
Appeal Decision

Site visit made on 14 August 2020

by L McKay MA MRTPI

Inspector appointed by the Secretary of State

Decision date: 8 September 2020

Appeal Ref: APP/V1260/W/20/3249601

4 Greaves Close, Bournemouth BH10 5EG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr P A Smith against the decision of Bournemouth, Christchurch and Poole Council.
 - The application Ref 7-2019-5428-Z, dated 14 October 2019, was refused by notice dated 25 February 2020.
 - The development proposed is alterations to No 4 Greaves Close and erection of 3 no dwellings.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr P A Smith against Bournemouth, Christchurch and Poole Council. This application is the subject of a separate Decision.

Procedural Matters

3. The site address in the header above is taken from the application form. An alternative address is given on the Council's decision notice and the appellant's appeal form: 'Land rear of 4-6 Greaves Close, Stanton Road & Kingswell Road Bournemouth'. It is unclear whether this change was agreed between the main parties, however as the appeal site comprises 4 Greaves Close and land to the rear of that property, I consider that the address specified on the application form is sufficient to describe the site.
4. The application was made in outline with access, layout and scale sought for consideration now, and appearance and landscaping reserved for future consideration. Therefore, I have considered the landscaping details as shown on the submitted site plan as indicative only.

Main Issues

5. The main issues are the effect of the proposed development on the character and appearance of the area with particular regard to protected trees and refuse and recycling; and the living conditions of the occupiers of neighbouring properties in respect of outlook and noise disturbance.

Reasons

Character and appearance of the area, trees, refuse and recycling

6. Greaves Close is a cul-de-sac of detached and semi-detached two storey dwellings set on rising land. Open front gardens give the road a spacious character, and mature trees in rear gardens, including those on the appeal site, create a verdant backdrop to the dwellings and make a significant positive contribution to the character and appearance of the area. Several of the trees on the appeal site are covered by a Tree Preservation Order (TPO), reflecting their contribution to the area.
7. The Council's Design Guidance¹ sets out that landscaping and trees are an integral part of the character in many areas of Bournemouth. The creation of the proposed access would result in the loss of two trees, labelled T3 and T6 in the TPO. Both are clearly visible from Greaves Close and Stanton Road through gaps between properties, as well as from neighbouring dwellings.
8. The appellant's arboricultural report gives T3 a life expectancy of 10-20 years and T6 less than 5 years, however their health and life expectancy are disputed by the Council's Tree Officer. Given its proximity to neighbouring dwellings, there is likely to be pressure to manage the size and crown spread of T3, however due to its prominent location, even if it did not reach its full growth it would still make a significant, positive contribution to the character and appearance of the area. Furthermore, there is no substantive evidence before me to demonstrate that, with good management, it would only live for the 10 to 20 years estimated by the appellant's arboriculturist.
9. The presence of decay and wounds in T6 may reduce its life expectancy, however there is no evidence before me on the extent and cause of the decay. Therefore, I cannot be certain that its life expectancy will be as short as the appellant suggests. As such, it is likely to continue to contribute to the character and appearance of the area for the short to medium term.
10. Accordingly, given their visibility and contribution to the street scene, the removal of trees T3 and T6 would significantly harm the character and appearance of the area, and it has not been demonstrated that this harm would occur irrespective of the outcome of this appeal.
11. Due to the change in levels between the appeal site and Greaves Close, the construction of the proposed access would require some regrading, which would be likely to affect the Root Protection Areas (RPA) of trees T4 and T5. There are no cross-sections or construction details before me of how this would be achieved, these operations have not been assessed in the appellant's arboricultural report and no mitigation is proposed. Consequently, there is significant potential for the proposal to adversely affect the health of these trees and possibly result in their loss, which would further harm the character and appearance of the area.
12. With appropriate construction methods and surfacing materials, the siting of car parking spaces within the RPA of T2 would be unlikely to significantly adversely affect that tree. There also appears to be enough space within the site to locate soakaways outside of the RPAs of the retained trees. However, this would not overcome the harm I have identified.

¹ Residential Development: A Design Guide (2008)

13. The appellant has put forward proposals for 5 new trees, however as landscaping of the site is not a matter before me at this stage, I have considered these as indicative only. The gardens of the proposed dwellings would be of modest size and the remainder of the site would be dominated by the retained trees. Therefore, there appear to be no positions in the proposed layout, including those indicated by the appellant, where new trees could grow to any significant size without impacting on the living conditions of existing or future occupiers. As such, it has not been demonstrated that replacement planting would have a comparable impact on the character and appearance of the area to the existing trees, and that it would therefore mitigate the harm resulting from those lost as a result of the proposal.
14. Turning now to refuse and recycling provision, there is sufficient space within each proposed plot to provide for day-to-day storage of bins. However, there would be no turning space within the site for refuse collection vehicles, so refuse and recycling would need to be brought to the edge of Greaves Close to be collected. The proposed layout does not include a presentation point however, and with the access for the proposed development and the parking, path and garden for No 4 there does not appear to be any location where one could be provided. Consequently, the proposal is likely to result in the refuse and recycling for 3 additional dwellings being placed in front of No 4 on collection days. While this would be for a relatively short period, it would nonetheless result in significant visual clutter, to the detriment of the character and appearance of the area.
15. Although the appellant suggests that a private collection service could be used, there is no substantive evidence before me that such a service would use vehicles small enough to be able to access the interior of the site and as such it has not been demonstrated that this would overcome the harm identified.
16. The size and single storey scale of the proposed dwellings would limit their impact in the street scene. However for the reasons above, due to the access and layout, the proposed development would result in significant harm to the character and appearance of the area with regard to protected trees and refuse and recycling. Therefore, the proposal would conflict with Policy CS41 of the Bournemouth Local Plan Core Strategy 2012 (CS) which seeks to ensure that, amongst other things, development is well designed, respects the site and its surroundings and enhances character and local distinctiveness, and which does not permit development that would be detrimental to the built environment, amenity or character of any part of the Borough. Furthermore, it would conflict with the Council's Design Guidance which sets out that integrating new development into its landscape setting is an important element of good design.
17. The Council also cites CS Policy CS35 in its reasons for refusal, however that Policy relates to impacts on nature conservation sites, linear landscape features, rivers, wetlands, woodland or veteran trees, or sites of geodiversity interest. From the evidence before me, the appeal scheme would not affect any of the stated features, and as such, I find no conflict with that Policy.

