



Appeal Decisions

Site visit made on 9 March 2020

by Patrick Whelan BA(Hons) Dip Arch MA MSc ARB RIBA RTPI

an Inspector appointed by the Secretary of State

Decision date: 1 May 2020

Appeal A Ref: APP/V1260/W/19/3242795

158 East Howe Lane, Bournemouth BH10 5JG

- 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 DS Land Ltd against the decision of Bournemouth, Christchurch and Poole Council.
 - The application Ref 7-2019-15176-G, dated 9 July 2019, was refused by notice dated 2 September 2019.
 - The development proposed is to demolish existing dwelling and garage and erect two no 4-bedroom detached houses with parking.
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Appeal B Ref: APP/V1260/W/19/3242802

158 East Howe Lane, Bournemouth BH10 5JG

- 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 Crestland Homes Ltd against the decision of Bournemouth, Christchurch and Poole Council.
 - The application Ref 7-2019-15176-E, dated 26 April 2019, was refused by notice dated 20 June 2019.
 - The development proposed is to demolish existing dwelling and garage and erect a pair of 3-bedroom semi-detached houses and a 3-bedroom detached house with parking.
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Decisions

Appeal A Ref: APP/ V1260/W/19/3242795

1. The appeal is dismissed.

Appeal B Ref: APP/ V1260/W/19/3242802

2. The appeal is dismissed.

Procedural Matter

3. As set out above there are two appeals on this site. While I have considered each proposal on its individual merits, the factors in consideration in the main issues in both appeals are common. Therefore, to avoid duplication, I have dealt with the two schemes together, except where otherwise indicated.

Main Issues

4. These are:
 - i) the effect of the loss of the existing building and the redevelopments on the character and appearance of the area;
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- ii) whether the off-street parking would be sufficient, and safely positioned;
- iii) whether the proposals would provide acceptable living conditions for future occupiers, with particular regard to entrance, waste and bicycle storage;
- iv) the effect of the developments on nearby trees;
- v) their effect on the living conditions of the occupiers of 152 East Howe Lane, with particular regard to their outlook and privacy; and,
- vi) whether they would provide appropriate surface water drainage.

Reasons

i) Loss of the building, and the character and appearance of the area

5. The Council describes the existing building, which would be lost in both schemes, as a mid-C19 cottage, typical of those in the villages which have become the suburbs of Bournemouth. It has an attractive symmetrical façade of neat brickwork under a slate roof with stacks to each end gable over its sliding sash windows. Aside from its architectural interest, alongside the other surviving houses, its siting, size and form reflect the historical development of East Howe, which developed a sympathetic, Unwin-influenced estate beside them, reflecting many of their townscape and landscape characteristics.
6. The Planning Practice Guidance¹ confirms that local planning authorities may identify non-designated heritage assets as part of the decision-making process on planning applications. In this case, following an assessment by its Design & Heritage Team, the Council considers the existing building to be a non-designated heritage asset, concluding that the replacement building would harm the character and appearance of the area and would not justify its loss.
7. The National Planning Policy Framework (the Framework) defines a heritage asset as a building identified as having a degree of significance meriting consideration in a planning decision, because of its heritage interest. In my view, the architectural and historic interest of the house has more than sufficient significance to be a material consideration in determining the appeals.
8. The Framework requires a balanced judgement to be made, having regard to the scale of any harm or loss and the significance of the heritage asset. In these circumstances, the total loss of the heritage asset would conflict with policy CS40 of the Bournemouth Local Plan Core Strategy adopted 2012 (CS) which protects local heritage assets by only supporting development that sustains or enhances their significance. This weighs against the proposal. I turn now to the schemes for its replacement.
9. Given the variety in plot width, and the size and form of the houses now surrounding the site, I find no incompatibility between the houses in both schemes and the surrounding development in terms of plot width, front building line, height, form, materials and detailing. However, two features of the pattern of development of this section of East Howe Lane, by grace of its partial realignment and the retention of these houses, make it distinctive.

