



Appeal Decision

Site visit made on 26 February 2020

by Nick Davies BSc(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 April 2020

Appeal Ref: APP/V1260/W/19/3241869

80-82 Victoria Avenue, Bournemouth BH9 2RP

- 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 Darren Giles against the decision of Bournemouth, Christchurch and Poole Council.
 - The application Ref 7-2019-26856-A, dated 13 May 2019, was refused by notice dated 9 July 2019.
 - The development proposed is alterations and additions to existing No. 82 including conversion into a single unit with private garden and a proposed 3 bedroom detached dwelling on land to the rear of No. 80 and 82.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - a) The effect of the development on the character and appearance of the area;
 - b) The effect of the development on highway safety; and,
 - c) Whether the development would provide suitable living conditions for future occupants.

Reasons

Character and appearance

3. Victoria Avenue is a crescent of detached houses, which are set back on a common building line that follows the curve of the road. Although there are individual variations between the houses, there is a uniformity to their two-storey scale, hipped roof form and full height bay windows. The houses are closely spaced, and the gaps between the buildings are largely spanned at ground floor level by garages, fences or gates. As a result, the row of houses presents a solid frontage, with a cohesive character.
4. The houses have long rear gardens, which back onto those of the houses in Pickford Road. 82 Victoria Avenue lies at the western end of the row of houses, where the garden lengths are particularly long. Boundary Road runs along the side boundary of the appeal site, giving views across the back gardens and the distinctive curved sweep of the rear building line of the houses. Although there

- are some modest outbuildings, the combination of the gardens to the rear of the buildings gives the area a spacious character when viewed from the west.
5. The demolition of part of No 82, to provide access to the proposed dwelling, would result in a gap between buildings that would be much larger than is characteristic of the remainder of the crescent. The unusual width of the gap would be emphasised by the driveway running between the buildings, which would open up views to the spacious area to the rear. Whilst most of the houses in the row have parking in the front gardens, none has hard surfacing extending between and beyond the houses to the same extent. As a result of the proposal, No 82 would appear isolated from the rest of the row, and the solidity and cohesiveness of the crescent would be diminished.
 6. The proposed dwelling would be located to the rear of the frontage development, with access via the driveway between the houses. It would be close to three of its boundaries and, together with the proposed car-parking area, would cover a large proportion of the available plot. It would therefore be out of keeping with the surrounding pattern of development, which is characterised by continuous frontage development with spacious gardens to the rear.
 7. The proposed dwelling would be of a much greater scale than any of the other outbuildings in the rear gardens, spanning almost the entire width of two plots. Although it would be single storey, it would, nevertheless be a significant intrusion into the spacious area to the rear of the houses when viewed from Boundary Road. These views would be screened, to some extent, by the retention of the western boundary planting. However, it is unclear from the submitted plans whether this planting strip is within the appellant's control. In any case, it does not provide a complete screen, especially in winter, so would not conceal the uncharacteristic location and scale of the building.
 8. The dwelling would also be readily visible through the enlarged gap in the frontage development. From this view, the residential scale and design of the building, and its associated car-parking area, would make it an incongruous feature in the rear garden area beyond the houses. The legislation does allow the construction of outbuildings in rear gardens as permitted development, but I have no evidence that the construction of a building of this scale and design is any more than a theoretical possibility, so this consideration carries little weight.
 9. For the reasons given above, I conclude that the development would be harmful to the character and appearance of the area. The proposal would therefore be contrary to Policy 6.8 of the Bournemouth District Wide Local Plan (2002) (the Local Plan) and Policies CS21 and CS41 of the Bournemouth Local Plan Core Strategy (2012) (the Core Strategy). These policies seek to ensure that new housing development respects the character of neighbouring development and maintains the quality of the street scene. The proposal would also conflict with the advice in Section 12 of the National Planning Policy Framework (the Framework), which seeks to achieve well-designed places.

Highway safety

10. The appeal site lies at the junction of Victoria Avenue and Boundary Road. Vehicles using this junction are controlled by traffic lights, which also allow pedestrians to cross the roads. Boundary Road is a County Distributor Road

and Victoria Avenue is a District Distributor Road, so the junction carries a significant level of traffic. There are three lanes of traffic in front of the appeal site; two heading west to join Boundary Road; and one heading east for traffic leaving Boundary Road. There is, therefore, a high volume of traffic, a complexity of turning movements and a high level of pedestrian activity in a concentrated area close to the appeal site. Accident records, showing that there were seven personal injury accidents within 100 metres of the appeal site between 2014 and 2018, indicate that this is not an inherently safe highway environment.

