
Appeal Decision

Site visit made on 26 May 2020

by Robin Buchanan BA (Hons), MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 August 2020

Appeal Ref: APP/V1260/D/20/3245372

13 Glenferness Avenue, Bournemouth BH4 9ND

- 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 and Mrs Albizreh against the decision of Bournemouth Christchurch and Poole Council.
 - The application Ref 7-2019-5275-G, dated 21 June 2019, was refused by notice dated 13 November 2019.
 - The development is described as an extension and remodel of the existing dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The development described in the banner above, which is taken from the application form, started before the date of the application. The Council has not objected to this development and I have no reason to take a different view. However, the description does not refer to a new vehicular access which is part of the proposed development and the only matter in dispute with the Council. The Council consulted using its description of development, which included the access, and no prejudice¹ would be caused to any party. I have therefore considered the appeal on this basis.

Main Issues

3. The main issues are:
 - (i) The effect of the proposed access on highway safety; and
 - (ii) Whether the proposed access would preserve or enhance the character or appearance of The Meyrick and Talbot Woods Conservation Area (CA).

Reasons

Highway Safety

4. Glenferness Avenue has a 30mph speed limit. It is a reasonably busy road with a high volume of traffic during peak hours. The proposal would result in a looped in/out access arrangement and could also reduce the possibility that cars no longer reverse onto the highway.

¹ *Bernard Wheatcroft Ltd v SSE* [JPL 1982 p37].

5. In the more important direction of on-coming traffic to the right, I saw that visibility at the existing access is seriously obstructed by large roadside verge trees, the curve in the road and a change of gradient at the brow of the hill. At the proposed access, the visibility splay to the right would be somewhat better than at the existing access. However, while the development would not increase traffic generation or turning movements at the appeal site, visibility would nonetheless still be seriously obstructed by roadside trees. Furthermore, the existing access would remain and I have nothing before me that would ensure that the proposed one-way entry and exit route would be followed.
6. In addition, the site is at a T junction where there are pedestrian crossing islands on two of its arms. Therefore, there is a high concentration of activity in the vicinity of the site, particularly in respect of vehicles turning. The proposed access would be closer to the pedestrian crossing on Glenferness Avenue and there would be potential for both accesses to be used at once. Due to the complexity of vehicular and pedestrian movements in the vicinity of the site in combination with the restricted visibility at the proposed access, the proposal would therefore unacceptably increase the risk to pedestrians crossing the road. For the reasons explained above, the proposal would, as a result, cause harm to highway safety.
7. Consequently, it would not accord with saved policy 8.2 of the Bournemouth District Wide Local Plan, February 2002 (LP) or policies CS18 and CS41 of the Bournemouth Local Plan: Core Strategy, October 2012 (CS). These policies include that development should contribute positively to the safety of the public realm. It would also conflict with the National Planning Policy Framework 2019 (Framework) paragraphs 108(b), 109 and 110(c) which seek safe and suitable access for all users, to minimise the scope for conflicts between pedestrians and vehicles and to avoid unacceptable impact on highway safety.

Conservation Area

8. The appeal site contains a number of trees, including a row of Lawson Cypress trees along the inside of the front garden boundary wall. These trees are in a group Tree Preservation Order. Outside of the site a roadside verge contains a row of trees, including Scots Pine trees. The Council's Conservation Area Appraisal (CAA)² explains that tall mature trees along main roads, including Glenferness Avenue, are part of the historic and special character and appearance of the CA.
9. The proposed access would pass between two Scots Pine trees (to be retained) and require the removal of five Lawson Cypress trees. There is no agreed quality classification for these Pine trees but they have substantial physical and visual presence. Both main parties agree these Cypress trees are low quality category C but nevertheless they are in fair condition and with a life expectancy of at least 10 years. This corridor of two rows of trees is locally distinctive in Glenferness Avenue and has appreciable amenity value. These trees therefore make an important positive contribution to the overall character and appearance of the CA and its significance.
10. The appellant's arboricultural report (AR) includes special precautions for excavation and construction of the access, including hand working in some places and a raised membrane elsewhere. The AR also confirms Scots Pine

² Meyrick Park & Talbot Woods Conservation Area Appraisal, July 2009 (published February 2011).

trees are tolerant to root disturbance. On the evidence before me I am satisfied that provided these tree protection arrangements were implemented there would as a result be no material harm to any retained trees. However, this does not overcome the loss of the Cypress trees.

11. Even if it would be possible to easily replace these Cypress trees with four new, better spaced trees of the same species there would nonetheless be fewer trees which would take a number of years to attain similar height and appearance. This would not therefore provide adequate mitigation. Furthermore, while some other properties along Glenferness Avenue contain fewer trees than the appeal site, or none at all, this is not determinative of the overall character and appearance of the CA.
12. The removal of the Lawson Cypress trees would diminish the special and historic verdant qualities of the CA and so fail to preserve or enhance the character or appearance of the CA. As this would affect only a small length of the street-scene, the development would cause less than substantial harm to the significance of the CA. Nonetheless, any harm should require clear and convincing justification and be weighed against the public benefits of the proposal. For the reasons explained above, there would be harm to highway safety and there is therefore no public benefit to outweigh the material harm that would be caused.
13. Consequently, the proposal would not accord with LP policy 4.4 or CS policies CS39 and CS41. These policies include that development should preserve the character or appearance of conservation areas, including street patterns and trees. It would also conflict with the CAA and with Framework paragraphs 8(c), 170(a) and 184 which seek to protect the natural, historic and local environment and conserve heritage assets.

Other Matters

14. I appreciate that there are other accesses nearby where visibility may be constrained, including a looped in/out arrangement. However, these matters have limited weight in this appeal and do not lessen, outweigh or overcome the harm that I have identified in the main issues above. In any event, I have determined this appeal on its planning merits.

Conclusion

15. For the reasons given, the appeal does not succeed.

Robin Buchanan

INSPECTOR