



Appeal Decision

Site visit made on 9 March 2020

by David Wyborn BSc(Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 April 2020

Appeal Ref: APP/V1260/W/20/3244303

1 Twynham Avenue, Christchurch BH23 1QU

- 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 8/19/0026/OUT, dated 21 December 2018, was refused by notice dated 9 December 2019.
 - The development proposed is to demolish existing chiropractic clinic and replace with a new development of 6no flats with associated parking.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application has been made in outline with access, layout and scale for consideration at this stage, with appearance and landscaping reserved. Elevational plans have been submitted which I have considered as indicative of what the appellant has in mind for the appearance of the building. During the processing of the application by the Council the scheme was amended. This included reducing the number of units to 6. The description in the heading above reflects this amendment and I will consider the appeal proposal accordingly.
3. An undertaking under Section 111 of the Local Government Act 1972 has been submitted with a payment for Heathland Strategic Access Management and Monitoring Contribution. I will consider this matter later.

Main Issues

4. The main issues are:
 - the effect of the proposal on the living conditions of the occupiers of 1A Twynham Avenue, with particular regard to any overbearing impact and loss of outlook, and
 - the effect of the proposal on the character and appearance of the area.

Reasons

Living Conditions

5. 1A Twynham Avenue is a 2 storey dwelling with a single storey rear addition. The property has a modest rear garden partly overshadowed by a tree on an

adjoining site. At the present time the building on the appeal site extends back about half way along the side elevation of No 1A such that the rear of No 1A is not materially affected by the existing building.

6. The layout plans show the proposed building would extend back to about as far as the rear of the single storey addition to No 1A. The accommodation would be across three stories and even if the second floor was within the roof space, as shown on the indicative submitted plans, in all likelihood, the building would still have quite a significant built form extending back into the site. The view from the rear garden area of No 1A towards the appeal site would, in all likelihood to accommodate the layout proposed, be of a reasonably sizeable part of a fairly bulky building. This would include a section of the side flank wall, part of the roof, and probable dormers and bay windows. This extent of development in proximity to the boundary of No 1A would have quite an imposing presence and as a result would have an overbearing effect on the living conditions of the occupants of No 1A when they used the rear areas of that property.
7. The main rear windows of No 1A face down the garden and the tree already limits the outlook from No 1A to some extent. However, the proposal would erode an additional part of the open aspect to the garden with part of a fairly bulky building in proximity to the side boundary. This would adversely affect a meaningful part of the outlook from the garden area of No 1A and would be a harmful and negative feature of the proposal detracting from the living conditions of the occupiers of the adjoining property.
8. I have noted the other developments in the area and the relationship that they have with the adjoining properties, some of which have been drawn to my attention. However, I afford these other sites limited weight as they will have their particular characteristics and planning history and I have considered the relationship between the proposed building and No 1A on its merits.
9. The appellant has indicated that a condition could be attached to any approval to obscure glaze the side of the bay windows which face No 1A or even remove the bay windows entirely. This may address the potential for overlooking, however, the bulk and position of the proposed building would be likely to largely remain and this would still cause the harm outlined above.
10. Accordingly, the proposal would not meet with the National Planning Policy Framework (the Framework) policy that development should create places with a high standard of amenity for existing and future users.
11. In the light of the above analysis, I conclude that the proposal would unacceptably harm the living conditions of the occupiers of No 1A, in particular with regard to overbearing impact and loss of outlook. The proposal would therefore conflict with Policy HE2 of the Christchurch and East Dorset Local Plan Part 1- Core Strategy (2014) (the Core Strategy) and saved Policy H12 of the Borough of Christchurch Local Plan (2001) (the Local Plan) which seek, amongst other things, in this respect to ensure development is compatible with its surrounding in terms of the relationship to nearby properties including minimising general disturbance to amenity.