11. 82 Victoria Avenue has a vehicle access, serving a parking area in its front garden, which adds to the complexity of traffic movements at the junction. The proximity of the access to the junction, and the presence of three lanes of traffic, means that manoeuvring a vehicle into, or out of the parking area is not straightforward. This is particularly the case for cars turning right into the parking area, or turning right when leaving it. These manoeuvres involve crossing two lanes of traffic that are controlled by the traffic light in front of the appeal site.
12. The access is so close to the stop line at the junction, that it only takes one or two vehicles waiting at the lights to prevent vehicles turning right into it. Consequently, drivers entering Victoria Avenue from Boundary Road, who want to access the site, are likely to be prevented from doing so by vehicles waiting at the lights. The driver would, therefore, have to stop immediately on entering Victoria Avenue, to wait for the held traffic to clear the junction, before making the right turn. As there is only one eastbound lane in Victoria Avenue it is likely that, in these circumstances, following traffic would queue back into the junction.
13. Vehicles turning right out of the site may have to do so behind vehicles waiting at the lights. A vehicle emerging in this manner may not be easily visible to, or anticipated by, drivers turning into Victoria Avenue from Boundary Road. Alternatively, a driver may advance across the two lanes of westbound traffic to wait for a gap in the eastbound traffic, thereby interrupting the flow of traffic through the junction. The use of this access, particularly by right turning vehicles entering and leaving the site, therefore results in increased confusion and highway danger at an already complex junction. It follows that an increase in the use of the access would cause harm to highway safety.
14. The existing access serves 82 Victoria Avenue, which currently comprises two flats. Under the proposal, No 82 would be converted to a single house, and the access would be modified to serve this house and the new dwelling to the rear. The appellant argues that, as the access would still serve two dwellings, there would be no increase in its use. However, the existing flats both have two bedrooms, whereas the two houses would each have three bedrooms. In the case of the frontage dwelling, these would all be double bedrooms. This would also be the case for the dwelling at the rear, which, in addition, would have a sizeable office/store and a large workshop. It is therefore likely that the two houses would have a significantly higher occupancy than the two existing flats, so would generate more traffic movements.
15. The proposals specify that two parking spaces would be retained at the front of the site for the converted house, and two new spaces would be provided for the dwelling to the rear. The widened driveway, and large parking/turning area

would, in practice, allow for more than two cars to be accommodated at the rear. So, there would be a considerable increase in the number of cars that could be parked on the site to cater for the additional traffic that would be generated by the higher occupancy of the two dwellings. Consequently, there would be an increase in traffic using the access, which would be harmful to highway safety.

16. The appellant has highlighted that the widened driveway would provide an opportunity for cars parked at the front to turn before leaving the site, which is not currently possible. However, the retained parking area is very restricted, and it has not been demonstrated that such turning manoeuvres would be possible. This benefit does not, therefore, outweigh the harm that would be caused by the increased use of the access. It has also been argued that the increase in traffic, as a result of the development, would be marginal when compared to the existing volume of traffic on Victoria Avenue. Whilst this may be the case, I have concluded, for the above reasons, that it is the increase in vehicle movements using the site access that would be significant.
17. The Council's Parking Supplementary Planning Document (2014) (the SPD) indicates that a total of 4.6 car-parking spaces should be provided for the two houses. The SPD says that fractions of spaces should be rounded up to the nearest whole number, so five spaces would be necessary to comply with the adopted parking standards. The submitted plans indicate that two car-parking spaces would be provided for each dwelling, resulting in a shortfall of one space. It is clear, however, that with only a minor modification to the proposed area of hardstanding, a third space could be provided for the dwelling at the rear in accordance with the measurements set out at paragraph 2.15 of the SPD. Had I been minded to allow the appeal, this could have been secured through the imposition of a planning condition.
18. The submitted plans do not show how two parking spaces would be accommodated at the front of the site in accordance with the measurements specified at paragraph 2.1.1 of the SPD. In the absence of evidence to demonstrate that two spaces could be achieved, there would still be a shortfall of one space for the development as a whole, even with a third space at the rear. However, the existing arrangement already gives rise to a shortfall of one space, as the SPD parking requirement for the two existing flats would be 2.6 spaces (rounded up to 3). Therefore, on condition that a third space was provided at the rear, the proposal would not result in an increase in the existing shortfall of one space on the site.
19. Bearing all of this in mind, the proposal is unlikely to lead to increased pressure for on-street car-parking on surrounding streets. Therefore, in the particular circumstances of this case, I do not find the conflict with the parking standards in the SPD (and, therefore, Policy CS16 of the Core Strategy) to be decisive.
20. As there are double yellow lines in Victoria Avenue, and the appeal site is so close to the traffic lights, it is unlikely that service and delivery vehicles would park directly in front of the site. Any such vehicles generated by the development would therefore be accommodated in surrounding streets, or on-site. As there is little evidence to suggest that the proposal would result in a noticeable increase in service or delivery vehicles, there would not be any harm to highway safety or on-street parking pressure in this regard.

