
Appeal Decision

Site visit made on 11 February 2020

by L J O'Brien BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23rd October 2020.

Appeal Ref: APP/V1260/W/19/3239711
74 The Grove, Christchurch BH23 2HD

- 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 Alexander Addis of Addis Homes Ltd against the decision of Bournemouth, Christchurch and Poole Council.
 - The application Ref 8/18/3129/FUL, dated 8 November 2018, was refused by notice dated 10 September 2019.
 - The development proposed is to demolish existing building and construct 4 flats with associated parking and communal gardens.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. At the time the application was made, the Local Planning Authority was Christchurch Borough Council. However, prior to the Council's Decision Christchurch Borough Council was replaced by Bournemouth, Christchurch and Poole Council. Nevertheless, the relevant adopted Development Plan in this case still includes the Christchurch and East Dorset Local Plan Part 1 - Core Strategy, 2014 (CS) and the Borough of Christchurch Local Plan, 2001 (LP).
3. Due to the changes regarding the Council and the adoption of a new Dorset Heathlands Planning Framework 2020 – 2025 Supplementary Planning Document (SPD) a revised Unilateral Undertaking was submitted dated 21st July 2020 and I have based my decision on this.

Main Issues

4. Having reviewed the Council's decision notice, its appeal statement and the representations made by third parties I consider the main issues are the effect of the proposal on:
 - highway safety; and
 - the living conditions of the occupiers of neighbouring properties with particular regard to outlook and privacy; and
 - the character and appearance of the area.

Reasons

Highway safety

5. The Grove is a reasonably wide residential road which serves a number of smaller, narrower, residential streets. The appeal site is sited just after a slight bend in the road and opposite the junction with Elm Avenue. The Grove is a bus route and a number of bus stops are sited in close proximity to the appeal site. The appeal site is currently occupied by a single dwelling in front of which is an area large enough to accommodate parking for two vehicles and provide space for them to enter and leave the site safely in a forward gear.
6. The proposal is to demolish the existing building and construct 4 flats with associated parking and communal gardens. The Bournemouth, Poole and Dorset Residential Car Parking Study May 2011 – Residential Car Parking Provision Local Guidance for Dorset (CPG) sets out that for properties with two bedrooms in developments of five dwellings or less, as is the case in this instance, one or two parking spaces per dwelling is required.
7. The guidance also states that one additional visitor space will normally be required depending on the Highways Development Control Engineers advice taking account of the level of allocated provision and other local circumstances. In this instance the Highway Authority state that a visitor space would be required and the proposed development would, therefore, require between five and nine parking spaces.
8. I note that the proposed development would be readily accessible by public transport and would provide cycle parking facilities. In my view, under the circumstances, I consider that one parking space per flat and one additional visitor space, a total of five spaces, would be sufficient.
9. The proposal would provide four off-street parking spaces which would fall below the minimum requirement. This lack of on-site parking may lead to vehicles parking in undesignated areas thus limiting the ability of those parked within the site to manoeuvre their vehicles and exit in a forward gear. Drivers may also enter the site and find all the parking spaces taken and, with very limited room to manoeuvre, this, again, would result in drivers reversing onto The Grove.
10. The access to the proposed parking area would be sited close to the junction of The Grove and Elm Avenue, close to a bus stop and on a busy bus route. Vehicles reversing onto the carriageway in this location would present serious highway safety concerns.
11. I acknowledge that the access arrangements would be similar to those which currently exist. The intensity of its use, however, would be higher, and the likelihood of vehicles needing to make potentially dangerous manoeuvres onto the road would be far greater.
12. I recognise that on-street car parking is available nearby. Vehicles parked directly outside of the appeal site would, in my view, present potential highway safety issues in their own right due to the proximity to the junction and the possibility that parked cars would reduce visibility for those entering or exiting the site. Alternative spaces are some distance from the building and, in my view, it is likely that drivers would attempt to park on, or directly in front of, the site in the interests of convenience, especially those loading or unloading

their vehicles. I do not consider that the availability of on-street parking would be sufficient to meet the generated demand in a safe and practical way.

