



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/20/3244321

50 Southbourne Grove, Bournemouth BH6 3RB

- 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 Alan Bradshaw against the decision of Bournemouth, Christchurch and Poole Council.
 - The application Ref 7-2019-13575-L, dated 30 August 2019, was refused by notice dated 22 October 2019.
 - The development proposed is a single storey extension to roof to create flat.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The Highway Authority has acknowledged in their appeal statement that the submitted block plan shows covered cycle parking within the curtilage of the site and that, with a suitable planning condition in any approval, this reason for refusal would be addressed. I have found no reason to disagree on this issue.

Main Issues

3. The main issues are:
 - the adequacy of car parking provision and its effect on highway safety,
 - the effect of the proposal on the Dorset Heathlands Special Protection Area (SPA), Ramsar site, and the Dorset Heaths Special Area of Conservation (SAC) (the habitats sites),
 - the effect of the development on the character and appearance of the area, and
 - the effect of the development on the living conditions of the occupants of adjoining properties, with particular regard to overlooking and impacts on privacy.

Reasons

Car parking and highway safety

4. Policy CS16 of the Bournemouth Local Plan: Core Strategy (October 2012) (the Core Strategy) requires that parking provision for new development shall be in accordance with the Council's adopted parking standard. The parking standard is incorporated into the Parking – Supplementary Planning Document (adopted 2014) (the Parking SPD). The evidence indicates that the site is located within

Parking Zone 2 and the Parking SPD has a benchmark requirement of one space (0.9 unrounded) if communal car parking is available or 2 spaces (1.3 unrounded) for allocated parking.

5. The proposal makes no provision for any car parking spaces. However, the case is made that the existing residential units on the first and second floors and at the back of the building have all been permitted without any requirement for car parking and that the site is in a sustainable location with ready access to services, facilities and public transport. It is explained that those occupying the proposed flat would know that there was no dedicated parking available and make their decision accordingly, indeed the lack of parking in such a sustainable location it is argued would provide additional choice for housing for those with limited or no car access.
6. However, I am conscious that the parking standards are adopted and are supported by a development plan policy. They are set on a zonal basis and this reflects the policy advice in paragraph 105 of the National Planning Policy Framework (the Framework).
7. The Highway Authority explain the proposal would result in the displacement of up to two cars onto the local highway network and in a location that is considered to suffer from significant levels of parking stress. I attach substantial weight to the parking survey and photographs undertaken by the Highway Authority which shows evidence of illegal and inconsiderate parking, such that it is argued that the existing parking stress on roads within the vicinity of the site is already beyond capacity. This survey was undertaken a few years ago in association with another appeal, however, I have no substantive information that the situation has changed in the meantime. At my site visit, although only a snapshot in time, there was very few car parking spaces available that I could identify in the surrounding roads near to the pedestrian access to the site.
8. The existing residential units at the site were permitted before the Core Strategy and Parking SPD was adopted and therefore were considered under a different policy background. I attribute these earlier permissions limited weight.
9. The personal injury collision data which the Highway Authority has submitted show a reasonable number of accidents which it is argued can be, in part, attributed to parked cars blocking visibility splays at junctions and accesses. This data is a matter to which I attach substantial weight.
10. While the appellant argues that the small scale of the proposal and the limited car parking requirements, if any, that would result mean that it is unreasonable to seek a parking stress survey to be undertaken. However, I consider that the location is such that future residents of this additional unit of accommodation cannot be ruled out from needing to own and use a private vehicle and therefore, in all likelihood, the development would lead to an increase, at times, in the demand for car parking spaces in the vicinity of the site.
11. In the absence of up to date and substantive evidence to contradict the information from the Highway Authority, the lack of parking provision required in association with this additional unit of accommodation would be likely to have an adverse impact on highway safety in the vicinity of the appeal site, which I have considered based on the parking restrictions at the present time. This is due to the potential for further illegal and inconsiderate parking that

would result, and in particular the effect that this would have in terms of visibility at junctions and accesses. The proposal would therefore have an unacceptable impact on highway safety and therefore would not comply with the Framework policy in this respect.