21. To conclude on this issue, I have found that the on-site car-parking provision would not result in an increase in pressure for parking in surrounding streets, and that service and delivery vehicles attracted to the development would not increase highway danger or inconvenience. However, the increased use of the access, near to a busy and complex junction, would result in harm to highway safety. The proposal would therefore conflict with Policy 8.2 of the Local Plan and Policy CS41 of the Core Strategy, which seek to limit access to district distributor roads and ensure that development contributes positively to the safety of the public realm.

Living conditions

22. The converted dwelling would provide satisfactory internal space for the future occupants in terms of size, light, ventilation and privacy. The rear garden would be of a modest size, but my attention has not been drawn to any space standards for private external amenity areas. It would be large enough to cater for the day to day needs of the occupants, and would provide a reasonable degree of light and privacy.
23. The main living accommodation in the dwelling to the rear would be at ground floor level, and would provide a high standard of space, light, ventilation and privacy. Additional accommodation, including a bedroom, office and workshop would be provided at basement level. Light would reach these rooms via lightwells. The basement would not provide primary living accommodation, and occupants of the dwelling would have access to the ground floor of the dwelling for day to day activities. I have not been provided with any evidence to demonstrate that the basement would be unsuitable for the purposes specified on the submitted floorplans, and conclude that the dwelling would provide satisfactory internal living conditions for future occupants.
24. The dwelling would have a south facing terrace with direct access from the large windows in the open plan living area and the master bedroom. This terrace would be shaded to a significant extent by trees on adjacent land to the south. However, it would be a private outdoor area, and other space would be available to the north of the house, which was in full sun at the time of my mid-day visit in winter. The outdoor space would be of an adequate size, would provide a reasonable degree of privacy, and would be well-related to the internal accommodation. I therefore see no conflict with the guidance in the Council's "Residential Development - A Design Guide" (Adopted September 2008).
25. I therefore conclude that the development would provide suitable living conditions for future occupants. Consequently, the proposal would accord with Policy 6.8 of the Local Plan and Policies CS21 and CS41 of the Core Strategy, which seek to ensure that new development provides a pleasant and safe residential environment and a high standard of amenity to meet the day to day requirements of future occupants.

Other Matters

26. The Council's reasons for refusal also related to harm to the Dorset Heathland Special Protection Area, Ramsar Site and Dorset Heaths Special Area of Conservation. The decision notice indicated that this issue could be overcome, by completion of a Section 106 agreement securing the payment of financial contributions towards mitigating measures. The need for mitigation is not

contested by the appellant, and the parties were working on a draft agreement during the course of the appeal. However, it had not been completed at the time of my decision. As I am dismissing the appeal, no harm will arise to the European site, and it is therefore not necessary for me to consider the proposal any further in respect of the Conservation of Habitats and Species Regulations 2017.

Planning Balance

27. The proposed dwelling would be classed as a small dwelling for the purposes of Policy CS20 of the Core Strategy. This policy says there will be a presumption in favour of the redevelopment of sites for small family dwellinghouses as opposed to other forms of residential accommodation. However, this presumption only applies where the resulting development would not be out of character with the local area. In view of my conclusions on the first main issue, Policy CS20 does not provide support for the proposal.
28. The proposal would make more efficient use of land for housing in accordance with the aims of Section 11 of the Framework. I am especially mindful that the development would provide two 3-bedroomed dwellings, which the Eastern Dorset 2015 Strategic Housing Market Assessment identifies as being in particular demand. However, paragraph 122 of the Framework also highlights the desirability of maintaining an area's prevailing character. The benefits to housing supply are modest, particularly as the net number of dwellings would not increase as a result of the development. They do not, therefore, outweigh the harm that I have identified to the character and appearance of the area and to highway safety.

Conclusion

29. For the reasons given above, I conclude that the appeal should be dismissed.

Nick Davies

INSPECTOR