
Appeal Decision

Site visit made on 29 January 2020

by Nick Davies BSc(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06 March 2020

Appeal Ref: APP/V1260/W/19/3236986
56 Keith Road, Bournemouth BH3 7DU

- 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 D Vaughan against the decision of Bournemouth, Christchurch and Poole Council.
 - The application Ref 7-2019-27343-A, dated 21 May 2019, was refused by notice dated 6 August 2019.
 - The development proposed is to sever land and erect a 3 bedroom detached house with parking.
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Decision

1. The appeal is dismissed.

Main Issues

2. The third paragraph of the council's reasons for refusal was based on harm to the Dorset Heathland Special Protection Area, Ramsar site and the Dorset Heaths Special Area of Conservation. The decision notice indicates that this reason for refusal could be overcome, by completion of an agreement securing the payment of a financial contribution towards mitigating measures. During the appeal, the appellant submitted an executed unilateral planning obligation securing payment of the required financial contribution towards such measures, prior to commencement of development. Had I been allowing the appeal, it would have been necessary for me to consider whether this means of securing the payment gave me, as the competent authority, certainty that the mitigation would be delivered. However, as I am dismissing the appeal, it has not been necessary to consider this matter further.
3. Therefore, the main issues are:
 - a) The effect of the development on the character and appearance of the area; and,
 - b) The effect of the development on the privacy of the occupants of 54 and 56 Keith Road.

Reasons

Character and appearance

4. Keith Road lies in a residential area that is characterised by large detached dwellings, mainly two-storey, on spacious plots. The dwellings are set well back from the road, in straight rows, behind planted front gardens. The houses in

Keith Road have long rear gardens, which back onto the similarly long back gardens of dwellings fronting Dulsie Road. As a result, there is an expansive, open area between the two rows of houses. This pattern of development is repeated on the opposite side of Keith Road, where the long back gardens back onto those in Huntly Road. This spacious layout, and the presence of street trees, gives the area a pleasant suburban appearance.

5. Carrbridge Road cuts across the parallel rows of houses that front Dulsie Road, Keith Road, Huntly Road and Glenferness Avenue. For most of its length it has no frontage development, as it runs along the side boundaries of the gardens of houses that front the other roads. Consequently, at various points along this road, the spaciousness between the opposing rows of houses is apparent. The appeal site comprises part of the rear garden of 56 Keith Road, which has a long side boundary with Carrbridge Road. The openness between the rows of houses is therefore currently experienced across the appeal site, and is also apparent on the opposite side of the road.
6. The proposed house would be positioned behind No 56, and it would front Carrbridge Road. It would therefore intrude into the open area between the houses, harming the sense of spaciousness that currently prevails. There is a bungalow fronting Carrbridge Road to the west of the site, but it lies beyond the rear boundary of the back gardens, so it does not encroach into the open vista in the way that the appeal proposal would.
7. The severance of the plot would leave the existing property with a short back garden that would be uncharacteristic of the surrounding pattern of development. In the context of its surroundings the proposed house would look uncomfortably close to the rear elevation of the existing dwelling. The proposed house would have an even shorter rear garden, and the proportion of the site that would be built on would be markedly out of keeping with the prevailing character of the area. As a result, the proposed dwelling would have a cramped appearance, which would contrast with the spacious suburban character of the surrounding development.
8. The appellant has drawn attention to a number of infill developments that have been approved in the locality. I viewed all the sites identified on drawing no. FB6801/205 at the time of my site visit. Most of them are significantly different to the appeal site in terms of their configuration or location. The two sites at 47 Roslin Road South and 76 Huntly Road do lie at the end of a row of back-to-back gardens. However, they are not directly comparable to the appeal site as, in each case, the host dwelling already fronted the road, so the development took place in a side garden, resulting in a continuous line of frontage development. I therefore find that none of these cases indicates to me that the appeal scheme would be characteristic of its surroundings, or comparable to recent development.
9. There are a variety of architectural styles within the mix of houses in the area, including some other examples with "mock-Tudor" detailing. The scale and design of the house itself would not, therefore, be out of keeping with the architectural variety of its surroundings. However, its cramped appearance, and the resultant loss of spaciousness between the rows of houses, would result in harm to the character and appearance of the area. The development would therefore be contrary to Policies CS22 and CS41 of the Bournemouth Local Plan: Core Strategy (2012) (the Core Strategy) and saved Policy 6.8 of

the Bournemouth District Wide Local Plan (2002) (the Local Plan). These policies seek, amongst other things, to ensure that development respects its surroundings and preserves or enhances the residential character of the area. The proposals would also conflict with the aims of Section 12 of the National Planning Policy Framework to achieve well-designed places.

Living conditions

10. The house would be built behind No 56, so there would be the potential for any side-facing windows to overlook the windows in its rear elevation, or its remaining rear garden. However, the side elevation facing the host dwelling would only contain one first floor opening, a bedroom rooflight. Had I been minded to allow the appeal, I could have imposed a condition requiring this rooflight to be obscure-glazed, to avoid any loss of privacy to occupants of the host dwelling and its garden.
11. There would also be two rooflights in the rear elevation, serving the same bedroom. Due to the shortness of the proposed rear garden, these would allow overlooking of the rear garden of 54 Keith Road from quite close quarters. However, it would, again, have been open to me to impose a condition requiring these rooflights to be obscure-glazed. Whilst it may not be ideal for a bedroom to be lit entirely by obscure glazed windows, the occupants of the room would have access to the remainder of the house and garden, which would, overall, provide a high standard of living conditions.
12. I therefore conclude that, subject to an appropriate condition, the development would not result in harm to the privacy of the occupants of 54 and 56 Keith Road. In this regard, the proposals would therefore accord with Policies CS22 and CS41 of the Core Strategy, and saved Policy 6.8 of the Local Plan.

Conclusion

13. Although I have found that the proposal would not harm the living conditions of occupants of the adjacent dwellings, this does not outweigh the harm that would be caused to the character and appearance of the area. Therefore, for the reasons given above, I conclude that the appeal should be dismissed.

Nick Davies

INSPECTOR