

---

## Appeal Decision

Site visit made on 4 May 2021

**by Adrian Hunter BA(Hons) BTP MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 08 June 2021**

---

**Appeal Ref: APP/V1260/W/21/3266812**

**164 Alma Road, Bournemouth BH9 1AJ**

- 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 Mhana of Primespace Properties Ltd against the decision of Bournemouth, Christchurch and Poole Council.
  - The application Ref 7-2020-27721-A, dated 3 September 2020, was refused by notice dated 27 October 2020.
  - The development proposed is alterations, formation of dormer windows, single storey extension and conversion of dwellinghouse into 2 flats with cycle and bin stores and formation of parking spaces.
- 

### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. For reasons of precision and clarity, I have taken the description of development from the Council's Decision Notice.
3. The appellant has included revised plans and information as part of their appeal. Whilst not before the Council at the time of their decision, they were submitted at the outset of the appeal, therefore parties have had the opportunity to comment. Having reviewed the original proposal and the revised plans, I do not consider that the main elements of the scheme have materially altered from that originally submitted and upon which consultation took place. Against this backdrop, I consider that no-one would be prejudiced if I were to consider the revisions as part of the appeal, taking account of the principles established in the Wheatcroft case. Therefore, I have determined the appeal on this basis.
4. Subsequent to the determination of the appeal application, in January 2021, the Council adopted their BCP Parking Supplementary Planning Document (SPD), which replaced the 2014 Standards. As I am required to determine the proposal against the development plan and standards in place at the time of my consideration of the appeal, I have given due weight to the recently adopted SPD.

## Main issues

5. The main issues in this appeal are:

- The effect of the proposal upon the character and appearance of the area;
- The effect of the proposal upon the living conditions of future residents; and
- Whether the proposal would have an unacceptable impact on highway safety, in particular with regards to car parking provision, cycle provision and the provision of adequate visibility splays.

## Reasons

### *Character and appearance.*

6. The surrounding area is predominately residential. The appeal site comprises a detached property, which lies within a row of similar detached dwellings. Whilst there have been some alterations to them, there remains an element of uniformity about the dwellings along the street, in particular their roofscape, where the properties have similar designs. Even where alterations have involved the roof, proposals have been designed to retain the existing roofscape.
7. The alterations to the roof and the insertion of the side dormer windows would increase the overall bulk of the existing dwelling. As a result of their position and size, the proposed side dormer windows would be clearly visible within the street scene and they would represent a break in the rhythm and roof pattern that exists along the street. Consequently, when viewed alongside other properties on the road, the proposed amendments to the roof would introduce features that would appear alien within the street scene and would represent a discordant form of development that would be out of keeping with the character and appearance of the area.
8. In coming to this conclusion, I have also considered other developments within the vicinity of the appeal site, however none are sufficiently comparable to the proposal to overcome my conclusion in relation to the harm that would be caused.
9. With regards to the provision of additional hardstanding to the side and rear of the appeal property, I note that there is already an area of hardstanding to the side of the building. Furthermore, the provision of an area of hardstanding at the rear of the appeal site, would be similar to that which exists at other properties along the street, where car parking and garages are provided to the rear. As a consequence, the provision of additional hardstanding would cause no material harm to the character and appearance of the area.
10. For the above reasons, I therefore conclude that the proposed insertion of the side dormer windows would harm the character and appearance of the area and, in this respect, would be contrary to Policies CS6 and CS41 of the Bournemouth Local Plan: Core Strategy (BLPCS), Policies 6.10 and 6.13 of the Bournemouth District Wide Local Plan (BDWLP), and Paragraph 127 of the National Planning Policy Framework (the Framework). These policies, amongst other things, seek to ensure that new development should be designed to respect the site and its surroundings.

