



Appeal Decisions

Site Visit made on 1 February 2021

by M Bale BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 March 2021

Appeal A, APP/V1260/W/20/3261656

605 Charminster Road, Bournemouth BH8 9RH

- 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 Firm Building Ltd against the decision of Bournemouth Christchurch and Poole Council.
 - The application Ref 7-2020-27022, dated 13 March 2020, was refused by notice dated 20 August 2020.
 - The development proposed is plot severance and erection of detached dwelling with associated access and parking.
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Appeal B, APP/V1260/W/20/3261659

605 Charminster Road, Bournemouth BH8 9RH

- 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 Firm Building Ltd against the decision of Bournemouth Christchurch and Poole Council.
 - The application Ref 7-2020-27022-A, dated 13 March 2020, was refused by notice dated 20 August 2020.
 - The development proposed is plot severance and erection of detached dwelling with associated access and parking.
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Decisions

1. Appeal A

The appeal is allowed and planning permission is granted for plot severance and erection of detached dwelling with associated access and parking at 605 Charminster Road, Bournemouth BH8 9RH in accordance with the terms of the application, Ref 7-2020-27022, dated 13 March 2020, subject to the conditions in the attached Schedule.

2. Appeal B

The appeal is allowed and planning permission is granted for plot severance and erection of detached dwelling with associated access and parking at 605 Charminster Road, Bournemouth BH8 9RH in accordance with the terms of the application, Ref 7-2020-27022-A, dated 13 March 2020, subject to the conditions in the attached Schedule.

Main Issues

3. The main issues are the effect of the development on the character and appearance of the area; and the effect on the living conditions of the first floor flat at 1 Luckham Road East with regard to outlook.

Reasons

Character and appearance

4. The immediate area is characterised by relatively uniform pairs of semi-detached dwellings and flats that face Charminster Road and extend back into a number of side roads. At most junctions within this area, additional detached dwellings have been added. In this context, there is no dispute that the appeal B scheme, with its broadly square floor plans would do no harm to the character and appearance of the area.
5. The appeal A scheme would include a recessed first floor on part of the elevation facing Luckham Road East, which would also be exposed to close range views along Charminster Road. This would differ from the flat faced elevations of other dwellings in the area. However, there are design differences in the detached corner dwellings, such that they already stand apart from the semi-detached pairs. No. 603a on the opposite side of Luckham Road East, in particular, has a steeper roof pitch such that it stands out against the uniformity.
6. Thus, while there is no local precedent for the design, the appeal A scheme would not compromise the overall design and appearance of the area. In itself, the architectural composition is not particularly unusual. The set back is not particularly large and so it would not read as if there was a missing section of wall. The eaves, ridge and front elevation composition would be compatible with other dwellings facing Charminster Road, so the variation to the side elevation would not cause the dwelling to unduly draw the eye or jar with the overall street scene.
7. I, therefore, find that neither scheme would harm the character and appearance of the area. Accordingly, there would be no conflict with those aims of Policies CS6, CS21 or CS41 of the Bournemouth Local Plan: Core Strategy 2012 (CS), or Policy 6.8 of the Bournemouth District Wide Local Plan 2002 (LP) that require the application of good design principles that maintain and enhance the quality of the street scene, to respect the character and appearance of the site and its surroundings.

Living conditions

8. A first floor flat at No.1 Luckham Road East contains a bedroom window that faces towards the site. Residential Development: A Design Guide 2008 sets out that adequate physical separation should be maintained between properties and assessed on a case by case basis. In both schemes, the rear wall of the dwelling would be around 2m from this window. The recessed first floor in the appeal A scheme means that it would not extend across the window's entire width.
9. The proposal would result in the loss of historic open outlook towards Charminster Road from the affected bedroom window and the expanse of vertical wall would be stark and striking. However, even in the appeal B scheme, some restricted outlook would be available at an angle past the new dwelling. There are numerous examples in the area of side windows in other similar nearby flats facing other dwellings. While the separation distances are larger, those windows do not enjoy an open outlook and there is no substantive evidence that such is required to preserve adequate living conditions.

