



Appeal Decisions

Site visit made on 2 June 2020

by M Bale BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 June 2020

APPEAL A:

Appeal Ref: APP/V1260/W/19/3243320

5 Priory View Road, Bournemouth BH9 3JG

- 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 Caleb Development against the decision of Bournemouth, Christchurch and Poole Council.
 - The application Ref 7-2019-9794-C, dated 17 June 2019, was refused by notice dated 12 August 2019.
 - The development proposed is plot severance and erection of detached dwelling with associated access and parking.
-

APPEAL B:

Appeal Ref: APP/V1260/W/19/3243321

5 Priory View Road, Bournemouth BH9 3JG

- 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 Caleb Development against the decision of Bournemouth, Christchurch and Poole Council.
 - The application Ref 7-2019-9794-D, dated 13 September 2019, was refused by notice dated 8 November 2019.
 - The development proposed is plot severance and erection of detached dwelling with associated access and parking.
-

Decisions

1. The appeals are dismissed.

Preliminary matters

2. The Council's reason for refusal in respect of appeal B refers to the effect on highway safety. However, the Council's appeal statement confirms that this matter could be resolved through the use of appropriately worded planning conditions. Given the similarities to the access in the appeal A scheme, I see no reason to disagree.
3. The reason for refusal for appeal B also refers to a conflict with policies T2 and T3 of the Town Centre Area Action Plan 2013, but the appellant suggests that this may have been an error. Neither the Council's officer report nor any subsequent evidence from the Council give a clear indication as to why these policies are relevant to the proposal. I have, therefore, not considered them any further.

Main Issues

4. With regard to the foregoing, the main issues are:

- (a) The effect on the character and appearance of the area;
- (b) The effect on the living conditions of the occupiers of No.30 Valette Road with particular regard to privacy and outlook.

Reasons

Character and appearance

- 5. Priory View Road is in a predominantly residential area with a suburban character. Dwellings along the lower reaches of the road, beyond Valette Road, have a regular rhythm, style and scale giving a strong sense of uniformity. However, in the area between Valette Road and Hillcrest Road, the uniformity breaks and Nos.1-3 stand apart as a separate enclave of individually designed dwellings, along with two strikingly different buildings on the opposite side of the road – a place of worship and dance studio.
- 6. In light of the above, there is no need for a slavish adherence to a particular architectural style at the appeal site. Nor is it necessary to follow the line of the front elevations of other properties on Priory View Road as the neighbouring No.3 already occupies a different position on its plot, departing from the position of others elsewhere on the street. Accordingly, whilst they would differ from other dwellings in the locality, the detailed designs and positioning of each proposal would respect the site and its surroundings.
- 7. The residential block bordered by Priory View Road, Hillcrest Road and Valette Road contain a number of deep plots with substantially sized dwellings, a significant proportion of which, including the appeal site is covered by a Tree Preservation Order. In this area, mature landscaping, contributes to more verdant character and appearance, but there is little opportunity to appreciate the rear garden land from the public realm.
- 8. The appeal site provides a gap that gives a rare opportunity to glimpse the landscaped rear garden land, and development would fill much of this gap. However, whilst the remaining land associated with No.5 has some mature landscaping, the site itself is largely paved, containing a detached garage and timber fencing. Thus, it does not contribute to the verdant character of the garden areas.
- 9. Given the limited views into rear garden land in the wider area, boundary planting and street trees make a greater contribution to the character and appearance of the area, together with a visual connection to rising open countryside beyond the urban area. As such, closing the existing gap and the consequential loss of views through the site would not be harmful.
- 10. The site of the proposed dwellings would be smaller than most others in the vicinity. However, whilst some corner plots on the immediate block are larger, gaps between the buildings elsewhere are generally narrow. As the limited depth of the appeal site would not be readily appreciated from Priory View Road, the spacing of the dwellings would not give rise to a cramped appearance, despite the vertical emphasis of the appeal A scheme. Parking would be provided to the front, similar to other nearby dwellings. The provision

for the existing and proposed dwellings would be separated avoiding a mass of hard landscaping, and no further buildings are proposed to add clutter to the street scene.

11. The appeal A scheme proposed alterations to the vehicular access that would bring it closer to a street tree outside the site. Whilst the Council was concerned about the effect on this tree, following additional evidence provided with the appeal B scheme, it has since been accepted by the Council that planning conditions could be imposed to seek final details of the drive alignment and safeguard the tree. As such, I find no conflict with Policy 4.25 of the Bournemouth District Wide Local Plan 2002 (LP) that seeks to ensure the protection of existing trees.
12. I, therefore, find that there would be no harm to the character and appearance of the area.

