amenities, enhance the amenities of future occupants and provide a pleasant residential environment. The proposal would also be inconsistent with the Framework's provisions relating to the amenity of future users and with the advice in the Council's Design Guide that future occupiers are provided with a suitable standard of amenity.

23. The Council alleges a conflict with CS Policy CS6 with regards to this matter. However, my attention has not been drawn to any words in that policy that are relevant to it. The policy has therefore not been determinative in my decision on this matter.

Highway safety

24. The passage running down the side of No 53 is narrow. However, I observed on my site visit that it would be sufficient to provide pedestrian access to the proposed development and it is overlooked and lit by the adjoining properties. Deliveries could also be made via this route. Although this would require delivery vehicles to unload on the street, it seems to me that this would be no different from deliveries to other existing properties on Parkwood Road.
25. The unmade and unlit service track does narrow at certain points. Although it is wide enough for a car to reach the site, the width of the track is insufficient for vehicles and pedestrians to pass with ease at all times. However, with only a single dwelling being provided, it is likely that vehicle movements generated by the proposed development would not be significant. The track also already provides vehicular access to various properties, including the appellant's, and its unmade surface is likely to limit vehicle speeds. Accordingly, additional vehicular movements on the track from one new dwelling would not be significant nor lead to an unacceptable conflict with pedestrians.
26. Section 2 of the Council's Parking Supplementary Planning Document (2014) sets out that an overspill distance of 0.8 metres is necessary around perpendicular parking bays and a minimum distance of 0.5 metres between the end of a car and a wall/fence. Although the proposed parking bays would meet the Council's minimum dimensions for a standard space, the available evidence is not conclusive that the turning space available for vehicles to access and egress the parking bays would be sufficient. Given the presence of the nearby boundary fence and the wall and associated vegetation along the edge of the track, it seems to me that the available turning space would be limited and it would be reasonably difficult to manoeuvre a vehicle into the parking bays shown on drawing 6216-5. It is likely that future occupiers of the proposed development would therefore find it easier and more convenient to park on the highway rather than use the unmade and relatively narrow track and then negotiate the tricky manoeuvres required to access the on-site parking bays.
27. Accordingly, the proposed development would increase on-street parking demand. However, the Highway Authority have indicated that the area is already subject to significant parking stress. I have little substantive evidence to indicate otherwise and, given the surrounding area is relatively built up and contains a large number of properties, it seems to me that demand for on-street parking in the area is likely to be high. Intensification of existing parking stress would therefore be likely to hinder traffic flow and obstruct the highway.
28. For the above reasons, I conclude that the proposed development would harm highway safety. I therefore find that it conflicts with CS Policies CS16 and CS41. Amongst other aspects, these require development and spaces to be well designed and that parking provision for new development be in accordance with the Council's adopted parking standards. The proposal would also be inconsistent with the provisions in the Framework in relation to promoting sustainable transport.

Nature conservation

29. The site is within 5km of the Dorset Heathlands Special Protection Area, Ramsar site and Dorset Heaths Special Area of Conservation. In combination with other

residential development, the appeal proposal would be likely to have a significant effect on these sites, and without mitigation it could not be ascertained that the integrity of the sites would not be adversely affected.

30. CS Policy CS33 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 sets out the Council's approach to the mitigation of such harmful effects. This requires all new residential development between 400 metres to 5km of the protected heathlands to be subject to a financial contribution towards mitigation measures in order to avoid adverse effects on the integrity of the sites.
31. The appellant submitted a Unilateral Undertaking with the appeal to secure the required financial contribution towards heathland mitigation. However, as I am dismissing the appeal for other reasons, I am not pursuing this matter further because it could not lead me to a different decision.

Planning Balance

32. I have found that the development would harm the character and appearance of the surrounding area, the living conditions of existing occupiers and highway safety, and that the living conditions of future occupiers would not be sufficient. Taken together, the harm arising from the development would be significant, as would the conflict with the development plan.
33. The main parties calculate a similar number of dwellings are required to provide a sufficient supply of housing land within the area covered by the development plan. It has been put to me that the Council can currently only demonstrate a 1.97 year supply of deliverable housing sites. The Council does not contest the appellant's assertion that it has not got a sufficient housing land supply, including in relation to paragraphs 73 and 14 of the Framework.
34. The development plan policies that I have found the appeal proposal conflicts with relate to the acceptability of development with regards to character and appearance, highway safety and the living conditions of existing and future occupiers. They are broadly consistent with the Framework. However, on the basis of the above and the available evidence, and in accordance with paragraph 11d) of the Framework, as this is an application for the provision of housing, the development policies which are most important for determining the application are considered out-of-date.
35. The application of policies in the Framework that protect areas or assets of particular importance – as per paragraph 11d)i – do not provide a clear reason for refusing the development proposed. Accordingly, and in line with paragraph 11d)ii, I am required to consider if any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
36. Providing a retirement home specifically designed for the appellant, the appeal proposal would allow Mrs Telford to continue with the multi-generational living that she currently enjoys with her growing family and enable the grandchildren to live in their own space. The proposed windfall in-fill development would also provide benefits in relation to construction-related employment and economic growth, and would add to local housing supply in a sought after area.
37. The two-bedroom dwelling would contribute to the supply and mix of housing in the area, where opportunities for such development is finite, and the BAPNP anticipates the provision of 123-183 dwellings per annum in the NP area and also

favours dwellings with at least two bedrooms. Within a built-up and accessible area, near to local services and facilities, the site is located within an area where urban intensification is envisaged and supported by the development plan. The Framework also emphasises the importance of small sites to meeting an area's housing requirement, and windfall development is an important part of the Council's strategy for delivering housing.

38. However, given the scale of the development, the social and economic benefits would be limited and the contribution to the supply of housing in the area would be negligible. Although the development would allow multiple generations of the appellant's family to live in close proximity, this benefit would be limited to the appellant's personal circumstances, and I am mindful of the advice contained in Planning Practice Guidance¹ that in general planning is concerned with land use in the public interest. It is probable that the development would also remain long after the appellant's personal circumstances cease to be material.
39. Consequently, when assessed against the policies in the Framework taken as a whole, the adverse impacts would significantly and demonstrably outweigh the benefits of the development proposed. The appeal proposal does not therefore benefit from the presumption in favour of sustainable development.
40. Despite the significant shortfall in housing land supply and the development plan supporting urban intensification in the area, the limited benefits of the appeal proposal, when considered individually and cumulatively, would neither outweigh the totality of the harm nor the conflict that I have identified with the development plan and the provisions in the Framework. Accordingly, material considerations do not indicate that the appeal proposal should be determined other than in accordance with the development plan.

Conclusion

41. For the above reasons, the appeal is dismissed.

Tobias Gethin

INSPECTOR

¹ Paragraph: 008 Reference ID: 21b-008-20140306 – 'What is a material planning consideration?'