
Appeal Decision

Site visit made on 13 December 2022

by S Leonard BA (Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 December 2022

Appeal Ref: APP/V1260/W/22/3300728

38 Corhampton Road, Bournemouth BH6 5NU

- 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 CJ Simpson against the decision of BCP Council.
 - The application Ref 7-2021-9129-C, dated 11 March 2021, was refused by notice dated 10 December 2021.
 - The development proposed is described as "*demolition of 2no. flats and erection of 5no. flats and formation of bin store*".
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - The effect of the proposal on the character and appearance of the area;
 - The effect of the proposal on the living conditions of the occupiers of 15 Hambledon Road, with particular reference to outlook impacts; and
 - The effect of the proposal on the integrity of the Dorset Heathlands SPA, Ramsar Site and Dorset Heaths SAC (the European sites).

Reasons

Character and appearance

3. The rectangular-shaped appeal site lies in a visually prominent position, on the junction of Corhampton and Hambledon Roads, within an established urban residential area within the designated settlement policy boundary.
4. The locality around the appeal site is characterised by detached, two-storey houses, which face the street, behind front gardens or parking areas set behind low front boundary walls/fences. This frontage treatment, together with generous plot sizes incorporating long rear gardens, contributes to the area having a pleasant, spacious character.
5. Dwellings tend to be traditionally designed, under simple hipped roofs. Common elements of design detailing, such as large projecting front bay windows, front porches, a predominance of rendered wall finishes, with brick and tile hung elements, and uniform front building lines, combine to give a sense of overall design cohesion throughout the area.

6. The appeal site is typical of this prevailing character. It is occupied by a detached, two-storey property, comprising a former dwellinghouse which has been converted into two flats. The site highway frontages are defined by low timber fencing with boundary hedging and shrubs behind, which enclose soft-landscaped gardens providing a spacious setting to the building. A gated vehicular access from Corhampton Road serves an on-site parking space.
7. The building has principal elevations, incorporating large bay windows, fronting onto both roads. Although in use as flats, the outward appearance of the property, when viewed from the public realm, remains that of a traditionally designed dwelling. Its steeply hipped roof incorporates a narrow flat roofed element on its ridge, and a clearly subservient gable ended projection. The roof is simple, uncluttered, and free of extensions, in keeping with the prevailing roofscape, and it contributes to the prevalent spacious residential townscape.
8. As such, the appeal site makes a positive contribution to the quiet, spacious, regular, domestic-scale, residential character of the area, and it sits harmoniously within the established street scene.
9. The appeal scheme would replace the existing building with a larger structure, comprising a 3-storey apartment block. The combined footprint, scale and bulk of the new building would be notably greater than that of the adjacent rows of houses.
10. Despite having a hipped roof form and similar eaves and ridge heights as the existing building, the proposed roof form would be markedly bulkier than the roof to be replaced. The proposal would introduce a perceptibly more complex roof form, which would result in the building appearing overtly 3-storey within the townscape. The proposed mix of roofing elements comprising a large flat-roofed central section, a long dormer across the front, an additional side dormer, and an element of side walling extending up to the ridge, would amount to a discordant, top-heavy and overly bulky roof form, which would appear incongruous and over-dominant within the street scene.
11. The proposed front dormer would occupy a considerable amount of the front roof slope, and would dominate this part of the roof due to its long width, its position extending close to roof ridge and both side roof slopes, and incorporation of large areas of tile hanging. The proposed side dormer would appear similarly cramped within the roof slope having regard to its proximity to the ridge and roof slopes, and its glazed element would occupy a discordant position in relation to the alignment of the ground and first floor windows below. The proposed cropped gable side element, incorporating a 3-storey height side wall, would introduce a further discordant element to the proposed roof. As such, the proposed roof design would draw the eye to the upper level of accommodation, thereby emphasising its incongruity within the street scene.
12. The proposed larger building footprint would result in a full height building extending further back into the site, and as a consequence, having a greater visual prominence along the Corhampton Road frontage, where it would present a hard built edge close to that site frontage. This would be out of keeping with the more spacious set-back and soft landscaped frontages which are typical of the area.