¹ Planning Practice Guidance, paragraph: 040 reference ID: 18a-040-20190723

10. The first is the lateral gaps between the houses which give its character of spaciousness, and to which the appeal site makes a significant contribution. The second is the reinforcing effect their planted front gardens make to the soft and green landscape character in this section. The planted verge, mature trees and front gardens together in this section retain the character of a semi-rural lane, which is reflected opposite in the housing with its large verges, lateral gaps and planted front gardens.
11. The lateral gaps between the new houses in both schemes and the existing houses would be uncharacteristically tight, reflecting the layout of the more modern housing further along the Lane rather than the generally more spacious character which makes this section distinctive. More significantly, the central gap between the new houses in the 3-unit scheme would be so narrow that the play of light and shade, the opportunity for glimpsed views of landscape behind them and the legibility of the individual identity of these houses, in the more spacious context of their surroundings, would be undermined. Further, the front gardens of the houses in both schemes would be dominated by uncharacteristically large areas of hard landscaping for car-parking which would undermine the soft and green character of this section of East Howe Lane.
12. I have taken into account that some neighbouring houses are built-up to the side boundaries and some include on-plot parking, to varying degrees. However, such conditions are not a universal context. Though the distinctive spatial and landscape character I have identified is precariously balanced, because of the lack of spacing and the lack of planted areas in the front gardens in both schemes, both proposals would harm the architectural, landscape, and spatial character of the area and appear at odds with its pattern of development. Neither scheme would measure up to the architectural quality, heritage interest, and landscape contribution of the existing building on the site, whose loss neither would mitigate.
13. Both schemes would conflict with CS policy CS40, CS policy CS6 which seeks to retain and enhance the features that contribute to each place's heritage, as well as CS policies CS21 and CS41 and saved policies 4.25 and 6.8 of the Bournemouth District Wide Local Plan adopted 2002 (LP). These seek high quality development whose layout, siting and character is designed to respect the site and its surroundings, which enhances character and local distinctiveness and which conserves or improves landscape. The Framework says that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Allowing the proposed developments would conflict with its advice that decisions should ensure that developments are sympathetic to local character and history, are visually attractive as a result of good architecture and layout, and create distinctive places to live.

ii) Off-street parking and positioning

14. Parking: CS policy CS16 requires development to provide parking in accordance with the Council's benchmark parking standards² (SPD). While the 2-unit scheme, with 4 spaces, would be 1 space short of the benchmark, it would still provide 2 spaces per house. The 3-unit scheme would provide 2 spaces for the

² Parking, Bournemouth Borough Council Supplementary Planning Document, July 2014

detached house, and one space for each semi-detached house, a shortfall of 2 spaces against the benchmark.

15. At the time of my site visit, which was on a weekday morning, I did not see any restrictions on parking on the highway in the vicinity of the site, and the occupancy of the street parking was significantly less than 50% of the spaces available. I appreciate that demand is likely to be higher at the end of the working day and at weekends. However, the amount of space available does not indicate a high degree of parking stress or overload in the locality.
16. The proposal would not quite meet the benchmark standards, but I note that the suburban zoning in the SPD assumes the lowest level of access to public transport, services and facilities, whereas this site is in a relatively sustainable location, well placed in relation to supermarkets, health services, primary and secondary schools, which may moderate the demand for parking space. I am not convinced that a shortfall of a single space in the 2-unit scheme, and 2 spaces in the 3-unit scheme would cause harmful pressure on the street parking in the area or reduce highway safety.
17. In terms of parking, therefore, while I acknowledge the numerical shortfall against the Council's matrix, in the particular circumstances of this site, the parking in both schemes would be sufficient. There would be no conflict in this regard with CS policy CS16.
18. Positioning: I appreciate that the parking spaces in both schemes using the northern access would require clear space in the old section of the Lane to allow turning. However, access which relies on considerate parking by neighbours is not an uncommon situation. The parking in this section, which provides access to only a few houses, appears to be well managed by the occupiers of these houses, which have on-plot parking and which share the same section of the Lane for access. There is already an access on this side from the existing house. This suggests that there is co-operation between neighbours, and that the access on the northern section would continue to allow turning.
19. Notwithstanding this, it would not be possible to safely turn and reverse into or out of the middle house in the 3-unit scheme, even without any parking in front of the site. This would lead to its occupiers reversing in or out along the length of the old section of Lane, which is a considerable distance, narrow, and enclosed by planting and the front garden boundaries of houses. This would make a frequent, difficult manoeuvre necessary, jeopardising the safety of people walking through the old section of Lane, especially in poor light. The parking arrangement for the 3-unit scheme would therefore have an unacceptable impact on highway safety.
20. There is already a southern access from the existing house onto East Howe Lane. I appreciate the configuration of the parking spaces in both schemes onto this section is slightly different. However, the number of trips and the geometry is not so different that the schemes would present a materially greater risk to transport safety than the present arrangement. Given the existing side boundaries and existing openings into the site, appropriate visibility splays to protect pedestrians could be conditioned.
21. I have had regard to the appeal decisions submitted by the local highway authority. Though I do not have the details of those schemes, I have assessed