### *Living conditions*

11. Policy CS19 of BLPCS identifies that to ensure the retention of a balanced housing stock, the loss of small family sized dwellinghouses through either sub-division, conversion to non-residential uses or demolition, are to be resisted. To support the interpretation of this Policy, a small family dwellinghouse is identified as having an original gross external floorspace of less than 140m<sup>2</sup>.
12. With regards to the external floorspace of the existing building, there are some discrepancies between the gross external floorspace figures provided by the appellant which are contained on their CIL forms and in their appeal statement. In both instances however, in their opinion the appeal scheme would exceed the identified threshold.
13. The Council also appear to have undertaken their own calculation of the external floorspace, although there appears to be no evidence or detail to demonstrate how they have arrived at their figure. They conclude that the proposal would be less than the Policy threshold, but only by a marginal amount.
14. Furthermore, the appellant has referred me to the Nationally Described Space Standards (NDSS), which post-date Policy CS19. In this regard, the proposed development would exceed these standards.
15. Therefore, on the evidence before me, it appears that the overall size of the proposed dwelling would exceed the threshold set both within the development plan and the NDSS.
16. The rear of the ground floor flat would face onto a relatively small garden area that would be enclosed by a fence. Whilst this fence would restrict views, it would be located a sufficient distance away from the rear of the property to ensure a reasonable outlook from the ground floor flat. Moreover, it would afford the property privacy and some protection from activity associated with the parking area to the rear. Therefore, the provision of a fence around the ground floor flat garden area would not materially harm the living conditions of future residents.
17. For the above reasons, I therefore conclude that the proposed development would not harm the living conditions of future residents and, in this respect would accord with Policies CS19 and CS21 of the BLPCS and the Framework.

### *Highway safety*

18. Under the SPD, the proposed development would require the provision of 6 cycle parking spaces to be provided in a secure cycle store. The proposal, through the updated plan, demonstrates that sufficient provision can be made, however the dimensions of the proposed cycle store do not meet the requirements as set out in the SPD. However, the evidence from the appellant demonstrates that, despite the reduced size of the cycle shed, there would be sufficient space for the storage of the requisite number of cycles. In any event, I consider that this is a matter that could adequately be dealt with through a planning condition and would not, on its own, be of sufficient justification for the withholding of planning permission.
19. Whilst the previous parking standards required the provision of 3 spaces, with the adoption of the SPD, due to the location of the site within Zone B, the Local

Highway Authority have confirmed, through their evidence, that the requirement would be for no off-road car parking. The proposed development would make provision for 2 off-road car parking spaces, which is in excess of the adopted SPD requirement. With regards to the size and dimension of these spaces, there appears to be sufficient room within the site to accommodate the necessary parking and turning area, along with the provision of the required visibility at the entrance to the site. Therefore, these matters could adequately be dealt with via a planning condition.

20. For the above reasons, I therefore conclude that the proposed development would not have an unacceptable impact upon highway safety and, in this respect, would accord with Policies CS6, CS16 and CS18 of the BLPCS and Policy 6.16 of the BWDLP and Paragraphs 108, 109 and 110 of the Framework.

### **Other Matters**

21. It is acknowledged by the Council that, at this moment in time, they are unable to demonstrate a 5-year supply of housing land. On the basis of the information before me, I see no reason to disagree with this position and I have therefore determined the appeal on this basis.
22. Paragraph 11 of The Framework states that where relevant policies are out of date, permission should be granted unless any adverse impacts of doing so, would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole or where specific policies in the Framework, indicate that development should be restricted. Footnote 6 does not apply to this case.
23. The proposed development would contribute a net additional dwelling towards the existing housing stock within the Borough. Whilst this is considered to be a benefit, given the very limited scale of the contribution, I find that the adverse impact of the proposed development upon the character and appearance of the area, significantly and demonstrably outweighs this limited benefit.
24. The appellant has referred to the potential for elements of the proposed development to be undertaken via permitted development rights. However, I have no detailed evidence before me to confirm that this is the case, therefore I have attributed little weight to these submissions.
25. The site is located within the 5 km buffer zone of the Dorset Heathlands Special Protection Area, Ramsar Site and Dorset Heath Special Area of Conservation. Regulation 63(1) of the Conservation of Habitats and Species Regulations 2017 indicates the requirement for an Appropriate Assessment is only necessary where the competent authority is minded to give consent for the proposal. Thus, given my overall conclusion on the main issue it is not necessary for me to consider this matter in any further detail.
26. I note the Council raised no issues in relation to flooding or impact on neighbouring occupiers, amongst other things. However, as these are requirements of policy and legislation, the absence of harm in respect of these matters are neutral factors that weigh neither for nor against the development.

### **Conclusion**

27. I have found that the proposed development would not harm the living conditions of future residents and that it would not have an unacceptable

impact upon highway safety. However, this is outweighed by the harm to the character and appearance of the area. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

*Adrian Hunter*

INSPECTOR