14. Moreover, the combined height, depth and proximity to the site boundary with 15 Hambledon Road of the proposed 3-storey flank wall, would result in the new building appearing unduly cramped in relation to that property.
15. All the above factors would combine to give the new building an unduly visually prominent and overbearing impact within the street scene. It would appear at odds with the more spacious, modest scale development which surrounds the site.
16. The appellant has drawn my attention to the existence of other 3-storey properties within the vicinity of the appeal site. I saw during my site visit that there were several properties nearby in Corhampton Road that have roof accommodation provided by dormer windows. I have not been provided with the precise details of these properties, or their planning history. I saw, during my site visit, that when viewed from the public realm of the street, the side dormers appear as visually unobtrusive and subsidiary in scale to the main roof, and that they do not detract from the original simple 2-storey hipped roof form of those properties.
17. I also saw a large 2/3 storey flatted building located on the corner of Hambledon Road and Christchurch Road, which has also been referred to me by the appellant. This is a significantly larger scale building than the appeal proposal and the 2-storey houses which predominate within the immediate vicinity of the appeal site. It rises in height from 2-storey to 3-storey on the corner with Christchurch Road, which is a busy classified road and a focus of local facilities and services. In this location, such a large building does not appear out of place within the context of mixed residential and commercial properties fronting onto this main vehicle thoroughfare.
18. For these reasons, whilst some second floor roof level accommodation could be acceptable in principle on the appeal site, subject to an appropriate design, I do not find the 3-storey properties referred to by the appellant to be directly comparable to the appeal scheme, nor to justify the proposal on the appeal site. As such, they do not alter my conclusions in respect of the design of the proposed development.
19. For the above reasons, I therefore conclude that the proposed development would have a materially harmful impact on the character and appearance of the area. As such, it would be contrary to Policies CS21 and CS41 of the *Bournemouth Local Plan: Core Strategy* (2012) (the Core Strategy) and Saved Policy 6.10 of the *Bournemouth District Wide Local Plan* (2002) (the Local Plan). These policies, amongst other things, seek to ensure that new development is of a high quality design, maintains and enhances the quality of the street scene, and respects the site and its surroundings in terms of factors including scale, layout, siting, character and appearance.
20. For similar reasons, the proposal would also be contrary to Chapter 12 of the *National Planning Policy Framework 2021* (the Framework), which seeks to ensure high quality design.
21. The third element of the Council's reasons for refusal relates to poor design associated with the proposed cycle and bin store facilities. I have noted the Council's concerns that these would be of insufficient size to comply with its adopted bin and cycle store requirements, would be sited in a harmful position in relation to the site frontage and the proposed building, and would, in

addition to the proposed flats building, contribute to an incongruously cramped form of development.

22. However, the Council's statement of case and Officer Report do not specify the Council's precise bin and cycle parking requirements in respect of the development. I acknowledge that, in addition to bin and cycle parking, the proposed flats would reasonably be required to provide outdoor amenity space of a sufficient size for the resulting building occupancy. However, having regard to the size of the plot and the land that is proposed to remain around the new building, I am not persuaded, on the basis of the evidence before me, that there is not sufficient available space on site to provide adequate bin and cycle parking to serve the development, in an acceptable manner which would not harm the character and appearance of the area, and that, as such, this matter is not capable of being dealt with by a condition.
23. Were I minded to allow the appeal, I would have sought to explore this matter further with the main parties. However, since this matter is not determinative to the outcome of this appeal, having regard to my conclusion in respect of the impact of the proposed building on the character and appearance of the area, I do not intend to pursue it further as part of this appeal decision.

Living conditions

24. The proposed replacement building would result in a greater length of 2-storey built development within close proximity of the site boundary extending beyond the line of the 2-storey main rear wall of the adjacent house at 15 Hambledon Road than at present. It would also mean that there would be a full 3-storey height flank side wall directly opposite a large part of the side wall of that property.
25. Due to a combination of the proposed height, depth and mass of the new building and its proximity to the side boundary with No.15, the proposal would therefore have an overbearing impact upon the outlook from that property, including from a ground floor side elevation kitchen window in the 2-storey part of No.15, a ground floor side lounge window in a single storey rear extension, and a first-floor side elevation landing window. It would also impact on the outlook from the external private amenity area to the rear of No.15, having an oppressive enclosing impact on the area immediately to the rear of that property.
26. For the above reasons, I therefore conclude that the proposal would materially harm the living conditions of the occupiers of 15 Hambledon Road, having regard to outlook impacts. As such, the proposal would not accord with Core Strategy Policies CS21 and CS41 and Local Plan Saved Policy 6.10, in so far as these policies seek to ensure that new development does not harm the living conditions of neighbours.
27. This is generally consistent with Paragraph 130 of the Framework, which seeks to ensure that developments will function well and promote a high standard of amenity, health and well-being for existing and future users.

European Sites

28. The Council's fourth reason for refusal relates to the failure of the proposal to secure avoidance/full mitigation of the likely significant effects from recreational pressures that the Council considers the proposed additional

residential dwellings, in combination with other dwellings proposed near to the European sites, would have on the integrity of the European sites, particularly upon bird and reptile habitats within the SSSI.

