



Appeal Decision

Site Visit made on 21 June 2021

by M Bale BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 July 2021

Appeal Ref: APP/V1260/W/21/3270647

5 Woodland Avenue, Bournemouth BH5 2DJ

- 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 Canute Developments Limited against the decision of Bournemouth Christchurch and Poole Council.
 - The application Ref 7-2020-4028-S, dated 4 March 2020, was refused by notice dated 10 September 2020.
 - The development proposed is demolition of the existing dwelling and erection of a block comprising 8 No. flats with associated access and parking.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant has submitted amended plans with the appeal. Essentially, these remove a car parking area between the building and Woodland Avenue. The amendment could have an effect on the relationship of the proposal with on-site trees, the availability of outdoor space for future occupiers, and highway safety. The implications of the amendment, therefore, are significant and result in a substantially different proposal to that considered by and consulted upon, by the Council.
3. The appeal process should not be used to evolve a scheme and it is important that what is considered by me is essentially what was considered by the Council. While interested parties have had an opportunity to review and comment upon the revisions during the appeal process, I cannot be certain that the opportunity has been universally taken up. There was significant interest in the planning application and, given the wide range of effects of the amendment on the key matters before me, there is a high risk of interested parties suffering injustice if I were to take them into account.
4. Considering the above, and the principles outlined in *Bernard Wheatcroft Ltd v SSE [JPL 1982 P37]*, therefore, I have determined the appeal on the basis of the plans considered by the Council at application stage.

Main Issues

5. The main issues are:
 - (i) The effect on the character and appearance of the area;
 - (ii) the effect on highway safety, with regard to parking provision;

- (iii) the effect on the living conditions of the occupiers of No.5a Woodland Avenue with regard to outlook and privacy;
- (iv) the effect on the living conditions of future occupiers of the site; and
- (v) the effect on European sites, protected for their nature conservation importance.

Reasons

Character and appearance

6. Although there are some exceptions, the area is characterised by fairly large dwellings set back from the road in generous plots. Significant tree coverage, including at the appeal site, gives the area a verdant appearance.
7. There are a variety of dwelling styles and a significant number have rooms in the roof. Some may have been converted into flats and, towards the seafront end of the road is some overtly flattened development with a high building to plot ratio and some bulky roof forms with large dormers. However, moving inland, the road takes on a more domestic character and most buildings have the appearance of single family dwellings. While the environment beyond the immediate neighbours may influence an area's character and appearance, it is clear that the inland stretches of Woodland Road and the surroundings stand visually apart in character and appearance from that closer to the coast. The site is within the inland area.
8. The proposal is for a purpose-built block of 8 flats. The Council has no concern about the chosen architectural style. However, whether or not some increase in density may be appropriate, due to the variety of roof forms and projecting sections, together with larger parking areas than the majority of surrounding plots, bin and cycle storage arrangements, the proposal would appear an uncharacteristically intense form of development within the area. Second floor accommodation would be within the roof, and space would be retained to three of the boundaries, but it would nevertheless appear as a large building, prominently located and in clear contrast to the prevailing character of detached dwellings. Prominent buildings can assist in wayfinding, but there is no clear reason why this would be beneficial amongst these residential roads that clearly connect inland arterial routes to the seafront.
9. Some tree removal would be required which, although low quality specimens, still contribute to the character and appearance of the area. Even with replacement, the reduction in tree coverage at the site, especially around the access would harm the character and appearance of the area. The retention of the boundary fence would help to screen some of the parking and storage elements. However, given the tree removal and opening up of the access, the overall appearance of the site would be visible and harmful to the character and appearance of the area.
10. In addition, the proposal would require the demolition of the existing characterful house on the site. The appellant indicates that demolition is not part of the proposal, but it is set in the description of development on the application form. In any event, prior approval has been given such that the demolition can proceed as permitted development, and there is no indication that the building would remain untouched if I were to dismiss the appeal. Nevertheless, there is equally no clear reason why demolition would occur in

the absence of a permission for redevelopment. The fallback position that the building could be demolished is, therefore, of limited weight.

