



Appeal Decision

Site visit made on 4 February 2022

by David Wyborn BSc(Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 February 2022

Appeal Ref: APP/V1260/W/21/3281880

15 Southbourne Overcliff Drive, Bournemouth BH6 3TE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission
 - The appeal is made by Mr & Mrs M Bale against Bournemouth Christchurch and Poole Council.
 - The application Ref 7-2021-28187, is dated 7 June 2021.
 - The development proposed is the erection of a replacement dwellinghouse with detached garden room.
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Decision

1. The appeal is dismissed and planning permission is refused.

Preliminary Matters

2. The appeal is made against the non-determination of the application by the Council within the statutory time period. The Council has explained in its appeal submissions that were it to have decided the application it would have been refused for six reasons. I am satisfied that the appellant has had the opportunity to study these reasons for refusal and, if wished, to respond at the final comments stage of the appeal. Therefore there is no prejudice with me considering the main issues based on the Council's indicative reasons for refusal, although I have combined some reasons together as main issues.

Main Issues

3. The main issues are:
 - whether or not the scheme would result in the loss of a small family house contrary to Policy CS19 of the Bournemouth Local Plan: Core Strategy (October 2012) (the Core Strategy),
 - the effect of the development on the character and appearance of the area including whether the scheme would have sufficient regard to existing and proposed soft landscaping,
 - the effect of the development on the living conditions of the occupiers of surrounding properties, in particular with regard to any overlooking, outlook or overbearing impacts, and
 - whether the scheme would provide a policy compliant level of cycle parking provision and electric charging vehicle capacity.

Reasons

Whether or not the scheme would result in the loss of a small family house

4. A key aim of Policy CS19 of the Core Strategy is to pursue a mixed and balanced housing stock across the plan area and part of that strategy includes the protection of small family dwellinghouses. These are defined as a house or bungalow with an original gross external floorspace of below 140sqm. The policy explains that the loss of small family sized dwellinghouses, including through demolition, will be resisted.
5. In this case, the appeal dwelling is a modest sized house which the Council has indicated is below the 140sqm threshold and therefore would constitute a small family dwellinghouse for the purposes of Policy CS19. In this way, the dwelling makes a small but worthwhile contribution to retaining a more balanced housing stock and thereby supports the aims of the policy. While the redevelopment of the building would still result in a single dwelling, the floor space would be spread over four floors and would be substantially greater than the present floorspace.
6. As a consequence, the proposal would result in the loss of a small family dwellinghouse and it would be replaced by a building of a different type and size that would not fulfil the small family dwellinghouse function. While the property is in need of some repair, I have not been presented with any substantive evidence why a small family house could not be retained on the site in accordance with the policy aims and requirements.
7. Accordingly, I conclude that the scheme would result in the loss of a small family dwellinghouse contrary to Policy CS19 of the Core Strategy which seeks to retain a balanced stock of housing across the plan area.

Character and appearance

8. Southbourne Overcliff Drive¹ is a reasonably linear road with mainly residential properties on one side which face out across the road, the adjoining strip of public landscaped area and beyond to the sea. The properties are a mix of styles including with some original buildings that have been altered with the addition of balconies and some more contemporary designed properties with viewing platforms. Often the replacement buildings appear to be larger than the other properties and have three floors, and sometimes a fourth storey which at times is recessed as part of the overall design.
9. 15 Southbourne Overcliff Drive is a modest two storey dwelling which lies in a run of four buildings angled in their plots towards the road. On one side is the fairly sizeable Seascape flatted building, which is contemporary in its design. This building has, with the elevation facing the main road, parts of the first and second floor set a little way back from the ground floor and with the fourth storey recessed back from the front roof edge and from the eastern side of the building. On the other side of No 15 are two older buildings that are more modest in scale than Seascape but are effectively three storeys because of the use of the roof space for accommodation.
10. Accordingly, this run of buildings is fairly typical of the broad mix of building types and sizes along the road. No 15 is the smallest building in this group, on

¹ and Boscombe Overcliff Drive which joins with this road.

the narrowest plot, and its height and hipped roof allows some space around the building in comparison with the more dominant appearance of the Seascape building which, I understand, was before redevelopment a reasonable sized hotel.

