



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: 13 July 2021

Appeal Ref: APP/V1260/W/21/3271170

284 Holdenhurst Road, Bournemouth BH8 8AY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under The Town and Country Planning (General Permitted Development) (England) Order 2015, Schedule 2, Part 3, Class M.
 - The appeal is made by Mr Henry Joseph, Capreon Ltd against the decision of Bournemouth Christchurch and Poole Council.
 - The application Ref 7-2020-17880-D, dated 2 December 2020, was refused by notice dated 3 February 2021.
 - The development proposed is conversion of retail unit to create 1 No. residential studio flat.
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Decision

1. The appeal is allowed and prior approval is granted for conversion of retail unit to create 1 No. residential studio flat at 284 Holdenhurst Road, Bournemouth BH8 8AY in accordance with the terms of the application Ref 7-2020-17880-D, dated 2 December 2020 and the plans submitted with it, subject to the following condition:
 - 1) The materials and colours to be used in the construction of the external surfaces of the works hereby permitted shall match the elevations of the existing building to which they will be carried out. The works shall be completed prior to occupation of the dwelling and shall thereafter be maintained as such.

Preliminary Matter and Main Issue

2. It is permitted development to change the use of the building from a shop to a dwellinghouse, subject to a determination as to whether prior approval is required as to certain matters. There is no dispute that prior approval should not be resisted other than for the matter of whether it would be undesirable for the building to change use because of the impact on the adequate provision of services, and the sustainability of the key shopping area within which the site is located.
3. The main issues, therefore, are the effect of the proposal on the adequate provision of services and sustainability of the key shopping area.

Reasons

4. The area is a designated secondary shopping area. The overall area contains a significant number of, generally small, shops that appear to be centred around two modest supermarkets creating a prevailing character of retail use. Around the appeal site, the commercial offering becomes more fragmented. A number

- of units are now residential including the neighbouring No.282. Leading away from the supermarkets, there are a small number of additional commercial units beyond the appeal site, after which the street frontage becomes predominantly residential.
5. I understand that another Inspector previously found that the change of use of the neighbouring unit alone would not harm the vitality and viability of the area. The change of use of this site would create a longer line of inactive frontage, further fragmenting the commercial offering in this part of the shopping area. This would begin to separate those remaining units beyond the site from the core area.
 6. However, while a concentration of units together in an area may be required to create an attractive destination, there would still be a diverse range and significant number of units and uses within the wider shopping area. As such, I see no reason that there would not remain adequate provision of services in the area for local residents. The appeal unit is relatively small and unlikely to be a significant generator of footfall in its own right. There is no substantive evidence that the units around the central core are dependent upon the whole range of units within the area, nor that those units beyond the site are dependent on visitors to the site itself.
 7. I understand that increased vacancy rates are a recent phenomenon. A recent marketing campaign for the site was short and likely to have been heavily affected by the Covid-19 pandemic. As evidence of demand, then, it is of little weight in my decision. It may well be important to preserve a range of units to facilitate recovery, create conditions in which businesses can invest, promote long-term viability of shopping areas and strong neighbourhood centres, as set out in the National Planning Policy Framework. However, there are other available vacant units in the area that are more centrally located, including No.267 where I understand the Council has recently resisted a change of use. The availability of the appeal unit, then, is unlikely to be central to the long-term sustainability of the area.
 8. It is possible that a residential use could restrict the range of uses that could be carried on in the neighbouring commercial premises. However, there is no substantive evidence that this has contributed to the demise of commercial activity at the appeal site or elsewhere in the locality where similar arrangements already exist. Therefore, I attach little weight to this as a cause for potential future decline.
 9. For the above reasons, I find that the proposal would not harm the sustainability of the key shopping area and adequate provision of services would remain. As such, it would not be undesirable for the site to change use as proposed.

Other Matters

10. The proposal could lead to adverse effects on European sites protected for their nature conservation importance. There are provisions within the legislation to ensure that these matters are considered outside the appeal process for this type of proposal. Therefore, I have not considered them any further, but this does not indicate my acceptance of any mitigation that may be required.

Conditions

11. In the matter of the design and external appearance of the building, a condition is required to secure materials to match the existing building to safeguard the appearance of the area. I have made some revisions to the Council's suggested condition in the interests of clarity.

Conclusion

12. For the reasons given, I conclude that the appeal should be allowed.

M Bale

INSPECTOR