10. There is no dispute that the affected window would receive adequate daylight and other habitable rooms in the flat have windows in the front and rear elevations. As there would be some, albeit restricted, outlook past the corner of the new building available, I find that the overall living conditions of the occupiers of the flat would not be harmed. Therefore, there would be no conflict with those aims of CS Policies CS6, CS21 or CS41, or LP Policy 6.8 that seek to ensure that development respects the amenity of existing residents.

Appropriate Assessment

11. The site is within 5km of the Dorset Heathlands Special Protection Area and Ramsar site, and the Dorset Heaths Special Area of Conservation (the European sites) that host protected priority habitats and species. Qualifying features include Dartford Warbler, Nightjar, Woodlark, Hen harrier and Merlin as well as other typical species of lowland heathland, wetlands and dunes.
12. The Dorset Heathlands Planning Framework 2020-2025 Supplementary Planning Document (DHPF), indicates that the associated increases in population, in combination with other development, are likely to place increased pressure upon the protected heathland, including through increases in wild fires, damaging recreational uses, the introduction of incompatible plants and animals, loss of vegetation and soil erosion, and disturbance by humans and their pets.
13. The DHPF sets out that mitigation measures can be achieved through the delivery of Heathland Infrastructure Projects, paid for through the Community Infrastructure Levy (CIL), and Strategic Access Management and Monitoring Measures (SAMMs). Planning obligations would secure financial contributions towards the necessary SAMMs. Faults identified by the Council in initial drafts have been corrected, so I am satisfied that the obligations would effectively secure the contributions.
14. In accordance with the Conservation of Habitats and Species Regulations 2017 (the Habitats Regulations) I have consulted Natural England, as the appropriate nature conservation body. While they have not responded, the mitigation would be in accordance with the DHPF and the Council has confirmed that the amounts secured by the obligations are correct. I, therefore, conclude that the mitigation would be sufficient to avoid adverse effects on the integrity of the European Sites alone and in combination with other development.
15. Following appropriate assessment under the Habitats Regulations, I am satisfied that the proposals would adequately avoid adverse effects on the integrity on the Dorset Heathlands European Sites and there would be no conflict with CS Policy CS33 that requires appropriate mitigation to be secured to avoid this harm.

Conditions

16. A plans condition is required in the interests of certainty. In the interests of the character and appearance of the area, conditions are necessary to secure details of facing materials, hard and soft landscaping, and bin storage facilities. To protect living conditions of neighbouring residents, conditions are necessary to control working hours, secure details of boundary treatments, secure obscure glazing and remove permitted development rights for future alterations.

17. Details of a surface water drainage scheme are required to avoid any increase in off-site flood risk. With this condition, there is no need for the additional condition suggested by Council regarding the permeability of hard surfaced areas. In the interests of highway safety and to ensure appropriate provision is made for future residents, vehicle and cycle parking and access facilities, along with visibility splays must be secured.
18. I have made some revisions to the Council's suggested conditions in the interests of clarity and to ensure appropriate triggers are imposed.