13. I note that the Council did not originally express any concerns regarding parking provision or highway safety and also acknowledge that, similarly, a previous scheme for five apartments with five parking spaces received no highways objections. However, the evidence before me is clear that, having reviewed their position, the Highway Authority have significant concerns which I share. I have taken all the submitted evidence into account in my assessment of the scheme.
14. Future residents would have travel choices available to them as cycle parking would be provided on site and there are buses serving the area. However, that does not remove the need to provide adequate parking and ensure that it can be used safely.
15. For these reasons, I consider that the proposal would not provide an adequate level of parking and would have an adverse effect on highway safety. Consequently, the proposed development would fail to accord with Policy KS12 of the CS which states that adequate vehicle and cycle parking facilities will be provided by the developer to serve the needs of the proposed development.
16. The Council also make reference to Policy H 12 of the LP and Policy HE2 of the CS in relation to highway safety. However, in my reading, these policies do not seem to relate to parking or highway safety and therefore carry limited weight in my assessment of this issue.

Living conditions

17. The proposed building would be higher, wider and deeper than that currently in situ. It would be set in from the boundaries with neighbouring dwellings at Nos 72 and 76 The Grove and would be a similar depth to those properties.
18. The shared boundary with No 72 The Grove would be a 1.8m fence along with some retained planting. The proposal would be a similar distance from No 72 to the current building. No 72 appears to have a conservatory at the back. This would be alongside the single storey element of the proposal. It would therefore not appear overbearing from the adjoining property.
19. The proposed dwelling would be closer to the boundary with No 76 than is currently the case. Four windows within the side elevation of No 76 would look directly onto the side elevation of the proposed dwelling. The upper floor windows of No 76 and one ground floor window are obscure glazed; thereby reducing the visibility of the proposed building and ensuring the proposal would not appear visually obtrusive or overbearing. However, the remaining ground floor window of No 76 would have direct views onto the proposed building at close proximity.
20. Though I note that these windows within No 76 already look onto the side of the existing dwelling and are separated by a fence; the proposed building would introduce a much taller flank wall whilst also reducing the separation distance between the properties. This would lead to the proposed building appearing as a dominant and oppressive feature when viewed from the ground floor window of No 76 and would result in a loss of outlook from that neighbouring property.

21. A number of windows and doors would be sited within the side elevation of the proposed building which would face the side elevation and windows of No 76. However, the windows in the proposed building would be a small secondary kitchen window and a secondary window serving the living area of unit 3 at ground floor level. At first floor level there would be high level roof lights and windows serving bathrooms and a stairwell. The location of these windows, combined with the existing obscure glazing at No 76 and the boundary treatment, would ensure that no harmful mutual overlooking would be possible above and beyond that which is common in residential areas such as this.
22. For the reasons set out above, I conclude that the proposal would not harm the living conditions of the occupants of No 72 as a consequence of unacceptable loss of outlook or privacy. However, whilst I have found no harm in respect of the effect on privacy at No 76, the development would cause unacceptable harm with regard to outlook.
23. As such, the proposal would fail to comply with Policy HE2 of the CS which seeks to protect neighbouring occupants from unacceptable loss of outlook. However, I find no conflict with saved Policy H 12 of the LP as my interpretation of this policy is that it is primarily concerned with adverse effects from noise or disturbance or loss of privacy.

Character and appearance

24. The Grove is characterised by a variety of building types which occupy fairly substantial plots and are largely set back from the road behind front garden areas. The area has a verdant character due to the number of mature street trees, the grass verges and the mature gardens.
25. Whilst No 74, and several neighbouring properties, are of a single storey nature, the neighbouring property at No 76 is a two-storey dwelling. Other nearby dwellings range in height and size. There is no single style or property type which can be said to typify the character and appearance of the area and buildings demonstrate an eclectic mix of designs, materials and scales.
26. The proposed building would have four units (three maisonettes and one flat) set over three floors. The flat would be within the roof. Although the building would contain 4 units of accommodation, its external appearance would be similar to that of a good sized 2 storey dwelling with additional accommodation in the roof space.
27. There is no doubt that the proposed building would be significantly larger than the existing dwelling and a number of other nearby buildings. The proposed building would indeed be larger than the neighbouring bungalow at No 72 The Grove, however, it would be broadly comparable to the two-storey dwelling on the other side at No 76 as well as some others in the area. Moreover, the relationship between the proposed building and No 72 would be broadly similar to the existing relationship between the current bungalow at No 74 and the neighbouring dwelling at No 76 and would, therefore, represent a form of development which is already present in the area.
28. The proposed building would leave a reasonably sized gap between the building and the side boundaries thus ensuring that it would not appear out of proportion within its plot. The appeal plot is sizeable and capable of