Character and appearance

12. Twynham Avenue is predominantly characterised by two storey detached properties often with bay windows, and bungalows. The properties are generally set back from the road and share a fairly consistent front building line. This together with the front boundary walls and reasonably regular spacing between buildings provide a rhythm to the street scene and a generally pleasant suburban character.
13. The existing building at 1 Twynham Avenue has a frontage that accords with the typical building line and its form and appearance complement the mix of properties in Twynham Avenue. The site lies on a corner plot and there is space and landscaping to the boundary with Barrack Road.
14. The layout plans show a replacement building which would respect the frontage line within Twynham Avenue and the width of the building and indicative frontage height, although appearance is a reserved matter, would, in all likelihood, be of an appropriate form compared with the mix of other buildings in the street. The layout shows bay windows and the dormers on the indicative elevations which would be generally sympathetic to the character of the area. The depth of the building would not be readily appreciated within most parts of Twynham Avenue. As the site lies on a corner plot there would be space to Barrack Road which would allow the proposed footprint of the building to be accommodated without undue visual harm. Taking all these matters into account the building at the detailed matters stage should be able to be designed with a bulk, form and appearance, based on the details at this outline stage, which would be acceptable within the context of the character of Twynham Avenue.
15. Barrack Road has a wide range of sizes and styles of buildings and the proposal, in accordance with the details available, would be set back and could be landscaped from this main road, such that the scheme would be acceptable within this street scene.
16. For the above reasons, I conclude that the proposal would preserve the character and appearance of the area, and thereby would accord with Policy HE2 of the Core Strategy and saved Policy H12 of the Local Plan which seek, in this respect, notably that development will be permitted that is appropriate in character and scale to the immediate locality.

Other Matters

17. The site abuts the Christchurch Central Conservation Area (the CA). The significance of the CA includes the range of buildings of different styles and ages, many of which reflect the growth of the town. In this part of the CA in Barrack Road, the scale of buildings is important and together with the width of the road gives an open and spacious character to the area.
18. In this case, the proposed building would be set back from Barrack Road and, in all likelihood, given the proposed number of units, layout and indicative design would have an acceptable form and appearance. With the opportunities for landscaping along this main road frontage, the scheme would assimilate into this street scene without undue impact or harm. In these circumstances, I am satisfied the scheme would preserve the setting to, and the character and appearance of, the CA and not affect its significance.

19. Natural England has confirmed that the site is within 5km of the Christchurch Harbour Site of Special Scientific Interest which is part of the Dorset Heathlands Special Protection Area and Dorset Heaths Special Area of Conservation and Ramsar site. Natural England indicate that the increase in residential units would likely lead to an increase in urban related pressures on these habitats sites, such as from recreational access. However, provided suitable mitigation is secured it would raise no objection.
20. An undertaking under Section 111 of the Local Government Act 1972 has been submitted to the Council with a payment for a Heathland Strategic Access Management and Monitoring Contribution in accordance with the Dorset Heathlands Planning Framework Supplementary Planning Document 2015-2020. In these circumstances, when undertaking an Appropriate Assessment in accordance with the Conservation of Habitats and Species Regulations 2017, I am satisfied, as the appropriate mitigation is secured, that the proposal would not significantly and adversely impact on the integrity of the habitats sites, alone or in combination with other schemes.
21. I have taken into account the findings of the Inspector when she dismissed an appeal¹ for a residential proposal on this site in June 2019. However, the present proposal is substantially different and I have therefore considered this appeal on its merits based on the evidence before me.

Planning Balance and Conclusion

22. The proposal would deliver 6 units of accommodation on a windfall site, adjoining a Prime Transport Corridor and with very good access to services and facilities. There would be economic and social benefits during construction and in subsequent occupation. The proposal would make efficient use of the land and on a site which can be considered previously developed. Large sections of the hard surfaced area would be removed and this would provide opportunities for landscaping and improved arrangements with the adjoining protected trees. However, while all new housing would make a worthwhile contribution to meet need, as only 6 units are proposed I attach the cumulative benefits of the proposal limited weight.
23. The Council has indicated in its Committee Report that it is unable to demonstrate a 5 year supply of deliverable housing land and therefore the presumption in favour of sustainable development as set out in paragraph 11d of the Framework is engaged. In this case, I have found that the scheme would maintain the character and appearance of the area and the cumulative benefits afford limited weight. The harm I have found to the living conditions of the occupiers of the adjoining property is a matter which I afford substantial weight. It is such that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework when considered as a whole.
24. Because of the harm to the living conditions of the occupiers of the neighbouring property, the scheme would not comply with the development plan when considered as a whole and there are no material considerations that outweigh the identified harm and associated development plan conflict.

¹ APP/E1210/W/18/3218893

25. Accordingly, for the above reasons, and taking all other matters into account, I conclude that the appeal should be dismissed.

David Wyborn

INSPECTOR