Conclusion

19. With regard to the above, I conclude that the appeal should be allowed.

M Bale

INSPECTOR

Schedule

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
In respect of Appeal A: 19:XX/02/J; 19:XX/04/H; 19:XX/05/D; 19:XX/07/B; 19:XX/08.
In respect of Appeal B: 19:XX/302; 19:XX/304; 19:XX/305; 19:XX/07/B; 19:XX/08
- 3) Prior to any works above ground level, a scheme for the whole site providing for the disposal of surface water run-off and incorporating sustainable urban drainage systems (SUDS), shall be submitted to and approved in writing by the Local Planning Authority. The drainage works shall be completed in accordance with the approved details prior to occupation of the development or in accordance with a timetable to be agreed in writing by the Local Planning Authority. The scheme shall include the following as appropriate:
 - a) A scaled plan indicating the extent, position and type of all proposed hard surfacing (e.g. drives, parking areas, paths, patios) and roofed areas.
 - b) Details of the method of disposal for all areas including means of treatment or interception for potentially polluted run off.
 - c) Scaled drawings including cross section, to illustrate the construction method and materials to be used for the hard surfacing (sample materials and literature demonstrating permeability may be required).
- 4) Prior to their construction, details of the proposed access (to include a representative cross section), parking provision and layout (including surfacing), and visibility splays (to include the duly approved and implemented re-siting of a telecommunications box) shall be submitted to and approved in writing by the Local Planning Authority before any site works begin. These areas shall be constructed and surfaced in accordance

- with the approved details prior to the occupation of the dwelling and permanently retained and maintained as such and kept available for the occupants of the development hereby permitted at all times.
- 5) Prior to their installation, details/samples of the bricks, render and tiles to be used on the external surfaces of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out and thereafter retained as such in accordance with the approved details.
 - 6) Prior to the occupation of the dwelling hereby permitted, full details of hard landscape proposals shall be submitted to and approved in writing by the Local Planning Authority. The details shall include: Proposed finished levels; surfacing materials; external fixtures e.g. lighting; bollards. The approved hard landscape scheme shall be implemented in full prior to the occupation or use of the development and shall thereafter be permanently retained unless otherwise agreed in writing by the Local Planning Authority.
 - 7) Prior to the occupation of the dwelling hereby permitted, full details of soft landscape proposals shall be submitted to and approved in writing by the Local Planning Authority. The details should include planting plans and a schedule of plants. The approved soft landscape scheme shall be implemented in full prior to occupation or use of the development commencing and permanently retained unless otherwise agreed in writing by the Local Planning Authority.
 - 8) Prior to the occupation of the dwelling hereby permitted, details of boundary treatment and/or subdivision shall be submitted to and approved in writing by the Local Planning Authority. Details shall include a plan showing the positions, height, design, and materials. The approved boundary treatment scheme shall be implemented in full prior to occupation or use of the development commencing and shall thereafter be permanently retained and maintained unless otherwise agreed in writing by the Local Planning Authority.
 - 9) Prior to the occupation of the dwelling hereby permitted, the proposed first-floor window, serving the bathroom, in the northwest elevation, shall be glazed with obscure glass of a type that shall have been first agreed in writing by the Local Planning Authority, and shall be non-opening below 1.7m above floor level, and shall be permanently maintained and retained as such unless otherwise agreed in writing by the Local Planning Authority.
 - 10) Notwithstanding the plans hereby permitted, prior to the occupation of the dwelling hereby permitted, details of secure cycle parking and associated access path shall be submitted to and approved in writing by the Local Planning Authority. The construction/provision of the cycle parking shall be carried out in accordance with the agreed details and completed prior to occupation of the development hereby approved. The cycle parking shall thereafter be retained, maintained and kept available for the occupants of the development at all times.
 - 11) Notwithstanding the plans hereby permitted, prior to the occupation of the dwelling hereby permitted, details of a dedicated waste bin store and waste bin presentation point shall be submitted to and approved in writing by the Local Planning Authority. The construction/provision of

such shall be carried out in accordance with the agreed details and completed prior to the use or occupation of the development hereby approved and thereafter maintained and retained as such.

- 12) All on-site working, including demolition and deliveries to and from the site, associated with the implementation of this planning permission shall only be carried out between the hours of 8 a.m. and 6 p.m. Monday - Friday, 8 a.m. and 1 p.m. Saturday and not at all on Sunday, Public and Bank Holidays unless otherwise agreed in writing with the Local Planning Authority.
- 13) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development Order) 1995 (or any order revoking and re-enacting that Order with or without modification), no additional windows shall be installed, no dormer windows or enlargements of the new dwelling shall be constructed without the grant of further specific planning permission.