12. In the light of the above analysis, I conclude that the lack of car parking to meet the appropriate benchmark would have an unacceptable impact on highway safety and that this would conflict with Policies CS16 and CS41 of the Core Strategy and the Framework which seeks in this respect, amongst other things, to ensure the safety of the public realm.

Habitats sites

13. The evidence indicates that the site would be within 5km of a part of the designated Dorset Heathlands SPA, Ramsar site and part of the Dorset Heaths SAC. The Dorset Heathlands Planning Framework 2015-2020 Supplementary Planning Document (SPD) sets out a strategy that seeks to mitigate the impacts on the heathland arising from recreational pressure from residents of new residential accommodation. The SPD indicates that the provision of Heathland Infrastructure Projects would be delivered through the Community Infrastructure Levy and that Strategic Access Management and Monitoring (SAMM) would be secured via a planning obligation.
14. The development, in combination with other projects, would be likely to have a significant and adverse effect on the integrity of the protected sites, by way of the additional recreational pressure. The appellant has indicated a willingness to address the issue of the required SAMM contribution towards the mitigation of the nearby habitats sites with a Unilateral Undertaking (UU). However, no UU or other mechanism is before me that would secure mitigation of the impacts. Consequently, the significant and adverse effects that I have identified would not be mitigated and, therefore, there would be harm to the integrity of the habitats sites.
15. Accordingly, I conclude that the development would have an adverse effect on the habitats sites and therefore would conflict with Policy CS33 of the Core Strategy which requires, amongst other things, that development will not be permitted unless it can be ascertained that it will not lead to an adverse effect on the integrity, directly or indirectly, of the Dorset Heaths international designations.

Character and appearance

16. 50 Southbourne Grove is part of a reasonably long row of individually designed buildings, with commercial premises on the ground floor and with most properties having one or two stories of accommodation above. No 50 and some of the immediately adjoining properties are flat roofed and three stories in height.
17. The roof addition would be set back from the edges of the proposed parapet wall and the height of the proposed flat would be minimised by the design. As a consequence, the addition would not be generally apparent on the other side of the main road opposite the site. In mid distant views, the set back from the proposed parapet wall, the reasonably low height of the addition and the muted tone of the zinc cladding would make the extension a fairly minor element in a reasonably busy street scene.

18. The external material and appearance of the addition may be different from other buildings nearby. However, the zinc cladding would provide an acceptable contrast in material at this roof level, and with the setback from the parapets, would be an appropriate design response to the provision of additional accommodation that would not dominate or be detrimental to the appearance of the building.
19. Taking all these matters into account, the modest scale and form of the addition compared with the existing size and appearance of No 50, together with the presence of the adjoining buildings, would be such that the development would assimilate successfully with the building and would not cause visual harm.
20. I have taken into account the application in 2007 and the related appeal which was dismissed for two flats to this roof area. However, that scheme was larger and of a different design to the present proposal and would have been prominent and bulky. That decision was also made in relation to a different set of local and national planning policies. I have therefore considered the proposal based on its merits and the evidence before me. In this case, I am satisfied that the proposal would comply with the Framework policy that decisions should support opportunities to use the airspace above existing residential and commercial premises for new homes.
21. In the light of the above analysis, I conclude that the proposal would not harm the character and appearance of the area. The scheme would therefore comply with Policies CS21 and CS41 of the Core Strategy, saved Policy 6.10 of the Bournemouth District Wide Local Plan (2002) (the Local Plan) and the Framework which seek, in this respect, to ensure that development should, through its scale, density, layout, siting, character and appearance be designed to respect the site and its surroundings

