



Appeal Decision

Site visit made on 3 October 2022

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

an Inspector appointed by the Secretary of State

Decision date: 16 December 2022

Appeal Ref: APP/V1260/W/21/3285748

573 Christchurch Road, BOURNEMOUTH, BH1 4AH

- 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 Roger Rossano against the decision of Bournemouth Christchurch and Poole Council.
 - The application Ref 7-2021-8065-F, dated 20 July 2021, was refused by notice dated 12 October 2021.
 - The development proposed is for alterations, extension and conversion of retail storage area and flat into 4 flats, relocation of external staircase, formation of balcony at 1st floor level and erection of bin and cycle stores.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are (1) whether the proposed development provides adequate living conditions for future residents; (2) whether the proposed development adversely impacts on neighbour living conditions; (3) whether the proposed development would contribute appropriately to the housing mix of the area; (4) the impact of the development on the character and appearance of the area; and (5) the effect of the development on ecological sites of international importance.

Reasons

Living Conditions – Future Residents

3. There is an existing flat/MHO above the shop at No 573 Christchurch Road, though the proposal is to extend the building and for there to be a total of four flats.
4. One of the flats would be formed from the existing storage area of the shop at ground floor level. This flat would be served by a small yard to the rear. The windows for this flat would look out immediately onto the narrow path inside the site that would lead to the steps to the other flats, with the tall side elevation wall of the neighbouring property beyond.
5. This arrangement would result in limited privacy for future occupiers of this flat, with people likely to walk past the living room and dining room windows to access the other flats. However, the bedroom would have some privacy with the window for this room being adjacent to the private yard area. Also, there should not be many people passing these windows as the path outside is only for occupiers of the other flats and their visitors, and not the general public.

6. There is also the issue of outlook and light. This is not such an issue for the bedroom, but the other windows of the flat would have a short distance view of the bottom section of a high wall. Whilst I note that this is a high density housing area, this would be a particularly poor level of outlook for future residents. It is also likely that the rooms served by these windows would be gloomy and bleak due to lack of direct sunlight and also the height of the neighbours' wall across the path. It is this combination of poor outlook and light levels that leads me to conclude that the living conditions for Flat 1 would not be at an appropriate level.
7. There is existing accommodation above the shop which also has limited levels of outlook quality and natural light via its windows. However, this is a larger unit of accommodation with rooms also at higher level and with windows also at the front. In the case of Flat 1, natural light and levels of outlook would be poor from most of the windows proposed.
8. There would be overlooking from Flat 2 into the yard at Flat 1, but in this dense urban area some level of overlooking is typical and is not unreasonable in this instance.
9. The windows in the first floor flat (Flat 2) would have a similar outlook to Flat 1 but being at a higher level would likely allow more light into the flat. The outlook and light would still be limited but would be at an acceptable level.
10. However, for Flat 2 there is also the issue of the overall space provided, which is stated to be 39sqm. The appellant states these are 1 bedroom – 1 person flats. Whilst they all have just one bedroom shown on the plans, they appear to be of a bedroom size and layout more akin to being set for 2 persons. The 'Technical housing standards – nationally described space standards' are reflected with the Boscombe and Pokesdown Neighbourhood Plan policy BAP7. This is a clear guidance of what is acceptable and appropriate for the internal space for dwellings. These standards state that the internal space for a 1 bedroom 2 person flat should be 50sqm. This is applicable, in my view, to Flat 2, which is significantly below this figure in terms of internal space.
11. This is the same for Flat 4, in the roof space area which has an internal floor area of 41sqm. This also appears on the plans as a 1 bedroom – 2 person flat, but falls below the aforementioned 50sqm guidance. Furthermore, this flat does not have any external space to compensate for this at all.
12. From the evidence provided, including the layout plans, I have concluded that the internal size of both Flats 2 and 4 would result in overly cramped dwellings. It would not be reasonable nor enforceable for a condition or other such mechanism to limit the occupancy of the proposed flats in perpetuity.
13. For all these reasons, the proposed development would include some aspects which would result in poor living standards for future occupants and be contrary to policies CS21 and CS41 of the adopted Bournemouth Local Plan: Core Strategy (2012), Policies BAP2 and BAP7 of the Boscombe & Pokesdown Neighbourhood Plan. These policies require development to be of good design and encouraged to comply with the Technical Housing Standards, amongst other things.

