
Appeal Decision

Site visit made on 18 December 2020

by L McKay MA MRTPI

Inspector appointed by the Secretary of State

Decision date: 15 January 2021

Appeal Ref: APP/V1260/W/20/3259544

22 Paddington Grove, Bournemouth BH11 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 Greatpower Ltd against the decision of Bournemouth Christchurch and Poole Council.
 - The application Ref 7-2020-25446-A, dated 4 June 2020, was refused by notice dated 4 August 2020.
 - The development proposed is described as 'New build bungalow to rear of existing house – revised application'.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. During the appeal the appellant submitted an amended section drawing, which shows additional proposed planting. As it does not materially alter the development proposed, there would be no prejudice by my accepting this drawing.
3. The appellant has also submitted a Unilateral Undertaking (UU) to secure mitigation of the impact of the proposal on the Dorset Heathlands Special Protection Area, Ramsar Site and Dorset Heaths Special Area of Conservation ('the Dorset Heathlands'). The UU was updated during the appeal process to correct drafting errors and the Council has had the opportunity to comment on it.

Main Issues

4. The main issues are the effect of the proposed development on: the living conditions of the future occupiers of the proposed dwellings in respect of privacy and outside space; the character and appearance of the area; and the integrity of the Dorset Heathlands.

Reasons

Living conditions

5. The Council's Residential Development Design Guide sets out recommended separation distances between various sizes of dwelling, but not between single storey and two storey properties. It does however require that new proposals should not cause an increase in harmful overlooking. The siting of the proposed bungalow would result in its rear windows being directly overlooked by the first-floor rear windows of the terrace of dwellings to the rear, which are on higher ground than the appeal site. The difference in levels and consequent steep angle of view would mean that much of the rear garden would also be directly overlooked.

Some degree of overlooking is expected in residential areas. However, the combination of the number of windows facing the proposed dwelling, their proximity and elevated position and the small garden proposed mean that the proposed dwelling would experience significant and harmful overlooking, even with the small rear windows proposed. Furthermore, there would be very little private outside space. As such, it would not provide adequate living conditions for future occupants.

6. The appellant proposes to plant a 2.5m evergreen hedge along the rear boundary, with further planting in front. If established and maintained at that height, the proposed hedge would mitigate the overlooking from the properties to the rear to some extent. It would however encroach into the already very modest garden proposed, reducing the amount of useable outside space available to future occupiers to an unacceptable degree. As it would be taller than the existing fence it would also result in some shading of the proposed rear garden, although not the dwelling itself. Consequently, it is likely that there would be significant future pressure to remove the hedge or reduce it in height, in order to provide adequate outside space. Therefore, it would not provide satisfactory and long-term mitigation of the overlooking identified.
7. It would not be appropriate to require main windows to habitable rooms to be obscure glazed, as that would not provide adequate internal accommodation for future occupiers.
8. Accordingly, the proposal would result in significant harm to the living conditions of future occupiers of the proposed dwelling in respect of privacy, and the measures proposed to address that harm would not provide adequate outside space for future occupiers. Therefore, the proposal would conflict with Policies CS21 and CS41 of the Bournemouth Local Plan Core Strategy (CS) which require development to provide a high standard of amenity, and Policy 6.8 of the Bournemouth District Local Plan (LP) which requires a high standard of design that ensures adequate privacy for the occupants of the building. Furthermore, it would conflict with the guidance in the Council's Design Guide and the requirement of the National Planning Policy Framework (the Framework) to provide a high standard of amenity for existing and future users.
9. Other infill and backland developments have been approved locally with a similar separation distance to neighbouring properties. However, the dwellings to the rear of the development at Nos 3-5 Paddington Grove have longer gardens than those in St George's Drive and do not appear to be raised above the development site, so do not have the same relationship as that proposed here. Those approved at Nos 4-10 Paddington Grove, adjacent to No 4, to the rear of Nos 36 and 38 and rear of Nos 7-9 Paddington Grove would all have side elevations facing neighbouring properties. There is no substantive evidence before me that any of those would result in the sole windows to habitable rooms facing the windows of those neighbours. As such, none of the examples to which I have been referred are directly comparable to the scheme before me, which I have considered on its own merits, and therefore they do not justify the harm identified.

Character and appearance

10. Paddington Grove comprises a mix of bungalows and two storey dwellings of various designs, set back from the road with a broadly consistent building line. There are however examples of backland development in Paddington Grove, with several infill properties partly visible along access drives, and others permitted but not yet built. Consequently, the pattern of development in the area is somewhat mixed, and will evolve further if the permitted developments are built out.