Living conditions

13. The appeal site is on rising land, such that the proposed dwelling would be higher than No.5 Priory View Road and No.30 Valette Road. The garden of No.30 is split over two levels with a retaining wall separating the area immediately outside the rear of the dwelling with a higher, grassed, garden area. The effect is that the lower part of the garden already has an enclosed feel, with relief provided by the open spaces on its side boundaries, including over the appeal site.
14. The majority of the building in appeal B would be further from the boundary than the appeal A scheme. However, even with the lower height in appeal B, and that both proposals would have a roof form sloping away from No.30, both schemes would significantly add to the sense of enclosure of the rear garden space of No.30, harming the outlook from this area.
15. The proposal would also include rear ground floor windows facing towards No.30. Whilst fencing could prevent views into the garden and ground floor, the change in level is such that there would be clear views from within the proposed dwellings towards a first floor bedroom window in its rear elevation. Whilst that window would be at a significant angle to those proposed, the rear window of No.30 is wide affording clear views into a large proportion of the room. Given the close proximity and size of the bedroom window, the angle between the windows provides insufficient mitigation.
16. I note that there are a number of other situations in the area where dwellings coexist in close proximity, including 1 Priory View Road, 12 and 14 Highfield Road with 3 Priory View Road. There are further examples, including those drawn to my attention through the appellant's analysis of nearby garden sizes, which I saw during my site visit. However, whilst I note the very significant presence of No.3, particularly upon its Highfield Road neighbours, none of these examples appear to have resulted in the same intervisibility between internal rooms or have directly comparable relationships in terms of ground levels to that proposed. In any case, they do not justify the new harmful effects on No.30 that I have identified.
17. I, therefore, find that significant harm would arise to the living conditions of the occupiers of No.30 as a consequence of a loss of privacy to internal spaces and overbearing effects on the garden.

18. The proposal would sit alongside the existing No.5. Although there is a window facing the site at first floor, that window could be blocked up or obscure glazed as another window also serves the room. Therefore, there would be no significant harm to the outlook or privacy of No.5.

Other matters

19. The appellant has indicated that the site is within an area identified under Policy CS21 of the Bournemouth Core Strategy 2012 (CS) as suitable for urban intensification due to its accessibility to services and facilities. CS Policy CS20 seeks to encourage the provision of small family dwellings and these matters weigh in favour of the appeals.
20. Furthermore, the appellant contends that the Council is unable to demonstrate a 5 year supply of deliverable housing land, with the Council indicating that it is unlikely to be able to do so. If I were to accept this position, paragraph 11(d) of the National Planning Policy Framework (the Framework) would be engaged, which indicates that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework, taken as a whole.
21. The Framework places a particular emphasis on significantly boosting the supply of homes and making the best use of land within urban areas to meet housing needs. In an area with inadequate housing supply and where, as set out at CS Paragraph 4.3.15 the capacity to identify significant new housing sites for urban expansion is limited, the provision of new homes through windfall sites and urban intensification is, therefore, important.
22. However, the proposals would only provide one single additional dwelling, and so, even if the shortfall in supply were significant, the benefits associated with the provision of new housing would be limited. Alongside policies relating to housing delivery, the Framework also sets out that new development should be well designed, providing a high standard of amenity for existing and future users. Given the significant harm that would arise to the living conditions of the occupiers of No.30 Valette Road, I find that the harm would significantly and demonstrably outweigh the limited benefits.
23. In light of the above, I find that the proposal conflicts with the policies of the Framework taken as a whole. As such, the presumption in favour of sustainable development outlined at Framework Paragraph 11 does not apply.

Planning balance

24. I have found that there would be no harm to the character and appearance of the area as a consequence of either appeal proposal. However, both proposals would result in harm to living conditions. CS Policy CS41 and LP Policy 6.8 both have aims that include the protection of the character and appearance of the area as well as the provision of a high standard of amenity for future occupants and adjacent residents. I therefore, find that the proposal would conflict with these policies when they are read as a whole.
25. Whilst the proposal may result in a new dwelling in an area generally considered appropriate for urban intensification, CS Policy CS21 also requires that residential development in those areas should respect residents' amenities as well as being of good design to protect the character of the neighbourhood and quality of the street scene. As with Policies CS41 and 6.8, I find conflict

with Policy CS21 read as a whole. Whilst there is some support for the development in principle, including from CS Policy CS20, the above considerations also indicate a conflict with the development plan, read as a whole.

26. Whilst the benefits associated with new housing provision in this location weigh in favour, they, nor any other material consideration including the Framework, indicate a decision other than in accordance with the development plan.
27. The Council's reasons for refusal indicate that the proposals could cause harm to the integrity of various European Sites designated for their nature conservation importance. Planning obligation documents have been prepared that seek to mitigate any adverse effects on these sites. However, whether or not those obligations would be sufficient to avoid or mitigate such effects, in light of my decision on the appeal overall, no likely significant effects would arise.

Conclusion

28. For the reasons given above, I conclude that the appeals should be dismissed.

M Bale

INSPECTOR