



Appeal Decision

Site visit made on 27 September 2022

by Rachel Hall BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 November 2022

Appeal Ref: APP/V1260/W/22/3296073

36 Gorsecliff Road, Bournemouth BH10 4HB

- 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 A Dudley against the decision of Bournemouth Christchurch and Poole Council.
 - The application Ref 7-2021-20897-D, dated 22 November 2021, was refused by notice dated 14 January 2022.
 - The development proposed is erection of a dwellinghouse; formation of vehicular access and parking.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The site is described as being within 5km of the Dorset Heathlands Special Protection Area (SPA) and Ramsar Site, and part of the Dorset Heaths Special Area of Conservation (SAC). The appellant has submitted a unilateral undertaking which is intended to provide mitigation for the impacts of the development on those designated sites. The Council has confirmed their acceptance of the undertaking. Consequently I return to this in Other Matters below rather than addressing it as a main issue.

Main Issues

3. The main issues are:
 - the effect of the proposed development on the character and appearance of the surrounding area; and
 - whether the proposed development would provide adequate living conditions for its future occupants, with particular regard to outlook and internal layout.

Reasons

Character and appearance

4. The appeal site is in an area with a traditional grid layout where houses on parallel and perpendicular roads front on to the road to a broadly consistent building line. In addition there are many examples of infill development where new houses appear to have been built using garden land from several adjacent houses. For example, Glenmoor Gardens, Hartmoor Gardens and Ensbury Gardens are parallel roads providing access to houses built to the rear of those

on Ensbury Avenue. On those three roads, houses are all two storey and positioned to similar building lines. Therefore there is some consistency in the design and layout of such houses, although they are likely to have been brought forward as separate developments.

5. There is a pleasing degree of consistency in the form and scale of house Nos 1 to 6 Ensbury Close. Large front facing windows address the street and create a friendly appearance. The house opposite the appeal site, 8 Ensbury Close, is of a conventional design comprising a two storey detached house with symmetrical front facing windows and a central front door. The bungalow at 1A Ensbury Close is of a discreet design, set well back from the pavement and without velux or dormer windows to interrupt the plain tiled roof. The dormer bungalow at 58 Ensbury Avenue at the entrance to Ensbury Close is of a conventional, symmetrical form with groundfloor and dormer windows positioned to either side of the central front door.
6. The appeal building and adjacent houses on Gorsecliff Road are of a traditional two storey form with hipped roofs and front bay windows, modest front drives and private rear gardens. Although some rear extensions are evident, the undeveloped rear gardens of the appeal site and its neighbouring houses create a pleasant open aspect that is welcome given the relatively high density of housing in the locality. The sense of openness is appreciable on roads close to the appeal site, including from Ensbury Close, Ensbury Avenue and from the entrance to Glenmoor Gardens.
7. As such, whilst there is a reasonable degree of variation in house design in the locality, there is a prevalence of more traditional house forms. Furthermore new developments are generally consistent with neighbouring houses constructed at a similar time, or of an established form that is visible within the locality.
8. The proposed dwelling would be prominent in the street scene on Ensbury Close due to its position relatively close to the pavement. Its prominence would be emphasised by the rear gardens that would remain on the plots to either side. Therefore its building line would appear inconsistent with adjacent plots. It would also reduce the welcome sense of openness created by the undeveloped rear gardens.
9. The proposed understorey parking spaces would introduce a new form of development not commonly seen in the locality and would be at odds with the generally traditional form of housing here. In addition, the combination of the projecting rectangular bay window with opaque glazing and a high level, horizontal kitchen window, would appear oppressive and in stark contrast to the simple, conventional front windows that are prevalent on nearby houses.
10. The appellant has highlighted numerous variations in the character and appearance of houses in the locality. It is clear that the traditional road layout has evolved over time. However as reasoned above, there is a high degree of consistency amongst new houses on those discreet developments, such as Glenmoor Gardens. In addition, the form and design of such houses, including their window placement and parking spaces, does not appear wholly at odds with traditional house designs. Whereas I have reasoned that the appeal scheme would.

11. The form of the apartment building at the corner of Glenmoor Gardens and Ensbury Avenue has the general appearance of a two storey dwelling and has a consistent building line with adjacent properties. Therefore it is not unduly prominent in the street scene. Other flats are present on Ensbury Avenue and Beswick Avenue. These are close to Columbia Road where there is a retail presence. Consequently, in contrast with the appeal site, a higher density of development and more constrained parking arrangements do not appear out of place there.
12. There are examples of bungalows adjacent to two storey housing, including on Ensbury Avenue and Ensbury Close. However, conventional single storey bungalows with hipped roofs are commonly seen within the locality and therefore do not draw the eye or appear at odds with the prevailing character of the area. Contrary to the appeal scheme, the bungalow positioned to the rear of 8 Ensbury Close and its parking arrangements do not appear prominent in the street scene.
13. The appellant's evidence also includes examples of houses that incorporate less conventional materials and building forms. For example a house on the corner of Gorsecliffe Road and Boundary Road comprises a single storey bungalow with first floor flat roof dormer windows not commonly seen in the locality. Nevertheless, any isolated examples of houses contrary to the prevailing character and appearance of the area do not justify allowing a scheme that I have reasoned would detract from the character and appearance of the area around the appeal site.
14. Accordingly, the proposed development would harm the character and appearance of the surrounding area. Consequently, whilst contributing to the overall supply of housing envisaged by Policy CS21 of the Bournemouth Local Plan: Core Strategy (October 2012) (Core Strategy), the proposal would conflict with the policy aspirations for housing to be of a good design, making a positive contribution to the character of the area and the existing street scene. Therefore it would conflict with that policy as a whole.
15. Similarly, it would conflict with the requirements in Policies CS6 and CS41 of the Core Strategy and saved Policy 6.8 of the Bournemouth District Wide Local Plan (February 2002) (Local Plan), for proposals to achieve good design and retain and enhance features that contribute to the character of the locality.
16. In addition, the proposal would conflict with paragraph 124 of the Framework which, whilst encouraging proposals that would make efficient use of land, also requires that decisions take into account the desirability of maintaining an area's prevailing character and setting (including residential gardens).