accommodating a building of the proposed size without it appearing cramped, dominant or compromising visual amenity.

29. The area in front of the building would be hard surfaced and used for parking. Although a section of hedge and some trees would be lost to provide the parking and turning area, sufficient vegetation would be retained to protect the area's verdant appearance. Measures to protect these, and the large oak tree which is within the verge just outside the site, could be put in place to protect these during construction by means of a condition, if the development had been otherwise acceptable.
30. For the reasons set out above, the proposal would not cause harm to the character and appearance of the area. As such, the proposal would accord with Policy HE2 of the CS and saved Policy H 12 of the LP. Amongst other things, these policies promote high quality design and seek to ensure that new development is appropriate to the immediate locality in a number of ways including character, scale, design and materials.

Other Matter

31. The application site is within the vicinity (within 5 km and beyond 400m) of Dorset Heathlands which is identified as a European Protected Site for the special interest of its heathland habitats and associated plant and animal species. The Conservation of Habitats and Species Regulations 2017 (the Habitats Regulations) requires the decision maker to undertake an Appropriate Assessment (AA) where there are likely significant effects from the proposal, either alone or in combination with other plans or projects. This responsibility falls to me in the context of this appeal.
32. The proposed development would introduce three additional residential units to the area. In my view, the additional residential units which would be provided in this instance would indeed be likely to lead to additional recreational visits and an intensification of the use of the protected site. For this reason, the proposal would be likely, alone and in combination with other plans and projects in the area, to have a significant effect on the Dorset Heathlands.
33. However, The Dorset Heathlands Planning Framework 2020 – 2025 Supplementary Planning Document (SPD) sets out that such developments can be made acceptable in planning terms through the use of suitable mitigation measures. In this case, mitigation measures have been identified and the appellant has provided an executed Unilateral Undertaking (UU) which would secure a contribution towards their implementation.
34. The Council has raised no objection in respect of the potential for the proposal to affect the site and it would appear that it is a matter of agreement between the parties that, subject to appropriate mitigation, there would be no harm in this respect. Natural England concur with this view. I have had regard to the Council's approach and the UU in reaching my decision.

Planning Balance

35. The Officer's Report sets out that the Council does not currently have a five year housing land supply. A presumption therefore exists in favour of granting planning permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. The addition of new dwellings which would contribute towards the housing supply in the area would be a benefit of

the scheme. I also acknowledge the economic benefits of engaging local professionals, trades and suppliers and the ongoing benefit of the occupiers of the proposed dwellings utilising local facilities. These benefits are, however, limited by the small scale of the proposal and must be considered in that context.

36. Whilst I have found no harm to the character and appearance of the area, the proposed development would cause unacceptable harm to highway safety and to the living conditions of neighbouring residents. I give this harm substantial weight.
37. Consequently, the adverse impacts would significantly and demonstrably outweigh the limited benefits of the scheme. The presumption in favour of sustainable development therefore does not apply in this case.
38. If I had come to a different conclusion, it would have been necessary for me to undertake an AA and give further consideration to the likely effectiveness of mitigation measures associated with the Dorset Heathlands. In so doing I would also have had regard to the provisions of the UU in order to be certain that the integrity of the protected site would not be adversely affected. However, as I am dismissing the appeal for other reasons, this has not been necessary.

Conclusion

39. The proposal would not accord with the development plan when it is considered as a whole. For the reasons given above I conclude that the appeal should be dismissed.

L J O'Brien

INSPECTOR