



Appeal Decision

Site visit made on 10 November 2020

by M Bale BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 December 2020

Appeal Ref: APP/V1260/W/20/3257938

113 Lowther Road, Bournemouth BH8 8NP

- 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 Paul Trubody against the decision of Bournemouth, Christchurch and Poole Council.
 - The application Ref 7-2019-16701-H, dated 15 April 2019, was refused by notice dated 8 July 2020.
 - The development proposed is described on the application form as proposed alterations, rear extension and change of a HMO building to flats.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the development on the character and appearance of the area, the effect on the living conditions of neighbouring residents and future occupiers of the site, and the effect on highway safety.

Reasons

Character and appearance

3. Lowther Road is a street with, primarily, large detached dwellings. While there are variations in the detailed design, their similarity in scale and siting along with established landscaping and tree planting gives a cohesive, spacious and verdant character and appearance. I understand that a number of the dwellings have been converted to flats, including neighbouring No.115 but overall, the general pattern and appearance of detached houses remains.
4. The front elevation of No.113 would be unchanged by the proposal. However, a large rear extension would significantly increase the built form at the site. This would be a dominant feature in the otherwise spacious rear garden environment where rear elevations at second floor level are generally aligned. It would also extend the side wall of the existing building back without any change in alignment such that the full extent of the extension could be appreciated from the street. Although not prominent in these views, it would result in an uncharacteristically deep building.
5. The front garden would be given over to parking and, whilst that is fairly common in the area, this would also result in the loss of trees that are protected by a Tree Preservation Order (TPO). The trees make a positive

contribution to the street scene and its verdant appearance. While replacement planting could be secured through planning conditions, the replacements are described on the landscaping plan as small feature trees and it is unclear whether they would mature to provide the same effect.

6. Therefore, I find that, while the Council does not object to the principle of flats at the site, there would be harm to the character and appearance of the area. As such, the proposal would conflict with those aims of Policies CS6, CS21 and CS41 of the Bournemouth Core Strategy 2012 (CS), and Policies 6.10, 6.13 and 4.25 of the Bournemouth District Wide Local Plan 2002 (LP) that seek to ensure that development respects the site and its surroundings, reinforces local identity, retains features that contribute to local distinctiveness and the street scene, with sufficient space for landscaping.

Living conditions - neighbours

7. No.111 has a first floor bay window in its side elevation, close to the appeal site. It faces an enclosed flight of external access stairs. The proposal would increase the height of this stair enclosure which, due to its proximity, would be overbearing on the outlook from this window in No.111. Although not directly aligned, a new window in the existing building to serve a bedroom of flat 6¹ would also lead to some loss of privacy of No.111 given the projecting nature of the bay window. This would conflict with those aims of CS Policies CS21 and CS41, and LP Policies 6.10 and 6.13 that seek to ensure resident's amenities and living conditions are respected.
8. No.115 has rooflights facing the site. However, due to the relative angles between those in No.115 and those proposed in the facing elevation, a significant loss of privacy would not result. There would be additional vehicular movement at the rear of the site, close to neighbouring garden areas, which are otherwise peaceful. However, there is already some parking here and in that context there is no substantive evidence as to why additional noise could not be adequately mitigated through the installation of acoustic fencing.

Living conditions – future occupiers

9. The proposed flats would not be large. However, the appellant's evidence demonstrates that they would each meet the minimum Nationally Described Space Standards (NDSS) for a single person occupancy unit. Whilst some of the units may be capable of occupation by two people, the Planning Practice Guidance indicates that the NDSS should only be required by reference in a Local Plan. In light of these matters, I find the internal space standards proposed would be adequate.
10. However, Residential Development: A Design Guide (2008) indicates that residential development should enable good access to external space. While residual external space may be as high as possible given parking requirements, and the proposal is only for one-bedroom units, no meaningful space would be provided on the site. There is no substantive evidence as to why it should not be. The proposal would therefore not provide a high standard of amenity for future residents, in conflict with those aims of Policy CS41 that require a high standard of design.

