
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: 12 January 2022

Appeal Ref: APP/V1260/W/21/3275481

6 Cardigan Road, BOURNEMOUTH, BH9 1BH

- 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 Prime Space Properties Ltd against the decision of Bournemouth, Christchurch and Poole Council.
 - The application Ref 7-2020-13085-M, dated 10 March 2020, was refused by notice dated 24 November 2020.
 - The development proposed is to demolish the existing building and erect a 4 storey building comprising 18 apartments with bin and cycle storage and the formation of car parking spaces.
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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 and appearance of the area;
 - The living conditions of existing and future occupants;
 - The integrity and ecological value of international designated sites;
 - The provision of affordable housing.

Reasons

Character and appearance

3. Cardigan Road connects with Wimbourne Road, which is a busy route through this part of Bournemouth which has many commercial/retail uses typical of a 'high street'. The western end of Cardigan Road nearest the junction with Wimbourne Road also has a predominance of commercial uses, particularly at ground floor. The remainder of Cardigan Road is of a clear residential character with detached and semi-detached two-storey houses typically.
4. The site and the existing single storey building represents the end of the commercial buildings on the northern side of Cardigan Road before the run of semi-detached houses to the east. The wide driveway adjacent to the site building provides a visual break between the commercial buildings and the first of the houses, No 8 Cardigan Road. Whether commercial or residential, along the northern side of this section of Cardigan Road buildings are generally two storey height (though as noted the site building is single storey, although

- relatively tall with a pitched roof). It is, however, noted that there are taller buildings opposite the site, also on Cardigan Road but on the southern side.
5. The proposal would be for a block of flats over four storeys. It is noted that there is already consent for a three storey building comprising of ground floor professional office (Use Class A2) and 16 flats (ref: (7-2019-13085-L). The revised proposal, subject to this appeal, is a single storey higher and would also be a wider building, with no commercial element now proposed.
 6. Either side of the site there are two storey buildings. There is the terrace of part commercial properties known as the Post Office Buildings to the west, being two storey with a parapet frontage. Then there is the semi-detached traditional two storey houses with pitched roofs to the east. The three storey building as approved would have been taller than the heights of the two storey buildings either side, but not significantly so. The additional height with the fourth storey now proposed would create a much more significant change in height from the other adjacent buildings on this northern side of Cardigan Road.
 7. Further to this additional height there is also the increased width over what was approved previously. The proposed building spans more of the site width and also does not have the hipped/pitched roof which reduced the bulk of that previously approved. Whilst I note the fourth floor would be stepped in from the sides and back from the front elevation with use of zinc as a material to this top floor, the building within the street scene would still appear as a four storey building and a particularly bulky addition to the street within this northern frontage, especially compared to what was approved in 2019. Furthermore, being built up to the eastern boundary with No 8 the building would have more of a visual relationship with this house. As such, the proposed building close to the boundary of No 8 would highlight the significant difference in height between the proposed four storey block and the two storey house to the side.
 8. The northern side of this section of Cardigan Road is typified by two storey properties of similar heights. The three storey building as approved, with its hipped roof, would be taller than the adjacent buildings but not significantly so, with there also remaining a visual gap to the side adjacent to No 8. However, the proposal is for a four storey building across much of the site width, which would appear incongruous and overly prominent within this street scene, when considered in its context close to the sides of two storey buildings.
 9. I note the four storey buildings opposite and the Council opinion on how they contribute to the street scene. Nonetheless, they are opposite the site and so are a part of the setting and context of the site. I have therefore taken these neighbouring buildings into consideration. However, Cardigan Road has a prevailing character of two storey buildings, with the existing four storey buildings more of an anomaly. Furthermore, it is my opinion that the proposed building would be seen more within the context of its position in the northern side of Cardigan Road, in close proximity to the two storey buildings either side. It is the juxtaposition of the proposed four storey building so close to the adjacent buildings to either side that would mean that it would appear overly prominent, out of scale and incongruous.
 10. The existing building is not currently being used and is in a poor state, but a replacement building does not need to have the visual impacts as that

proposed with this appeal. The existing building is single storey, but its ridge height is similar to the height of the adjacent Post Office Buildings and so it does not currently appear incongruous in the street scene.

11. There are 'permitted development' rights in certain circumstances to build upwards with additional storeys. However, this is a planning application and whilst in certain circumstances the building of the height proposed may be appropriate this is not the case within this location for the reasons given.
12. I acknowledge the comments from the Council regarding the other aspects of the design. However, I would regard there to be a sufficient level of front elevation articulation with suitable materials also proposed. For a building of the size proposed the flatness of the frontage is not a design concern, being similar to some other buildings in the area. Its position adjacent to the footpath is also similar to the adjacent Post Office Buildings and so is an acceptable position within the plot for the proposed building.
13. However, it is the combination of the height and width of the proposed building, which I consider as being incongruous within the street scene, which would result in the development being harmful to the character and appearance of the area. The proposal would not positively assimilate into the street scene. The development therefore is contrary to Policy 6.10 of the Bournemouth District Wide Local Plan (2002), and Policy CS41 of the Bournemouth Local Plan: Core Strategy (2012). These policies require that proposed developments respect the site and its surroundings, and respects or enhances the character and appearance of the area, amongst other things. These policies are in broad accordance also with the National Planning Policy Framework.
14. There is no substantive evidence before me why the proposed development would be contrary to policy CS21 of the Core Strategy, which appears to relate to housing distribution.