11. The replacement dwelling has been designed with the side walls aligned with the existing building and the height of the main roof section would be the same as the ridge of the existing property. However, the first three floors would be fairly box-like in profile and some of the spaciousness around the existing building would be lost. Furthermore, the first and second floors would project forward over the recessed ground floor. These parts of the building would be angled in the site and extend towards the front of 17/19 Southbourne Overcliff Drive. This forward projection would lose the staggered positioning of the buildings in this run and make the bulk of the structure more prominent in the street scene, especially in angled views from the broadly south west. The top floor, although recessed back from the frontage, would be visible in some views, especially from some areas of the public landscaped strip on the other side of the road. In these views, the top floor would add to the height and overall bulk of the building on the site.
12. The frontage design, and the building as a whole, is not without merit as a piece of stand-alone architecture, and four storey buildings with a recessed top section are not untypical in this road. However, on this site, the replacement building, with the combination of elements I have outlined above, especially with the height, the bulk projecting forward and the closeness to the boundaries on this reasonably narrow plot, would result in the replacement structure appearing as unduly cramped. The building would be the same height and have similar features as the neighbouring building at Seascape but, for the reasons explained, the form of the proposed dwelling would result in an overdevelopment of the plot that would not be sympathetic or complement the other buildings in this run.
13. In coming to these conclusions regarding the impact on the street scene, I have carefully considered all the submissions, including the examples of other buildings drawn to my attention in the area, the original Design and Access Statement, the Planning Policy Statement and the photomontage which represents the appearance of the building from a nearby public viewpoint.
14. At the rear, the modest presence of the existing building would be replaced by a more bulky and dominant structure with the three lower floors all aligned and projecting further back in the plot. This bulk of building would extend across much of the width of the site. This addition would, in combination with the proposed outbuilding, appear from some of the adjoining properties and their gardens, in particular No 17/19 and 41 Southwood Avenue, as an over intensive development on this reasonably limited size of plot. The effect of the bulk and dominant appearance upon these rear areas adds to the concerns regarding the overdevelopment of the site when viewed from the frontage areas.
15. At the rear there is some soft landscaping within the site and within the adjoining gardens, in particular at 56 Grand Avenue and 41 Southwood Avenue. Some of this landscaping consists of modest sized trees and they have a greening effect as well as helping to partially screen views between properties. The proposed outbuilding would be constructed within the rear

garden of No 15 and span much of that part of the plot and would be positioned in reasonable proximity to existing garden trees. The rear section of the extension, especially on the eastern side, would also extend back and be reasonably close to some small trees.

16. The application has not been accompanied by a detailed arboricultural report² that identifies the tree root protection areas or sets out recommendations for the works, including foundations, that would clearly demonstrate that the most important trees, including those in neighbouring gardens, would not be unduly affected. With the replacement dwelling and outbuilding coming fairly close to some of the trees it is considered there is a likelihood that the trees, albeit modest sized but important specimens, could be harmed to the detriment of the character and appearance of the area. The extent of the development would also result in less garden available to incorporate a substantive replanting scheme within the rear area of No 15. The likelihood of harm to the existing trees and the limited ability to provide a meaningful replanting scheme adds to the concerns that the scheme would result in an overdevelopment of the site and would thereby harm the character and appearance of the area.
17. As a consequence of these findings, the scheme would not meet with the Framework policies that decisions should ensure developments add to the overall quality of the area and are sympathetic to local character.
18. In the light of the above analysis, I conclude that the scheme would harm the character and appearance of the area. Accordingly, the proposal would conflict with Policies CS22 and CS41 of the Core Strategy, saved Policies 4.25 and 6.8 of the Bournemouth District Wide Local Plan (2002) (the Local Plan), the Residential Development – A Design Guide (September 2008) (the Design Guide) and the Framework which seek, amongst other things, that the scale, appearance and density of the development is in keeping with the surrounding area.