¹ Shown on the existing plans, but not existing on site

Highway Safety

11. The Council has confirmed that 7 unallocated parking spaces would be sufficient to serve the needs of the development. Although substandard car and bicycle parking details may be shown on the site plan and one of the amended landscape plans, there are other landscaping plans showing an arrangement that would broadly meet the Council's requirements. I, therefore, conclude that planning conditions could be used to secure an appropriate parking layout such that there would be no harm to highway safety. The proposal would not conflict with the aims of CS Policies CS16 or CS18 that require appropriate car and bicycle parking provision to be made.

Other matters

12. The Council raises concerns about surface water disposal and bin storage. However, there is no substantive evidence that it would not be possible to address these matters through the imposition of planning conditions. While the surface water drainage details suggested could not be provided alongside the TPO protected trees, their removal is a clear part of the proposal, which I have considered above.
13. Planning permission was previously granted for the extension of No.113 and its conversion to 6 flats. This would have provided a mix of one and two bedroom units with accommodation below the NDSS. There is dispute as to whether that permission is extant. If it is, it would provide a fallback position to the appellant. The 6 flat scheme would cause similar effects on the character and appearance of the area, particularly with regard to the trees, albeit that the rear extension would be slightly smaller and stepped in from the existing side elevation.
14. However, it would not have the same effect on living conditions. In the 6 flat scheme the external stairway close to No.111 would be as currently constructed. Given the greater length of the rear extension in the current scheme, setting the extension back further from the neighbour would not compensate for the harm from the stairwell modifications. Furthermore, in the 6 flat scheme, the new window in the existing building facing No.111 would have served a kitchen and was required to be obscure glazed. The present scheme would be for a plain glass bedroom window. The 6 flat scheme also made provision for a small external garden area.
15. While the 6 flat scheme may have proposed accommodation well below the NDSS, with regard to the above, the proposal before me would be more harmful overall. Furthermore, given the appellant's suggestion that the marginal viability of the 6 flat scheme has hitherto prevented it being completed, there is no substantive evidence that it would be built, even if there is permission to do so. I, therefore, give this material consideration very limited weight.
16. The existing use of No.113 as a House in Multiple Occupation (HMO) is also contested. Whatever the situation, and even if the Council wishes to reduce the number of HMOs, as I have found the proposal would result in poor living conditions for future occupiers any benefit in this regard would be very limited.

17. I understand that the appellant is frustrated with the length of time the Council took to determine the application and its approach to negotiations. However, this has little to do with the planning merits of the scheme.

Planning balance

18. The proposal would result in harm to the character and appearance of the area and living conditions. Although there are policies that promote housing delivery, including parts of those that I have found conflict with, such would result in a conflict with the development plan, considered as a whole.
19. The Council cannot currently demonstrate a 5 year supply of deliverable housing land. Consequently paragraph 11(d) of the National Planning Policy Framework (the Framework) must be considered. The Framework seeks to significantly boost the supply of housing and promotes intensification of previously developed land in urban areas, but it also seeks to promote good design, safeguarding the character and appearance of the area and providing good living conditions. With regard to the characteristics of the area and the size of the development, I conclude that the harm identified in this case would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework taken as a whole. The proposal does not, therefore, benefit from the presumption in favour of sustainable development outlined at Framework paragraph 11.
20. The proposal conflicts with the development plan. For the reasons given there are no material considerations that indicate a decision should be taken otherwise than in accordance with the development plan.
21. The Council's reasons for refusal also describe adverse effects on European Sites designated for their nature conservation importance. However, as my decision would not give rise to any pathways that could lead to significant adverse effects on the integrity of these sites, I have not considered this matter any further.

Conclusion

22. For the reasons given, I conclude that the appeal should be dismissed.

M Bale

INSPECTOR