Neighbour living conditions

14. There is an extension proposed at first floor to the rear, which would be part of Flat 2. Beyond this is planned to be a small terrace. Adjacent to this is a first floor terrace that serves the adjoining No 571. As such, the proposed layout could result in a loss of privacy.
15. To address this matter the appellant proposes a high screen along the boundary. This would prevent any significant loss of privacy, though has the potential to have an overbearing impact. However, it could be conditioned that such a screen be agreed by the Council in terms of materials, with the appellant suggesting obscure glazing. This would let light through to some extent and be less oppressive. Furthermore, the screen would not be of a significant height from the neighbours' perspective. Subject to condition, this aspect of the proposal would not result in any significant adverse impact to neighbour amenities.
16. There is no other potential impact to neighbour living conditions as a result of this proposed development. The proposal, with regard to this main issue, is in accordance with policies CS21 and CS41 of the Core Strategy, and saved Policies 6.10 and 6.13 of the District Wide Local Plan, which require that development should not harm the amenities of neighbouring residents, for example.

Character and Appearance

17. The front elevation of the proposal would not significantly change. There would be alterations to the rear, such as the new storage building to replace the dilapidated garage, which would be a visual enhancement.
18. There would also be an extension to the rear which at first floor level would be visible from outside of the site, but this is a modest addition and would not be prominent within the street scene. It would not be harmful to the character of the area.
19. Overall, I would regard the proposed development and all of the external extensions and alterations as being of satisfactory appearance in this context, conserving the character of the area with some elements being enhancements.
20. The proposal is therefore appropriate in this regard, according with policies CS6, CS21 and CS41 of the Core Strategy, policies BAP1 and BAP2 of the Neighbourhood Plan, and Saved Policy 6.10 and 6.13 of the District Wide Local Plan, which requires that development does not harm the appearance and character of the building or area, amongst other things.

Housing Mix

21. The proposal is for four 1-bedroom dwellings. Policy BAP 6 of the Neighbourhood Plan requires that developments such as this include at least 1 x 2 bed flat with direct access to outside amenity space if available, and at least 1 unit which meets lifetime home standards.
22. Two of the flats have an outdoor amenity area, albeit small. However, there are no 2-bedroom flats proposed and there is no substantive evidence why this has not been provided. It might be that this is an area more popular with

individuals or couples, but there may still be demand for a two-bedroom dwelling in the development.

23. As such, the proposal is contrary to policy BAP 6. However, I recognise the Council cannot demonstrate a sufficient housing land supply and that the proposal would result in four dwellings. This will be taken into consideration with the latter planning balance.

Ecological Sites - Heathland

24. As set out by the Council, the site is within 5km of a designated Dorset Heathlands SPA (Special Protection Area) and Ramsar Site, and part of the Dorset Heaths candidate SAC (Special Area of Conservation).
25. The proposed development would likely result in increased numbers of people living in this area and could therefore contribute to recreational pressures on these important ecological sites.
26. There is The Dorset Heathlands Planning Framework 2020-2025, which advises that mitigation would be needed in these circumstances, with a contribution towards the Strategic Access Management and Monitoring.
27. In this case the appellant has submitted a legal agreement to pay the contribution, which indicates that the proposal would accord with policy CS33 of the Core Strategy. However, if I was set to allow the proposed development then I would have consulted the appellant, Council and Natural England for further comment. In the circumstances I have not pursued this matter further.

Planning Balance

28. The Council has acknowledged that it cannot demonstrate a 5 year housing land supply. Paragraph 11 of the National Planning Policy 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. Given the lack of a five year housing land supply, paragraph 11 d) of the Framework (the 'tilted balance') is engaged.
29. In this case the proposal would provide towards housing supply for the area, in the form of the four flats. There would be economic benefits from the construction of the development, together with the financial boost from future occupiers using local businesses. This could be considered an efficient use of the site, amongst other potential benefits.
30. That said, it is important to bear in mind that the presumption in favour of sustainable development as it is set out by the Framework does not mean development at all costs. There is a lack of suitable living standards with the proposed development effecting three of the flats proposed. The housing mix does not provide any two-bedroom flats but considering the need for a boost to housing this has a limited level of harm. However, primarily for the lack of sufficiently good levels of living standards for future occupiers, it is my view that the adverse impacts of this development would significantly and demonstrably outweigh the benefits when assessed against the policies in the National Planning Policy Framework taken as a whole, with paragraph 130 of

the Framework requiring that development has a high standard of amenity for existing and future users.

Conclusion

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

Mr S Rennie

INSPECTOR