Living conditions

19. The replacement dwelling has been designed with front facing balconies. In this respect the design is similar, in principle, with other buildings along this road. However, the front balconies to the first and second floor would project forward and be angled, albeit obliquely, towards the existing balconies along the front of Seascape. Because of this relationship, and even with the glazed screen facing No 15 at the end of the existing balcony of Flat 4 at Seascape and the proposed obscure glazing shown on the plans, future occupants of the replacement dwelling would, in all likelihood, be able to look across from parts of the proposed balconies at No 15, and potentially from some areas inside some of the large windows on these two middle floors, towards the balconies and windows of the closest flats at Seascape.
20. There are general public views from the road and landscaped strip towards any occupier using their front balconies at Seascape, and therefore these existing external areas are not especially private. However, the introduction of the balconies at No 15 where the relationship and views would be in such proximity would result in a material decrease in privacy, and the perception of privacy, for the existing residents of the flats at Seascape, in particular the occupiers of Flat 4 on the first floor and Flat 6 on the second floor. An unacceptable

² I have noted the trees plotted on the Topographical survey

relationship would result which I am not satisfied by the evidence could be adequately addressed by screens or planning conditions attached to any approval.

21. The solid walls of the eastern side elevation of the replacement dwelling would prevent views from the proposed balconies at No 15 across towards the balcony at No 17/19. However, this adjoining property has two roof lights on the sloping roof which faces towards No 15. It seems to me that it would be possible to look from sections of the terrace on the top floor of the replacement dwelling, and potentially from within an internal section of this top floor, down through the rooflights and into the upper floor accommodation at No 17/19. With the modest distance involved, this would cause an unacceptable overlooking issue.
22. At the rear of Seascape, parts of this building are set in from the main rear wall. These recessed areas include the rear facing kitchen windows of Flats 4 and 6, which are close to the boundary with No 15. At my site visit, I visited Flat 6 and viewed the site from the kitchen window. The rear projection of the replacement dwelling at No 15 would extend beyond the kitchen windows of Flats 4 and 6 and the presence of this flank wall would create a fairly immediate and stark presence. This relationship would result in an overbearing impact on the living conditions of the occupiers of these two flats when they were using parts of their kitchen. Furthermore, the projection back and the proximity to the boundary would be such that parts of the outlook and some natural light would be adversely affected in the kitchens of both flats.
23. In terms of the effect on 41 Southwood Avenue, this property has a rear garden that backs onto the rear garden of No 15. The trees along this joint boundary help partially to screen the views of No 15 from the garden area of No 41 and vice versa. As I saw at my site visit when I visited this property, there are also angled views to and from the rear bedrooms of both properties but this is not especially harmful at the present time because of the separation, the size of the windows and because there are similar levels of mutual intervisibility between a number of residential buildings in this area.
24. However, the redevelopment scheme would incorporate a set of quite large floor to ceiling windows over three floors as part of the rear elevation. These windows would be slightly angled in the plot, would be visible from No 41 and be closer than the existing rear elevation of No 15. While there is some partial screening within the garden of No 41 and along the boundary, the position, height and extent of the replacement dwelling with its windows would still have a looming presence when experienced from within parts of the garden of No 41 and from sections of the rear, first floor bedrooms. The overbearing presence of the proposed replacement dwelling for the occupiers of No 41 would be compounded by the bulk and proximity of the top section of the proposed outbuilding which would also be visible from their property above the boundary fence. Additionally, I consider that the upper windows in the rear elevation of the replacement dwelling would lead the occupants of No 41 to being overlooked when in parts of their rear garden and rear rooms.
25. In relation to the impact on the occupants of No 17/19, because of the height, bulk and projection back in the plot of the three storey element of the replacement dwelling, it would cause an overbearing impact for the occupants of No 17/19 when they were using their rear garden area.