Living conditions

18. Although traffic speeds would be low, the 3 dwellings proposed would result in numerous vehicle movements along the proposed access. The garden of No 4 is proposed to be extended, so would be slightly larger than the existing. It would however be narrow, with the proposed access running along its whole length.

Consequently, people using the garden would have little respite from traffic noise. No windows are proposed in the side of No 4 and as such noise levels within the dwelling are likely to be able to be mitigated to an acceptable level. However, there are no details before me of the boundary treatments proposed and as such, it has not been demonstrated that noise levels in the garden could be adequately mitigated. Therefore, the proposal would harm the living conditions of the occupiers of No 4 in respect of noise disturbance.

19. No 5 is set on higher ground than No 4, with a retaining wall between the properties. While the garage of No 5 would provide some screening for the first part of the access, vehicles entering and exiting the appeal site would nonetheless pass along the length of its modest rear garden, and most would then manoeuvre or pass by its rear boundary at a relatively short distance. Given the size of the garden and the likely frequency and number of vehicle movements, users of the garden of No 5 would experience a degree of noise disturbance, to the detriment of their living conditions.
20. If acoustic fencing were to be used to attempt to mitigate these impacts, as the appellant suggests, the change in ground levels mean that it is likely to need to be of significant height to be effective. Tall boundary treatments around the gardens of Nos 4 and 5 would significantly restrict the outlook from those outside spaces, to the detriment of the living conditions of the occupiers.
21. Consequently, the proposal would result in a significant harm to the living conditions of the occupiers of No 4 and a lesser, but nonetheless materially adverse effect on the living conditions of the occupiers of No 5 in respect of noise disturbance. While it may be possible to resolve this harm through noise mitigation measures, those measures would themselves be likely to harm the outlook from those properties, to the detriment of the living conditions of the occupiers.
22. Although the appellant suggests such access arrangements can be found locally, I have not been directed to any specific examples comparable to the scheme before me. While there is a push to move towards electric vehicles, which generate less noise than conventional engines, it is likely that it will take many years for these to become so prevalent as to significantly reduce the harm identified. As such, mitigation measures would be needed for a considerable period, which I have found would have a harmful impact on outlook from Nos 4 and 5.
23. Accordingly, the proposal would conflict with CS Policy CS41 insofar as it requires development to provide a pleasant residential environment and a high standard of amenity to meet the day to day requirements of future occupants, and to respect residents' amenities; and with the Council's Design Guidance, which seeks to ensure proposals do not result in harmful levels of noise.

Planning Balance

24. The proposal would comply with the Council's settlement strategy and would provide small family housing on an underutilised site in a sustainable location, contributing to an identified housing need. However, neither main party has suggested that the Council cannot currently demonstrate a 5-year supply of housing land. As such, the contribution of 3 additional dwellings to housing supply carries only modest weight.

25. The demolition of the existing garage would not harm the character and appearance of the area, and the proposal would provide sufficient parking, turning and garden space for future residents. With appropriate boundary treatments, the layout and scale of the proposed dwellings would not result in shading or overlooking of neighbouring properties, and the low height of the proposed dwellings is unlikely to allow for first floor accommodation in future. The lack of harm in these respects would however be of neutral consequence in the planning balance.
26. I have found however that the proposal would significantly harm the character and appearance of the area and harm the living conditions of neighbouring occupiers. While the CS supports infill development, it does so only where it can be achieved without adverse impacts on the character of the area, which this scheme would not achieve. Consequently, the proposal would conflict with the development plan taken as a whole, and I afford this conflict very substantial weight.
27. The proposal would boost housing supply, make more efficient use of land in an existing settlement, and help meet the housing needs of different groups in the community, as encouraged by the Framework. It would however conflict with the Framework requirements in respect of high-quality design and amenity.
28. Given the modest scale of the development proposed, in the context of the Council having a Framework compliant supply of housing land, the benefits of the proposal would be commensurately modest, such that they would be comfortably outweighed by the significant harm and associated development plan conflict identified above.

Other Matters

29. The site is within the 5km zone of influence of the Dorset Heathlands Special Area of Conservation (SPA) and Ramsar site, and the Dorset Heaths Special Area of Conservation (SAC), together referred to as the Dorset Heathlands, and the proposal has the potential to impact on the integrity of these European Sites. However, as the appeal is being dismissed for other reasons this is not a matter that needs to be addressed.

Conclusion

30. Overall, taking account of the Framework and the above considerations, including the benefits of the development, I conclude that there are no material considerations that would indicate that the decision should be taken otherwise than in accordance with the development plan. Consequently, I conclude that the appeal should be dismissed.

L McKay

INSPECTOR