

Appeal Decision

Site visit made on 15 September 2021

by Mrs H Nicholls FdA MSc MRTPI

An Inspector appointed by the Secretary of State

Decision date: 11 October 2021

Appeal Ref: APP/V1260/W/21/3275634
16 Maclaren Road, Bournemouth BH9 2XA

- 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 Matt Harvey against the decision of Bournemouth Christchurch and Poole Council.
 - The application Ref 7-2021-9050-B, dated 29 January 2021, was refused by notice dated 14 April 2021.
 - The development proposed is erection of a detached house.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effects on the character and appearance of the area;
 - the effects on the living conditions of neighbouring occupiers at No 16 Maclaren Road, with particular regard to overlooking and loss of outlook;
 - whether adequate living conditions would be created for future occupiers, with particular regard to the suitability of the outdoor garden space; and
 - the effects of the proposal on the Protected Sites.

Reasons

Character and appearance

3. The appeal site lies in a residential area laid out in a regular block pattern with generous street widths. Dwellings are largely detached, villa-style dwellings set within ample plots and with deep rear gardens. No 16 Maclaren Road is a corner dwelling, and like many dwellings on corner plots, it has additional garden space that fronts the street. Though it appears that No 16 has been reorientated to front onto Maclaren Road, rather than The Avenue, the garden would have typically been the rear. It is used as both a garden and area for the parking of vehicles, with garages and outbuildings present thereupon.
4. The appeal proposal would involve the demolition of a number of garages and outbuildings to make way for the construction of a single dwelling. This dwelling would be sited in close proximity of No 18 Maclaren Road and would also be in the region of 3.5 metres to the rear of No 16. The new dwelling would be detached, with a hipped roof, brick lower walls and rendered upper. Its main

- outlook would be to the front, over Maclaren Road, and to the rear, and with a secondary bedroom looking out towards the rear garden of No 40 The Avenue.
5. Both the size of the dwelling and the site in which it would be situated would be smaller than normal for the surrounding area, with both being very broadly around half the size of typical dwellings and half of the plot size. Whilst the ridge height, general front building line and side-to-side gaps between it and the neighbours would be broadly similar to those in the surroundings, it is the extent to which the dwelling would appear undersized, in a more constrained plot size that would undermine the more generously proportioned, strongly-defined character of the area. The limited depth of the dwelling would be apparent even though it would be partly screened by the close proximity to the host dwelling.
 6. As a result of these factors, the scheme would appear contrived and awkwardly related to its neighbours and surrounding development. Whilst it is suggested that it is not always necessary to copy exactly what exists, I do not find that the proposal would emulate the local character sufficiently well to enable it to protect it or diversify it in an acceptable way. The gaps between nearby corner dwellings and the linear rows of dwellings between them do not appear to have become infilled with similarly small scale dwellings that suggests this is a prevalent feature of the area.
 7. For the above reasons, the proposal would be harmful to the character and appearance of the area, contrary to, in particular, Policy 6.8 of the Bournemouth District Wide Local Plan (2002) (Local Plan) and Policies CS21 and CS41 of the Bournemouth Local Plan: Core Strategy (2012) (Core Strategy), which collectively seek to ensure new development is of good design and complements and respects the character and amenity of neighbouring development.

Living conditions of neighbouring occupiers

8. The appeal proposal would be sited at a right angle and in close proximity to the rear of the host dwelling, No 16. What is now a spacious rear curtilage and parking area would become the footprint and gardens associated with the new dwelling. The typical minimum distance between side and rear elevations containing windows is 12.5 metres as set out in the Council's Design Guide¹.
9. Whilst the appellant is also the owner of No 16 and does not object to the scheme, I am also required to consider the living conditions of any future occupiers. The outlook from the rear of the host dwelling and from the remaining modest garden area would be entirely dominated by the flank wall of the new dwelling at only around 3.5 metres away. It is suggested that the upper windows in the rear elevation of the existing dwelling would be blocked up in order to offset the loss of outlook and effectively make the rear elevation more of a blank 'side' elevation. This would necessitate the provision of at least one rooflight to ensure one of the bedrooms had some natural light.
10. The omission of windows in the new dwelling's side elevation would avoid direct overlooking. However, there is insufficient evidence to indicate that all potentially affected rooms of the host dwelling would maintain an acceptable

¹ Residential Development: A Design Guide (adopted 2008)

degree of light and outlook, and similarly minimal detail in respect of rooflights or other such works that would help to offset the loss of windows.