Living conditions

22. I noted at my site visit the reasonably new dwellings, 1-4 Respryn Mews with their rear dormers, the rear windows of 9 New Park Road and the position of the upper floor residential accommodation in the properties broadly to the east in Southbourne Grove. There is some mutual intervisibility between the rear windows of the upper floors of properties in Southbourne Grove and residential properties in New Park Road.
23. The proposed flat would have rear facing windows and be in an elevated position. However, the proposed accommodation would be set back from and be partially obscured by the proposed parapet wall. The accommodation would be at an offset angle towards Respryn Mews. In these circumstances, I am satisfied that the relationship would not lead to such direct overlooking from the windows of the proposed flat, towards the adjoining properties of Respryn Mews, in particular the rear dormer windows, that the arrangement would be unacceptable. Furthermore, these existing properties already appear to experience mutual intervisibility between other windows and any additional views between windows from the appeal site, given the nature of the relationship I have described above, would not materially change the existing situation.
24. The height difference and any resulting angled views down towards the rear of 9 New Park Road would not, because of the relationship between buildings and

the proposed parapet wall, result in undue overlooking to that property. Furthermore, the relationship to the properties broadly to the east would not, given the position of the front, side and rear windows in the development, the set back from the proposed parapet and the angle of any views, result in overlooking into windows or garden areas of these adjoining properties that I would judge to be unsatisfactory.

25. In coming to these judgements, I have had regard to the document Residential Development – A Design Guide (September 2008) and in particular the specified distances between windows that are recommended. However, for the reasons explained above, the relationship between the development and adjoining properties would be satisfactory.
26. The elevation plans appear to show only windows and with no doors allowing external access onto the remaining part of the flat roof of the existing building. On this basis, it would not be possible to readily access the flat roofed area and thereby any overlooking from the external space around the new accommodation would be minimised.
27. Accordingly, I conclude that the scheme would not adversely affect the living conditions of the occupants of the adjoining properties, with particular regard to overlooking and impacts on privacy. The proposal would therefore comply with policies CS21 and CS41 of the Core Strategy, saved Policy 6.10 of the Local Plan and the Framework which notably, in this regard, requires development to respect the living conditions of the occupiers of buildings in the vicinity.

Other Matters

28. The boundary of the Southbourne Grove Conservation Area (the CA) extends along the southern side of the street opposite the site. In this area the significance of the CA includes the consistent and rhythmical form of the properties with their distinctive gables. The setting of this part of the CA includes the street scene and the views of these terrace buildings. The development would be on the other side of the road outside the CA, would be set back from the frontage of the building and would be partially screened by the parapet wall. The development would be a minor and acceptable addition within the overall street scene and would not be visually harmful. Accordingly, I conclude that the setting of the CA and its significance would be preserved by the proposal.

Planning Balance and Conclusion

29. The proposal would deliver an additional unit of accommodation on a windfall site making efficient use of the land and in a location with good access to services, facilities and public transport. There would be social and economic benefits during construction and in subsequent occupation. The scheme would not harm the character and appearance of the area, make adequate provision for cycle storage, and the relationship to adjoining properties would be satisfactory. However, as only a single unit of accommodation would be delivered the cumulative benefits afford limited weight.
30. I have found that the proposal would not provide adequate car parking in accordance with the development plan and this would, in all likelihood, lead to harm to highway safety. Furthermore, the scheme would not mitigate the harm

to the habitats sites. This combined harm is a matter that I attribute significant weight.

31. Notwithstanding any arguments regarding housing land supply or whether the most important policies for determining the application may be out of date, the presumption in favour of sustainable development as set out in paragraph 11d of the Framework is not engaged. This is because the harm to the habitats sites means that the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed.
32. The harm I have found in this case would outweigh the benefits of the scheme. Accordingly, the proposal would not accord with the development plan when considered as a whole and there are no material considerations that outweigh this conflict. I therefore conclude, taking all other matters into account, that the appeal should be dismissed.

David Wyborn

INSPECTOR