
Appeal Decision

Site visit made on 16 November 2021

by Mr S Rennie BSc (Hons), BA (Hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 December 2021

Appeal Ref: APP/V1260/W/21/3277244

9 Talbot Avenue, Bournemouth BH3 7HR

- 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 Onshore Homes against the decision of Bournemouth Christchurch and Poole Council.
 - The application Ref 7-2020-11119-P, dated 17 December 2020, was refused by notice dated 11 February 2021.
 - The development proposed is for a new 3 bed dwelling house to rear of 9 Talbot Avenue with vehicular access off Nairn Road.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the development on the character of the street scene and the significance of the Meyrick Park/Talbot Woods Conservation Area (CA), together with the existing protected trees on site.
3. There is also the main issue of the effect of the development on the integrity and ecological value of the designated Dorset Heathlands SPA (Special Protection Area), Ramsar Site and Dorset Heaths SAC (Special Area of Conservation).

Reasons

Conservation Area

4. As noted above, the site is within a CA. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of Conservation Areas in the exercise of planning functions.
5. The National Planning Policy Framework (the Framework) also advises that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance. Paragraph 199 of the Framework states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
6. From my observations and also from the evidence provided I would regard the significance of the CA as being the many positive buildings, particularly those good examples of Edwardian or Inter-war architecture, set within spacious and verdant plots, for example. This gives the area an attractive leafy suburban

character. Indeed, No 9 Talbot Road is identified as a positive contributor to the CA, being a former large Edwardian house now used as flats. I acknowledge the traffic levels and some of the less positive buildings within this part of the CA, but nevertheless this site is within this designated heritage asset which should be conserved and not diminished by new development.

7. The plot was part of the rear garden of No 9 but has since been severed with a low wall separating this area which has clearly not been used as a garden area for many years, given the thick vegetation that exists. However, I understand that there has been no formal change of use and visually it still reads as part of the plot of No 9.
8. As explained above, one of the qualities of this part of the CA is the spacious and verdant plots. This is not always the case, as demonstrated with some of the examples before me of elsewhere in the area of the site of infill development and extensive hardstanding areas, for instance. However, these examples do not change the prevailing character of dwellings within spacious and verdant plots. There is also a mix of house designs in the area, but most remain 'positive' in their contribution towards the CA with the characteristic spacious plots and mature vegetation resulting in the 'leafy' character. I would regard the spacious appearance and layout of dwellings in this part of the CA to be a positive and distinct feature of its significance. There are some commercial units also, but the area appeared to be primarily residential.
9. The dwelling as proposed would front the street and have access from Nairn Road, similar to most other dwellings in the street. The proposed house would reflect some of the design features of No 9 and be subservient to it. However, the proposed dwelling would not reflect the spacious characteristic typical of this area. It would be a dwelling on a smaller plot than typical for this area. It would appear relatively cramped in this setting and incongruous when seen in the context of other neighbouring dwellings set in spacious plots. Whilst only a modest single dwelling on this plot, it would erode the sense of spaciousness within the street scene and this positive feature of the CA. Furthermore, as proposed the dwelling would be in close proximity to the rear of No 9, this would exacerbate the sense of it being a cramped form of development, especially as there is often more of a space between dwellings within this street scene.
10. Currently the site is overgrown with vegetation, but it is an open and mostly undeveloped site, which is visually read as being once part of the extensive plot of No 9. This parcel of land contributes positively to the sense of openness and spaciousness which would be significantly reduced with the introduction of a new dwelling, even if much of the verdant nature of the parcel of land would remain. I do not accept that this parcel of land should necessarily be maintained or kept in an untidy manner in such a way that would result in it detracting from the significance and character of the CA if the proposed dwelling was not built here.
11. The proposal would result in the loss of some trees on site, though not any of significant value within the CA. The appellant has included evidence to show that using particular methods the remaining trees would be unharmed through the construction process and afterwards, even with hardstanding and foundations being introduced. There may be some pressure to cut back or fell remaining trees from future residents in the future, but the Local Planning

Authority has control over any such future proposals as these trees are protected.

12. Overall, whilst I do not have any particular concerns with regards the trees on site (therefore not being contrary to policy 4.25), the proposal would be harmful to the CA for the reasons set out above and would not preserve its significance. The proposal would therefore be contrary to policies CS6, CS21, CS39 and CS41 of the adopted Bournemouth Local Plan: Core Strategy (2012), and Saved Policies 4.4 and 6.8 of the District Wide Local Plan. These policies require that development protects designated heritage assets from proposals that would adversely affect their significance, maintain and enhance the quality of the street scene. I note the age of these policies, but they are generally consistent with the Framework, particularly in regard to the great weight that should be given to a heritage asset's conservation (paragraph 199 of the Framework).
13. Nevertheless, the harm would be less than substantial and in accordance with paragraph 202 of the Framework, that harm should be weighed against any public benefits of the proposal. The proposal would contribute a new dwelling to local housing supply, where there is a need. The proposal would make an efficient use of the site. There is a history of rubbish being left at this plot of land, but I am not convinced there is no alternative to addressing these issues other than the introduction of the dwelling as proposed. Overall, the public benefits arising from the proposal do not offset the identified harm, to which I must attach considerable importance and weight.

Ecological Sites

14. The site is within 5km of a designated Dorset Heathlands SPA (Special Protection Area) and Ramsar Site, and part of the Dorset Heaths SAC (Special Area of Conservation). These likely effects could arise through increased recreational pressure with additional people living in the area as a result of the proposed house, together with other residential developments. As this would likely result in an adverse impact to the integrity of these sites a form of mitigation would be required.
15. The mitigation would be through a financial contribution for the Council to use towards Strategic Access Management and Monitoring. A signed legal agreement has been submitted which commits to providing the required amount for the necessary mitigation.
16. Had I been minded to allow the appeal, it would have been necessary for me to consider this matter in further detail, including consulting Natural England and the Council on whether all contributions were received and are appropriate. However, as I am dismissing the appeal for other reasons, further consideration is not required on these matters.
17. At this point and based on the evidence I have, it could be that the proposal complies with the requirements of both policy CS33 of the Bournemouth Local Plan: Core Strategy (October 2012) and the Dorset Heathlands Planning Framework SPD.

Planning Balance

18. The Council have stated that they cannot demonstrate a sufficient housing land supply. Also, I note the outcome of the Housing Delivery Test (HDT) for this Council.
19. Paragraph 11 of the Framework sets out that decisions should apply a presumption in favour of sustainable development and that, under criterion d) where the policies which are most important for determining the application are out of date, planning 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.
20. However, in such circumstances, paragraph 11 d) of the Framework states that planning permission should be granted, unless the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed. As detailed within footnote 7, these areas and assets of particular importance include designated heritage assets, such as CAs. As I have found that the proposal would fail to preserve significance and character of the CA, the application of policies in the Framework provide a clear reason for refusing the proposal in this particular instance. As such, the 'tilted balance' within paragraph 11 is not engaged.
21. Nonetheless, there are some benefits which should be taken into consideration. The proposal would provide a dwelling towards the local housing supply with a dwelling in a sustainable location. There would be economic benefits from the construction of the dwelling, and this could be considered as an efficient use of the site. There are also the benefits set out in paragraph 13 above, amongst other potential benefits. However, such benefits would be significantly and demonstrably outweighed by the identified harm, when assessed against the policies in the Framework taken as a whole.

Conclusion

22. For the reasons given above I conclude that the appeal should be dismissed.

Mr S Rennie

INSPECTOR