11. Due to its siting, part of the proposed dwelling would be seen from the road along the access drive. Because of its residential appearance and scale, it would not appear as an ancillary building. Therefore, from the road and from neighbouring properties it would be appreciated as a new dwelling in a backland position. However, the arrangement of dwellings in Littlemoor Avenue and St George's Drive means that dwellings in those roads are seen through gaps between dwellings on Paddington Grove, or close to the end of residential gardens. Consequently, the sight of a further dwelling at the end of a garden would not be out of character with the area.
12. The proposal would be separate from other backland development in Paddington Grove, with relatively large gardens either side, but would be close to the much more tight-knit development at St George's Drive. As such, it would not be isolated from other development. Garden sizes vary significantly in Paddington Grove and therefore while I appreciate that long gardens are valued by local residents, they are not so widespread as to be a defining characteristic of the area. Given the varied arrangement of dwellings and plot sizes in the area, I consider that the proposal would not be out of keeping with the existing pattern of development.
13. The design, scale and materials of the proposed dwelling would be similar to others nearby and it would be clearly subordinate to the host property. Therefore, it would be appropriate to its context in terms of appearance.
14. Accordingly, the proposal would not harm the character and appearance of the area. I therefore find no conflict with CS Policies CS6, CS21 and CS41 or LP Policy 6.8 insofar as they require development to respect and enhance local distinctiveness and the character of the area. Furthermore, I find no conflict with the Design Guide requirement that backland development in areas of semi-detached housing must reflect local distinctiveness; or with the Framework requirement that development is sympathetic to local character.

Dorset Heathlands

15. The appeal site falls within the zone of influence of the Dorset Heathlands, which comprise an extensive network of lowland heath, recognised for their national and international importance for nature conservation. The Dorset Heathlands are under significant pressure from urbanising impacts, damage caused by domestic pets and recreational use, which have the potential to cause ongoing adverse effects on the protected habitats and species.
16. The proposal would introduce a new dwelling, the occupants of which are likely to visit the Dorset Heathlands. The evidence before me is clear that the proposal, particularly combined with other development in the area, is likely to have a significant effect on the integrity of the Dorset Heathlands due to increased disturbance through recreational activity. It is therefore necessary for me, as the competent authority, to conduct an Appropriate Assessment in relation to the effect of the development on the integrity of the Dorset Heathlands.
17. The main parties have agreed a financial sum in accordance with the Dorset Heathlands Planning Framework 2020-2025 Supplementary Planning Document (SPD), which has been drawn up with advice from Natural England. The SPD sets out a mitigation strategy consisting of Strategic Access Management and Monitoring (SAMM) and Heathland Infrastructure Projects (HIPs). The appellant's financial contribution would be put towards SAMM, and the Community Infrastructure Levy generated by the proposal would contribute towards HIPs. Accordingly, there is an agreed project that would address the effects associated with the proposed development and relieve pressure on the Dorset Heathlands.

18. I am satisfied that the UU dated 10 December 2020 would enable the delivery of mitigation sufficient to address the level of harm likely to be caused by the proposed development, and would be pursuant to the Council's adopted strategy. I therefore find that, subject to the proposed mitigation, the proposal would not result in a significant harmful effect on the integrity of the Dorset Heathlands.
19. Therefore, I find no conflict with CS Policy CS33, which does not permit development unless it can be ascertained that the development will not lead to an adverse effect upon the integrity, directly or indirectly, of the Dorset Heaths international designations.

Planning Balance and Conclusion

20. The Council can only demonstrate a 2.9 year supply of housing land, and as such Framework paragraph 11 d) provides that the policies most important for determining the application are out of date. The proposal would deliver an additional dwelling in an accessible location in an established residential area. It would also contribute to an identified need for smaller dwellings in the area and make better use of underutilised land. However, even in the context of a significant shortfall in housing supply, the contribution of one dwelling would be limited, and therefore carries limited weight.
21. The proposal could provide sufficient car parking and a drainage solution to prevent the risk of flooding on site or elsewhere. With the additional planting proposed, it would also be unlikely to adversely affect biodiversity. These are however of neutral consequence in the planning balance.
22. I have found that the proposal would harm the living conditions of future occupiers of the proposed dwelling and consequently, would conflict with the relevant policies of the CS and LP, which are those most important for determining the application. While I have found no harm to the character and appearance of the area, the relationship with neighbouring properties is also an important part of the design of a development. The Framework sets out that good design is a key aspect of sustainable development and creates better places in which to live and work. CS Policies CS6, CS21 and CS41 and LP Policy 6.8 are consistent with the Framework approach to design. Therefore, I afford the conflict with them substantial weight. Consequently, as the proposal would not achieve the high standard of design required throughout the development plan, I find that it would conflict with the development plan as a whole.
23. The proposal would boost housing supply and make more efficient use of land, as supported by the Framework, however it would conflict with the Framework requirements to achieve well-designed places with a high standard of amenity. Given the importance the Framework affords to good design, I consider that the adverse impacts of granting permission for the proposal would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole.
24. Overall therefore, taking account of the Framework and the above considerations, including the benefits of the development, I find that material considerations do not indicate that planning permission should be granted for the development, which conflicts with the development plan. The appeal is therefore dismissed.

L McKay

INSPECTOR