26. At my site visit I also visited 56 Grand Avenue. The bulk of the rear projection of the replacement dwelling at No 15 would be more perceptible than the present building for the occupiers of No 56, particularly when viewed from areas to the side of their property and the rear garden. However, in many respects this would be broadly comparable with the impact of Seascape which is a similar height and also has a noticeable presence from parts of No 56. There appears to be some form of obscure glazing to the most affected windows that face towards No 15 and this is likely to reduce any potential privacy issues in respect of views from the rear windows of No 15 towards No 56. The proposed relationship between these buildings would be satisfactory and the living conditions for the occupants of No 56 would not be so affected by the replacement dwelling as to result in undue harm.
27. I have taken into account all the representations, including from local residents and also carefully considered the detailed responses from the appellant, especially those comments dated 30 July 2021. However, in particular based on my analysis of the plans and my site visit, for the reasons explained above, I conclude that the scheme would cause an unduly harmful effect on the living conditions of the occupants of the above identified adjoining properties by way of overlooking, outlook and overbearing impacts. Consequently, the scheme would not comply with saved Policy 6.8 of the Local Plan, Policies CS22 and CS41 of the Core Strategy, the Design Guide and the Framework which seek, notably in this regard, that development will be expected to provide a high standard of layout and design that ensures adequate privacy for the occupants of adjacent residential properties.

Cycle parking provision and electric vehicle capacity

28. Policy CS18 of the Core Strategy requires all new development to provide adequate cycle storage in accordance with the Council's adopted standards. The detailed requirements for cycle storage are explained in the BCP Parking Standards Supplementary Planning Document (2021) (the Parking SPD). This explains the options for providing dedicated cycle parking provision for different types of development and to ensure that it is provided in an accessible location.
29. In terms of this scheme, the frontage area would be mainly laid to a driveway for vehicle parking, with some of the boundaries shown with planters. There appears to be limited space to accommodate cycle storage in this area. At the rear, the garden is proposed to have a fairly formal design and within the reasonably limited space that would remain it is not clear how the provision of cycle storage could be incorporated in a way that would not undermine the overall layout. Consequently, the submitted layout would not provide the necessary cycle storage and it is not clearly evident or explained how this requirement could be met. Accordingly, the scheme would not meet with the requirement of the Core Strategy and the Parking SPD to provide suitable cycle storage and I am not satisfied that this could be left to a planning condition in any approval.
30. In terms of electric vehicle charging points, these are also not shown on the submitted plans. They would need to be provided adjoining the vehicle parking spaces. With a comprehensive redevelopment of the site, I see no reason why charging points, either attached to a front part of the dwelling or a post near one of the planters, could not be provided to meet this required purpose. Such

provision could be incorporated without any material impact on the layout of the site. In these circumstances, electric vehicle charging points could be made the subject of a planning condition in any approval.

31. In the light of the above, I conclude that the provision of electric vehicle charging points could be addressed by a suitably worded condition in any approval. The scheme could therefore meet the requirements of Policy CS17 of the Core Strategy in this respect. However, the provision of cycle storage to the required standard has not been demonstrated. This could not be left to be addressed by a planning condition in any approval for the reasons explained and, as a consequence, the scheme would not comply with Policies CS18 and CS41 of the Core Strategy, the Parking SPD and the Framework which seek, notably, to increase opportunities for cycling.

Conclusion

32. The scheme would replace a somewhat tired building with a modern structure that would include the ability to meet up-to-date energy and sustainability standards. However this could also be achieved with a smaller replacement dwelling. As I have found above, the scheme would result in the loss of a small family dwellinghouse, harm the character and appearance of the area, unduly effect the living conditions of the occupants of neighbouring properties and not provide satisfactory cycle storage. These are matters which weigh to a substantial extent against the proposal and would not be outweighed by any benefits of the scheme.
33. Accordingly, the proposal would not comply with the development plan when considered as a whole and there are no material considerations that indicate otherwise. I therefore conclude that the appeal should be dismissed and planning permission refused.

David Wyborn

INSPECTOR