11. There is no substantive evidence to counter the Council's view that the existing building, being part of the early development of this part of Bournemouth, should be regarded as a non-designated heritage asset. There would be total loss, equating to substantial harm to this asset. While such may have been allowed elsewhere, this must be part of a balanced judgement, to which I return later.
12. In terms of this main issue, the proposal would result in clear harm to the character and appearance of the area, where a building that makes a positive contribution would be replaced by one which has a negative effect. As such, the proposal would conflict with those aims of Policy 6.10 of the Bournemouth District Wide Local Plan 2002 (LP), Policies CS21, CS40 and CS41 of the Bournemouth Core Strategy 2012 (CS) and Policy BAP1 of the Boscombe and Pokesdown Neighbourhood Plan 2019 (NP) that seek to protect local heritage assets, ensure that development respects the character and function of the neighbourhood, and local distinctiveness.

Highway Safety

13. The site layout restricts the ability for vehicles to manoeuvre into the proposed parking spaces. In particular, spaces 3 and 8 are sited close to the edges of the parking courtyards and it has not been demonstrated how vehicles would access these spaces. The likely manoeuvring difficulties could result in drivers choosing to reverse onto the highway, especially if vehicles are seeking to enter and exit simultaneously. The site is adjacent to a school and Woodland Avenue provides a link to the seafront. Pedestrian traffic is likely to be relatively high and unorthodox manoeuvres could harm pedestrian safety.
14. The appellant contends that the proposal does not need to provide the level of parking shown. The site is close to zones A and B in the Parking Standards Supplementary Planning Document which, I am told, advises that reduced provision can be entertained, and that flexibility may be required in applying the zones, depending on the characteristics of individual sites.
15. I understand that the site is close to key transport routes, a district centre and Boscombe bus station, as well as high interval public transport on Christchurch Road. However, there is no substantive evidence that these matters have not been taken into account in setting the zones. Proximity to another zone alone, therefore, is not a clear reason to reduce parking provision.
16. In addition, the appellant does not refute the Council's suggestion that the cycle storage facilities would be inadequate, contrary to LP Policy CS18 that seeks to promote cycling opportunities. Nor is there any particular mitigation proposed to reduce the need to travel by private car, or other substantive evidence that the site should be considered as an exception to the parking zone in which it is located. I, therefore, find that all proposed parking spaces are likely to be required and, for the reasons given, the shortcomings in layout could harm highway safety. The proposal would, therefore, be contrary to LP Policies CS16 and CS41 which seek to ensure that parking provision accords with adopted standards, and development promotes safety of the public realm.

17. In addition, the shortcomings in parking provision are likely to result in a displacement of parking onto the highway, exacerbating on street parking pressures. Such is contrary to NP Policy BAP1, which seeks to avoid such effects.

5a Woodland Avenue

18. Windows of the existing dwelling face towards No.5a. Views from the ground floor windows are obstructed by the boundary and views from most first floor windows are across the roof, such that they do not affect privacy. There is one first floor window that faces directly towards a conservatory at the rear of No.5a.
19. This arrangement would be largely replicated in the proposed development, with most first floor windows looking across the roof of No.5a. At the rear, there would be one bedroom window facing the conservatory and garden. As a secondary window to the bedroom, the plans indicate that this would be obscure glazed and so there would be a reduction in the overlooking of No.5a from this part of the site.
20. There would be extra bulk alongside the rear side boundary of No.5a, compared to the existing. However, the extra projection would not be long and it would be set slightly further away from the boundary than the closest part of the existing building. As No.5a is otherwise surrounded by fairly low structures, the additional enclosure would not be significantly more oppressive than the existing dwelling.
21. I, therefore, find that there would be no significant harm to the living conditions of the occupants of No.5a, and no conflict with those aims of LP Policy 6.10, CS Policies CS21 and CS41 and NP Policy BAP1 that seek to ensure that proposals respect resident's amenities.

