



Appeal Decision

Site visit made on 8 September 2021

by Matthew Jones BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 September 2021

Appeal Ref: APP/V1260/W/21/3274842

11 Bodorgan Road, Bournemouth, Dorset BH2 6NQ

- 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 and Mrs S and N Woodley against the decision of Bournemouth Christchurch Poole Council.
 - The application Ref 7-2020-1216-V, dated 18 August 2020, was refused by notice dated 12 November 2020.
 - The development proposed is demolition of existing dwellinghouses and erection of 5 dwellinghouses with associated access and parking.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The appeal is accompanied by amended plans which remove the vehicular parking and replace it with bicycle storage. Although this would render only modest physical changes to the scheme, the potential impact upon street parking in the area, a matter raised by interested parties, would be material. As such, and cognisant of the Wheatcroft principles¹, I have determined the appeal on the basis of the development subject to the Council's decision and upon which interested people's views were originally sought.

Main Issues

3. The main issues are:
 - the effect of the proposal on the integrity of the Dorset Heathlands Special Protection Area (the SPA) and the Dorset Heaths Special Area of Conservation (the SAC);
 - the effect of the proposal on the character and appearance of the area bearing in mind the special attention that should be paid to the extent to which it would preserve or enhance the character or appearance of the Meyrick Park and Talbot Woods Conservation Area (the CA); and,
 - whether or not the proposal would provide adequate onsite vehicular parking and bicycle storage.

Reasons

European Sites

4. The appeal site falls within the influence of the SPA and the SAC. These are European Sites which are afforded protection under the Conservation of

¹ Bernard Wheatcroft Ltd v Secretary of State for the Environment and Another (1980)

Habitats and Species Regulations 2017 as amended (the Habitat Regulations). They are so designated for the habitats they provide for important rare, vulnerable and migratory bird species as well as unique environments for a variety of other wildlife, flora and fauna.

5. Both are also important recreational resources. The proposal is likely to generate an increase in recreational use of these sites and thus, in combination with other projects, significant effects on their respective features of interest. The Council have indicated that there is an agreed strategic solution to mitigate such recreational effects, pursuant to the Dorset Heathlands Planning Framework 2020-2025 Supplementary Planning Document (adopted 2020). This document provides mitigation through Strategic Access Management and Monitoring projects to which financial contributions can be paid.
6. Although a legal agreement is under preparation to secure contributions to this mitigation, no such agreement is before me. Therefore, I am unable to complete the Appropriate Assessment favourably and must conclude that the proposal would harm the integrity of the SPA and the SAC. As such, it would conflict with Policy CS33 of the Bournemouth Local Plan Core Strategy (adopted 2012) (CS), the provisions of the Habitats Regulations and the National Planning Policy Framework (the Framework) insofar as they seek to secure the protection of such sites and mitigate any adverse effects on their integrity.

Conservation Area

7. 11 Bodorgan Road is a detached dwelling set within treed grounds, within the CA. The significance of the CA, as set out in the Meyrick Park and Talbot Woods Conservation Area Appraisal (CAA) (2009) is drawn from its legible Victorian, Edwardian and Interwar phases of affluent, spacious residential development. Buildings are in many cases large and set comfortably within generously proportioned, verdant grounds, which provide for a luxuriant sylvan setting.
8. Bodorgan Road is part of an identifiably Victorian phase of the CA, and the large villas on its east side, in particular, provide a sense of Victorian grandeur. No 11 is, however, smaller than these neighbours and the CAA identifies it is an example of Postwar infill, which does not reflect a pattern of development from which the CA derives significance. The house is, however, identified as a positive one by the CAA. Its replacement was nonetheless subject to dismissed appeals in 2010² and permission for four dwellings in 2015 and 2018³.
9. Although similar to the dismissed appeal scheme, the proposed building would maintain a comparatively reduced siting and scale. Its rear, north east corner would be close to the north site boundary. However, the way in which the site splays outwards towards its frontage means that the front corner of the building would have suitable space and the closeness at its rear would not be publicly perceptible. Given such, the building would appear comfortably set within its grounds and the spacious, sylvan character of the CA would be preserved. The building would take design cues from the Victorian buildings around it and would thus make its own positive contribution to the CA.
10. It follows that the proposal would have an acceptable effect on the character and appearance of the area bearing in mind the special attention that should be paid to the extent to which it would preserve or enhance the character or

² Appeal Refs APP/G1250/A/10/2123375 and APP/G1250/E/10/2123406

³ Refs 7-2015-1216-T and 7-2018-1216-U

appearance of the CA. It would accord with the heritage aims of Policies CS21, CS39 and CS41 of the CS, Policies 4.4 and 6.8 of the Bournemouth District Wide Local Plan (adopted 2002), the Residential Development: A Design Guide Supplementary Planning Guidance (2008) and the Framework.

Parking and bicycle storage

11. Policies CS16 and CS18 of the CS respectively require the proposed levels of vehicular parking and bicycle storage to meet the Council's adopted standards, which are now contained within the Parking Standards Supplementary Planning Document (adopted 2021) (the SPD). The SPD tailors its requirements based on a zoning system. Bodorgan Road is situated within Zone A where the vehicular parking requirement for this type of proposal is zero. In order to encourage cycling, storage for 17 bicycles is required.
12. Consequently, whilst I recognise the concerns raised by the Council and interested parties about the quantum and standard of the proposed parking spaces and the resultant impact on the highway network, the scheme would achieve compliance with Policy CS16 regardless. In my view, the required level of bicycle storage could also be provided in place of the vehicular parking spaces, a matter which could be resolved with a condition.
13. I therefore conclude on this issue that the proposal would provide adequate onsite vehicular parking and bicycle storage. It would accord with the relevant aims of Policies CS16, CS18 and CS41 of the CS, the SPD and the Framework.

Planning Balance and Conclusion

14. It is not disputed that the Council cannot demonstrate a five-year supply of deliverable housing sites. Paragraph 11d) of the Framework states that in such circumstances permission should be granted unless the application of policies in the Framework that protect assets of particular importance provide a clear reason for refusing the development. Pursuant to footnote 7, this includes habitats sites such as the SPA and the SAC. Therefore, given my findings above, the Framework provides a clear reason to refuse the proposal and the presumption in favour of sustainable development does not apply.
15. The net gain of four dwellings would make a modest contribution to reducing the housing shortfall, in a location where services are easily accessible without private transport. There would also be a small and time limited economic boost during the construction phase. Given the quantum of housing that would be delivered, these are social and economic benefits of moderate weight. However, considering the international importance of the SPA and SAC designations, and my responsibilities as competent authority in this regard, these benefits do not outweigh the harm that I have identified.
16. For the reasons given above, and taking into account all matters raised, I find that the proposal would conflict with the development plan when read as a whole. There are no other considerations, including the Framework, that outweigh the conflict. I therefore conclude that the appeal should be dismissed.

Matthew Jones

INSPECTOR