11. For the above reasons and in the absence of sufficient evidence to the contrary, the proposal would harm the living conditions of No 16 Maclaren Road, contrary to Policy 6.8 of the Local Plan and Policies CS21 and CS41 of the Core Strategy. Collectively these Policies seek to ensure new development provides a high standard of layout and design that ensures adequate privacy for the occupants of the building and of adjacent residential properties.
12. For similar reasons, the scheme would also fail to accord with the Design Guide which seeks similar outcomes for future and neighbouring occupiers.

Living conditions for future occupiers

13. The appellant indicates that the room sizes and overall dwelling size would conform to 'normal' standards. However, the Council highlight the very limited extent of garden area which would be provided for the new dwelling and the extent to which it would be dominated by its relationship with the rear of the host dwelling, the adjoining dwelling at No 18 and the high boundary enclosing the rear garden of No 40 The Avenue.
14. Whilst I accept that the Council's Policies and Design Guide fail to specify a minimum size requirement, it is set out in the latter that private gardens are important where family units form part of the development proposals, as is the case with the proposed two bedroom dwelling in a family housing-dominated area. As a consequence, and similar to many generous gardens in the surroundings, private gardens should at least feel safe and secure with a good degree of privacy and be of a useful size for the proposed occupants enabling flexibility of use and personalisation over time.
15. Given the size and layout of the gardens proposed, their limited useability and the oppressive sense of enclosure, the proposal would not provide satisfactory living conditions for future occupiers. I do not consider that the front garden or side walkway would meaningfully contribute to this provision of outdoor space in a way that would compensate for the rear garden being of poor quality.
16. An additional compromise would also arise in respect of the host dwelling's garden area which would be that fronting onto The Avenue. Whilst it is currently enclosed and benefits from a good degree of privacy, it would have to be partially opened up to provide at least one parking space, undermining its useability as a private garden.
17. The proposal would therefore conflict with, in particular, Policy CS41 of the Core Strategy which seeks to ensure that new developments provide for the amenities of future occupiers. It would also fail to adhere to guidance in the Design Guide for similar reasons.

Protected Sites

18. The appeal site is within the 5km Zone of Influence of the Dorset Heathland Protected Sites² which comprise a range of heathlands designated under the

² Dorset Heathlands Special Protection Area (SPA); Dorset Heathlands Ramsar Site; Dorset Heaths Special Area of Conservation (SAC); and Dorset Heaths SAC (Purbeck and Wareham) and Studland Dunes.

Habitats Regs³. Developments within this area are likely to have adverse effects on the integrity of the Protected Sites, individually, or in combination with other similar developments through increased recreational pressures.

19. The adopted Dorset Heathlands Planning Framework Supplementary Planning Document 2020 - 2025 (SPD) sets out the two-pronged approach to dealing with any potential adverse effects on the integrity of the protected sites. Through the Community Infrastructure Levy (CIL) regime, under the CIL Regulations⁴, developer contributions are secured towards the Heathland Infrastructure Projects, including the provision of Strategic Alternative Green Spaces, to reduce the pressure on the Protected Sites. Additional contributions are also required to be paid through Section 106 Obligations towards Strategic Access Management and Monitoring measures to raise awareness, employ wardens to manage visitor behaviour and monitor the effectiveness of such.
20. The proposal is not required for the management of the Protected Sites and it is accepted by the parties that it would, without mitigation, give rise to adverse effects on the integrity of the same. Whilst the appellant indicates that the contributions would be paid prior to the commencement of development, no planning obligation had not been finalised or received at the time of writing.
21. However, as the appeal is failing for other reasons, it is not necessary for me to ascertain the appropriateness and delivery of any mitigation within an Appropriate Assessment. Consequently, I have not taken this matter further.

Other Matters

22. I note the appellant's assertion that the proposal would represent an efficient use of land, but I do not consider that its current use as a garden and parking area for the well-proportioned host dwelling should be considered wasteful.

Planning balance and conclusion

23. In relation to its effect on the character and appearance of the area and the living conditions of future and neighbouring occupiers, the proposal would conflict with the development plan, when considered as a whole.
24. The benefits of the proposal would include the delivery of a single dwelling in a sustainable location with the social benefit of increased access to housing. There would be construction phase benefits and longer-term economic benefits through the future occupiers' reliance on local services and facilities.
25. Considered in the round, the modest benefits from the proposal would not outweigh the harm outlined above. Consequently, there are no considerations of sufficient materiality, including the National Planning Policy Framework, that indicate that the decision should be taken other than in accordance with the development plan.
26. The appeal is, therefore, dismissed.

Hollie Nicholls

INSPECTOR

³ The Conservation of Habitats and Species Regulations 2017 (as amended)

⁴ Community Infrastructure Levy Regulations 2010, as amended