Living conditions

17. The provision of understorey parking at the front of the dwelling would create a somewhat linear internal layout for the dwelling at ground floor level. However the layout and size of the space would not be so compromised as to create an unacceptable living environment for future occupants of the proposal. Outlook from the living room onto the proposed garden area would be satisfactory. The proposed master bedroom at first floor level would be reasonably well lit due to the velux windows and a large opaque window fronting onto Ensbury Close. It is not uncommon for residential accommodation to include a bedroom within

the roof space and for such accommodation to be without a vertical window for views out of the property.

18. Therefore, taken as a whole, the proposal would provide acceptable living conditions for its future occupants, with particular regard to outlook and internal layout. Accordingly, in the circumstances of this case, the proposal would not conflict with the requirement in Policy CS41 of the Core Strategy for proposals to provide a high quality living environment for its future occupants. However, given the harm arising from the impact of the development on the character and appearance of the surrounding area, it would conflict with this policy as a whole. As all habitable rooms have one or more windows without obscure glazing, and I find that outlook from habitable rooms would be acceptable, the proposal would not be contrary to section 3.7 of the Council's Residential Development: A Design Guide (September 2008).

Other Matters

19. The Dorset Heathlands Planning Framework 2020-2025 SPD (April 2020) advises that the Dorset Heathlands is designated for protected and priority habitats and species including Dartford warblers, nightjars, woodlark, hen harrier, merlin, sand lizards and smooth snakes as well as other typical species of lowland heathland, wetlands and dunes.
20. The proposal, in combination with other developments in the area, would likely have a significant effect on the designated sites from increased recreational disturbance. The appellant's unilateral undertaking commits to payment of contributions to cover mitigation of the effects of the development on the heathland. The Council has also confirmed that such payment has now been made. As such it would satisfy Policy CS33 of the Core Strategy.
21. Therefore, if the appeal were to be allowed I would need to undertake an Appropriate Assessment in accordance with the Habitats Regulations¹. However, I have found the proposal would result in harm contrary to the development plan in respect of the character and appearance of the surrounding area. Accordingly, unless other material considerations indicate that planning permission should be granted, there is no need for me to consider this matter further.

Planning Balance

22. The Council acknowledge that it is presently unable to demonstrate a five year supply of deliverable housing sites in line with paragraph 74 of the National Planning Policy Framework (the Framework). Paragraph 11. d) ii) of the Framework states that where policies most important for determining the application are out-of-date, permission should be granted unless adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against policies in the Framework taken as a whole.
23. The proposal would contribute to the overall supply of housing envisaged by Policy CS21 of the Core Strategy, but would conflict with the policy as a whole due to the substantial harm to the character of the area, which would endure for the lifetime of the development. It would similarly conflict with Policies CS6 and saved Policy 6.8 of the Local Plan. Despite some compliance with Policy CS41 of the Core Strategy with respect to living conditions I have found that it

¹ The Conservation of Habitats and Species Regulations 2017 (as amended)

would conflict with the policy as a whole. For the purposes of this appeal these policies are broadly consistent with the Framework. Consequently, despite being out of date in relation to this appeal, the harm from conflict with these policies still carries significant weight.

24. The proposal would be located in an accessible location and provide adequate cycle parking thus satisfying Policy CS18 of the Core Strategy. I note that small family houses are encouraged by Policy CS20 of the Core Strategy. However, given the substantial harm to character and appearance it would not comply with the development plan when considered as a whole.
25. There would be small economic advantages of construction of the proposal which would be short term and a further modest benefit from occupation of the dwelling and associated spending in the locality. I have also taken into account that the proposal could meet the required energy efficiency standards. The proposal would achieve an incremental increase in housing supply in support of the Government objective of boosting the supply of homes, in an area with an acknowledged lack of future provision. Small sites can make an important contribution to housing supply and can be built-out relatively quickly.
26. The contribution of one new house, whilst a small contribution, would be a significant benefit in the context of the Council's housing land supply shortage. The extent of the Council's shortfall in housing supply against their five year supply requirement has not been provided. However even if the shortfall were substantial, neither the support for new housing in the development plan or the Framework is at the expense of ensuring that all development is appropriately designed and integrates suitably with its surroundings.
27. Therefore, whilst I have found the contribution to housing supply to be a significant benefit alongside other modest benefits, the harm to the character and appearance of the area would be of considerably greater significance. Consequently, the adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. Therefore, the proposal would not represent sustainable development.

Conclusion

28. For the above reasons, and having taken all other relevant matters into account, the proposal conflicts with the development plan taken as a whole and with the approach in the Framework. I therefore conclude that the appeal should be dismissed.

Rachel Hall

INSPECTOR