these proposals on the road conditions and geometry peculiar to each, to which I am unable to draw parallels. In terms of highway safety, therefore, while I find no harm from the 2-unit scheme, I conclude that the 3-unit scheme, for the positioning reason above, would have an adverse impact on highway safety. While I see less relevance of CS policy CS14 which concerns transport infrastructure, the 3-unit scheme would nonetheless conflict with CS policy CS41 which requires development to contribute positively to the safety of the public realm.

iii) Living conditions of future occupiers

22. While there is little space available to the front of the houses to provide secure bike storage without adversely affecting the character of the area, the houses have side passages leading to their back gardens where bikes could be parked. It is not clear if the site plans' figured dimensions relate to the distances between walls or between roofs. Notwithstanding this, the widths of the passages appear substantially less than the Council's guidance³ which recommends a minimum width of 1500mm over a distance of no more than 10m. Their width would make manoeuvring a bike into the back garden a very difficult task, and one which may be repeated daily, by several occupiers.
23. I acknowledge the appellant's reference to a planning permission granted by the Council for a housing development with narrow passages. However, the example does not justify the harm to the living conditions of the occupiers of both schemes which would result from the sub-standard width of the access, and the conflict with CS policies CS41 and CS18 which require developments to provide a high standard of amenity to meet the day to day needs of future occupants, cycle storage in accordance with the Council's adopted standards, and for developers to set out clearly how developments will help to achieve the objective of increasing the popularity of cycling.
24. While no bin storage or collection points are indicated, there would be sufficient space and access in both schemes for this to be secured by planning conditions. I note the Council's point that the southernmost house in the 3-unit scheme would have its front door in its flank wall, approached along a narrow passage between the high walls of two houses. While this may be less than ideal, the flank location of the front door is not an unreasonable approach given the layout inside the house. The passageway width appears to me to be just within the limit of tolerability as an approach to the entry to a home. There would be no conflict in respect of refuse storage and entrance with CS policy CS41, and CS policy CS38 which protects environmental quality and general amenity.

iv) The effect on nearby trees

25. The existing house retains an exit onto the new and onto the old sections of Lane. By my estimation on-site and save for the turning conflict already identified in the 3-unit scheme, vehicles could turn into and out of the proposed houses without the need to reduce the planted areas around the trees T3, T4, T5 and T6.
26. I note the dispute about the condition of a tree with a woodpecker hole. However, it stands on Council land and it would not impede access to the

³ Parking, Bournemouth Borough Council Supplementary Planning Document, July 2014

parking in both schemes or risk being harmed by cars manoeuvring into their parking spaces. It is a matter for the Council whether it would allow the removal of the holed tree. I can find no harm from the proposals to the health of these trees, and no conflicts with saved LP policy 4.25 which protects trees and landscaping features.