Living Conditions

15. The proposal would include three flats on the ground floor. The rear flats would have bedroom windows adjacent to a parking area. This is not ideal, though this is a small parking area and therefore should have limited potential to cause significant noise and disturbance to future occupants of these two flats.
16. At ground floor, two of the flats have small terrace areas which could be used as amenity space. The scope of these terraces for use as amenity space is limited by their small size, but this is not unusual for flatted development of this type. There is no terrace shown for the one-bedroom flat, but it is possible that an area could be provided to the western side. The amenity space provision is therefore adequate.
17. Being at ground floor with buildings to the west there is likely to be some limits to natural light getting to the windows on the ground floor flats, but there is no substantive evidence before me that such light would be insufficient to achieve reasonable living standards. The outlook, particularly for the rear ground floor flats is essentially either towards a parking area to the east or towards the western boundary fence/wall which would be in close proximity. Whilst this would be of limited outlook quality it is not particularly dissimilar to the studio flats previously approved. In any case, the outlook quality would not be such

that it would warrant dismissal of the appeal on this basis, especially considering the urban setting of these flats.

18. There are also existing neighbours to the site. One such neighbour is at the semi-detached house of No 8 Cardigan Road to the east. There would be some windows which could offer a view from the rear garden of No 8 particularly, but most views would be oblique or at a distance that should suitably mitigate overlooking impact sufficiently. I also note the extant permission had windows which would offer a similar level of overlooking impact.
19. The proposal would introduce a tall wall close to the side boundary of No 8. However, the side elevation of No 8 is mostly free of windows with the main rear garden of this neighbouring property not being in particularly close proximity to the proposed development side wall on this eastern elevation. The proposed development would not be overbearing for occupants of No 8.
20. With regards to the flats near the western boundary of the site, within the Post Office Building, it is acknowledged that the proposal would be taller and generally larger than that approved and near the boundary with these neighbouring dwellings. However, the separation distance to the flats and particularly windows in these flats would be sufficient to avoid significant overbearing impacts, especially when considering the extant consent with its similar level of impact in this regard. However, there are windows on this side elevation which could result in undue levels of overlooking of flats at the Post Office buildings, particularly No 10. The appellant has suggested the use of conditions to ensure obscure glazing for some windows where necessary, which I consider could be sufficient to overcome this issue.
21. Overall, the proposal would not result in any significant adverse neighbour living condition impacts or result in substandard living conditions for future occupants. On this matter, the proposal is in general accordance with Policy 6.10 of the Bournemouth District Wide Local Plan (2002), and policy CS41 of the Bournemouth Local Plan: Core Strategy (2012). These policies require that the living conditions of other existing occupiers are respected, and proposed developments should provide a high standard of amenity to meet the day to day requirements of future occupants, amongst other things.
22. As with the first main issue, there is no substantive evidence before me why the proposed development would be contrary to policy CS21 of the Core Strategy on this matter.

Affordable Housing

23. The proposal is for 18 flats, of which the Council requires an affordable housing contribution. The Affordable Housing Development Plan Document (DPD) is an adopted Council document on this issue. Policy AH1 of the DPD requires all residential development to contribute towards the target of 40% affordable housing. The Council has no objection raised against an off-site contribution. In the Council statement they set out that the total affordable housing contribution with Vacant Building Credit would be £24,053.84.
24. A unilateral legal agreement with a planning obligation to contribute this sum of money towards affordable housing has been included. It therefore appears that the appellant is willing to meet the Council policy based requirement. It therefore suggests that there is no conflict on this issue and the proposal would

meet with the DPD policies. However, as the appeal is to be dismissed I have not sought further comment from the Council on the submitted legal agreement or whether they are now content that this is sufficient to address this matter.

Dorset Heathland

25. The application site lies in the vicinity (within 5km and beyond 400m) of designated Dorset Heathlands SPA (Special Protection Area), Ramsar Site and Dorset Heaths SAC (Special Area of Conservation). Due to this close proximity of the site to these designated sites the additional residential dwellings, in combination with other dwellings proposed within this same approximate vicinity, would be likely to have a significant effect on the heathlands through increased recreational pressures.
26. The Dorset Heathlands Supplementary Planning Document has been adopted by the Council to mitigate the effects of residential development on the Dorset Heathlands for the period 2020-2025. This sets out a financial contribution towards heathland mitigation measures which includes a contribution towards SAMM (Strategic Access Management and Monitoring). Within the unilateral legal agreement submitted there is an obligation to pay the Heathland mitigation of £4,842 plus administration fee of £242.10, which meets with the requirements as set out in the Council statement. As such, this would seem to constitute sufficient mitigation, in accordance with policy CS33 of the Local Plan: Core Strategy.
27. 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.

Planning Balance

28. The Council have stated that they cannot demonstrate a sufficient housing land supply. Also, I note the outcome of the Housing Delivery Test (HDT) in January 2021 for this Council.
29. 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.
30. The proposal would provide dwellings towards the local housing supply in an accessible location and near a local centre, although this is not a particularly large scheme. There would also be an affordable housing contribution. There would be economic benefits from the construction of the dwellings, and this could be considered an efficient use of the site which would be brought back into use, amongst other potential benefits. I would give these benefits modest weight when considered together.
31. However, the harm to the character and appearance of the area and street scene as identified would be significant and as a result the environmental role of sustainable development (such as the need to protect and enhance the built

environment) would not be achieved. When assessed against the policies in the Framework taken as a whole, the adverse impacts would significantly and demonstrably outweigh the benefits. Therefore, the conflict with the development plan is not outweighed by other considerations, including the Framework.

Conclusion

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

Mr S Rennie

INSPECTOR