Future residents

22. Some of the proposed rooms are very small and two of the units would fall 0.7 square metres below the standard specified in the Nationally Described Space Standards. However, as the shortfall is very small and NP Policy BAP7 only encourages homes to meet the standards, I find that no harmful conflict with the policy would result.
23. Policy BAP7 also encourages the provision of adequate amenity space. With one exception, the units would have access to small external balconies or individual areas of external space at ground level. Those spaces would not be large but would provide some personal sitting out space.
24. In addition there would be a larger communal area. It would occupy a corner of the site, largely under the tree canopies and alongside the parking area. It is also likely to be shady for substantial parts part of the day. The space would not, therefore, be of high quality, but mindful of the criteria for communal amenity space set out in Residential Development: A Design Guide 2008, there is no substantive evidence that it would not be adequate to meet the needs of future residents.
25. However, external circulation routes around the site would bring pedestrians into very close proximity to the windows of unit 1 in particular, but also units 2 and 3, affording direct views into the main living room spaces. Such would be

detrimental to the privacy of future occupiers. If those views were to be screened by planting or some other barrier, their proximity to the windows would result in an oppressive outlook. CS Policy CS41 requires a high standard of amenity to meet the day to day requirements of future occupants and for the reasons given, this standard is not met.

European sites

26. In combination with other development, additional residents at the site could lead to increased recreational pressure on the Dorset Heathlands Special Protection Area (SPA) and Ramsar site, and the Dorset Heaths Special Area of Conservation (the European sites). The European sites 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.
27. The appellant acknowledges that potential adverse effects on European sites, must be mitigated. However, while it is said that a planning obligation is being prepared to address this matter, no such mechanism or other mitigation is before me.
28. I, therefore, find that the proposal, in combination with other development could lead to adverse effects on the integrity of the European sites, contrary to CS Policy CS33 that requires development to mitigate adverse effects on protected species. Furthermore, paragraph 175 of the National Planning Policy Framework (the Framework) indicates that if significant harm to biodiversity cannot be avoided or adequately mitigated, then planning permission should be refused.

Other Matters

29. The building would be close to retained trees, however there is no substantive evidence that the proposed construction methods would safeguard their long-term health. As I have found that adequate external space would be provided, there is no clear reason that there would be pressure to fell remaining trees that are protected by a Tree Preservation Order. Facilities are required for electric car charging, but there is no clear reason why that could not be secured by planning conditions, in the event that the development were acceptable.
30. The proposal would provide additional dwellings in an appropriate location and make efficient use of previously development land. The Framework seeks to boost significantly the supply of homes. The Council cannot currently demonstrate an adequate supply of deliverable housing land and in this context, the benefits associated with housing delivery are attributed significant weight.

Planning balance

31. The harm to the character and appearance of the area, loss of a non-designated heritage asset, harm to highway safety, failure to deliver a high quality living environment and adverse effects on European sites results in a conflict with the development plan, taken as a whole. The Framework, as well as seeking to boost housing supply also seeks to safeguard the character and appearance of the area, prevent harm to highway safety and provide high quality living environments. These wide-ranging harms would result in poor

quality development that is not outweighed by the benefits associated with the delivery of housing.

32. The housing land supply situation is such that Framework paragraph 11(d) falls to be considered. However, a lack of mitigation in respect of European sites means that there are policies in the Framework that protect areas or assets of particular importance and provide a clear reason for refusing the development proposed. Therefore, the proposal does not benefit from the presumption in favour of sustainable development, outlined at Framework paragraph 11.
33. The proposal is contrary to the development plan. Material considerations, including the Framework taken as a whole and benefits associated with the supply of housing do not indicate otherwise that permission should be granted.

Conclusion

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

M Bale

INSPECTOR