v) The living conditions of the occupiers of 152 East Howe Lane

27. The Council is concerned that the southernmost house in the 2-unit scheme would harm the outlook from 152 East Howe Lane, and that the closest house in the 3-unit scheme would overlook into the conservatory of No 152.
28. The rear outrigger of the closest house in the 2-unit scheme would be sufficiently distant from the side boundary and not so deep that it would harm the outlook from within No 152 or from its garden, which is occupied on part of this side by a large conservatory. The first floor window in the flank of the closest house in the 3-unit scheme would serve a bathroom which could be conditioned to be obscure-glazed. The bedroom windows of the closest house would be sufficiently forward of the conservatory to prevent any significant risk of loss of privacy by overlooking. I therefore find no conflict from the schemes with CS policy CS41 which requires developments to enhance the amenities of neighbouring residents.

vi) Surface water drainage

29. I have noted the Council's comments about the ground conditions and the water table being unsuitable for soakaways. While there is no infiltration report, given the number of surfaces nearby which already drain, it would not be unreasonable for planning conditions to make the development acceptable by securing attenuated discharge to surface water sewers or an alternative means of disposal of surface water in the event that a sustainable system is not suitable here. Subject to conditions, there would be no conflict with CS policy CS4 which seeks sustainable drainage systems except where no technical solution is available.

Other Matters

30. The Council has approved the demolition of the existing house. However, the appellant indicates that the existing house should stand until permission is granted to redevelop the site. This reduces the weight I can give the likelihood of demolition as a fallback. I have no evidence of an extant planning permission for a comparable redevelopment scheme. While I acknowledge the appellant's intention to redevelop the site, there is no alternative, approved scheme to fall back upon. In any event, the harm I have identified to the character and appearance of the area would endure from these schemes, whether the existing house is demolished under prior approval, or under a planning permission.
31. The appeal site lies within 5km of the Dorset Heathlands Special Protection Area (SPA) and Ramsar site, and the Dorset Heaths candidate Special Area of Conservation. The Council has identified that likely significant effects would arise from the proposed developments but concluded that the measures necessary to prevent the adverse effects may be secured through a legal agreement. The appellant has provided unilateral undertakings for both schemes to provide the financial contributions to strategic access management

and monitoring sought by the Council to mitigate their adverse effects on these European sites. I therefore find no harm from the proposed development in this regard, and no conflict with CS policy CS33 which protects the Dorset Heaths.

Planning Balance

32. I have found that both schemes would provide sufficient on-plot parking and refuse storage, they would have no ill-effect on nearby trees, they would not harm the living conditions of the occupiers of 152 East Howe Lane, and they could provide appropriate surface water drainage. Additionally, the entrance into the southern house of the 3-unit scheme would be acceptable for future occupiers. However, both schemes would harm the character and appearance of the area, and neither would provide adequate access to secure bike storage. Further, car access into one of the houses of the 3-unit scheme would be so difficult as to render the parking space unusable and its access unsafe, placing both schemes in conflict with the development plan.
33. The appellant states that the Council is unable to provide a 5-year supply of housing sites, a claim which is not refuted by the Council. While there is no indication of the degree of shortfall, the proposed developments would contribute to reducing that shortfall and provide a social benefit. Both schemes would bring economic benefits too, from their construction, and from the spending of future occupiers in the local economy. This weighs modestly in their favour.
34. However, even if the Council is unable to demonstrate a 5-year supply of deliverable housing sites, the environmental harm from each of the proposed developments would significantly and demonstrably outweigh its social and economic benefits. Taking the Framework as a whole, I consider that both proposals would be an unsustainable form of development.
35. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that I determine these appeals in accordance with the development plan unless material considerations indicate otherwise. I have concluded that the proposals in both appeals conflict with the development plan when read as a whole. Given that on the basis of the planning balance neither would be sustainable development, there are no material considerations warranting decisions other than in accordance with the development plan.

Conclusion

36. For the reasons above, and having had regard to all other matters raised, I conclude that the appeals should be dismissed.

Patrick Whelan

INSPECTOR