29. The site is within 5km but outside 400m of the European sites. Natural England is concerned about the intensification of residential development in South-East Dorset, and the resultant pressures upon protected Heathland by the new occupants of these dwellings living in close proximity to such areas. Studies have shown that increased access to lowland heathland from nearby development leads to an increase in wildfires, damaging recreational uses, the introduction of incompatible plants and animals, loss of vegetation and soil erosion and disturbance by humans and their pets. It is the view of Natural England that within 5km of Heathland, there will be significant adverse effects in combination with other proposals. However, avoidance or mitigation measures, including access management measures to divert recreational pressure from heathland can allow development to be permitted.
30. The proposal would be required to comply with an Avoidance and Mitigation Framework Strategy contained within the *Dorset Heathlands Planning Framework 2020–2025 Supplementary Planning Document* (2020) (the DHPF) which includes a requirement for a financial contribution towards Strategic Access Management and Monitoring (SAMM). This is in line with Policy CS33 of the Core Strategy. The Council has carried out an Appropriate Assessment (AA) under the Habitats Regulations, concluding that adverse effects on the designated nature conservation sites would be avoided if a financial contribution in accordance with the requirements of the DHPF were to be made.
31. The appellant has confirmed the intention to address this matter through the submission of a Section 106 Unilateral Undertaking (UU) to secure such payment. At the time of this decision, this was still awaited.
32. Within the context of this appeal, the responsibility for assessing the effects of the proposal on the European designated sites fall to me as the competent authority. Had I been minded to allow the appeal, and the circumstances therefore existed in which planning permission could be granted, it would have been necessary for me to examine this matter further and to undertake an AA of the implications of the appeal scheme for the European designated sites.
33. However, as the first two main issues provide clear reasons for dismissing the appeal, the outcome of any such AA would have no bearing on the overall outcome of this appeal. There is therefore no need for me to consider this matter any further as part of my decision, since any findings on this issue would not change the appeal outcome.

Other Matters

34. The Council has confirmed that it cannot demonstrate a 5-year supply of deliverable housing sites as required by the Framework. The information before me is that the undersupply is acute, comprising 2.3 years of deliverable housing land supply.
35. Moreover, the results of the 2021 Housing Delivery Test, which were published on 14 January 2022, show that the Council delivered 67% of its housing requirement over the preceding 3 years.

36. As such, Paragraph 11 of the Framework applies, which states that relevant policies for the supply of housing should not be considered up to date where a 5-year housing land supply cannot be demonstrated, or the Housing Delivery Test indicates that the delivery of housing was substantially below the housing requirement over the previous three years. Paragraph 11 sets out that, where relevant policies are out of date, permission should be granted unless the application of policies in the Framework that protect areas or assets of particular importance, provides a clear reason for refusing the development proposed, or the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole, or specific policies in the Framework indicate that development should be restricted.
37. Paragraph 8 of the Framework defines the three dimensions of sustainable development as performing economic, social and environmental objectives. When judged against some of the core planning principles of the Framework, the appeal proposal would perform well in that it would be in an urban area within a designated settlement boundary, where access to facilities and services and public transport connections is likely to be greatest.
38. Paragraph 60 of the Framework refers to boosting significantly the supply of homes, and three additional dwellings would make a modest contribution towards addressing the housing delivery deficit. Moreover, the development could be built out relatively quickly, having regard to Paragraph 69 of the Framework. There would also be economic benefits as a result of the construction of the new dwellings and economic and social benefits as a result of their future occupation. These considerations weigh in favour of the development, and I afford them moderate weight, having regard to the modest size of the proposed development.
39. The Council has raised no objection to the appeal scheme in respect of matters including the principle of residential development, impact on the living conditions of the future occupiers of the new dwellings and parking. In terms of the planning balance, the lack of identified harm is a neutral factor that does not diminish the harm that would arise from the proposal in respect of the impact on the character and appearance of the area and upon neighbour living conditions.
40. I acknowledge the proposed incorporation of sustainable design elements. However, this is a requirement of current national and local planning policies in any case, and do not outweigh my conclusions on the main issue.
41. A high standard of design is a key aspect of sustainable development. The harms I have identified to the character and appearance of the area and to neighbouring the living conditions would be significant. As a result, the social objectives of sustainable development of fostering well-designed and beautiful places and providing a good standard of residential amenity, would not be achieved.
42. Whilst the Framework encourages the effective use of land in meeting the need for homes and requires the Council to approach decisions in a positive and creative way, these matters are not unqualified and would not address or outweigh the aforementioned harm that I have identified in respect of the first two main issues.

43. Accordingly, notwithstanding whether footnote 6 to Paragraph 11 of the Framework applies with respect to habitats sites, I have found that, when assessed against the policies in the Framework taken as a whole, the adverse impacts would significantly and demonstrably outweigh the benefits. Therefore, the proposal would not be a sustainable form of development. The conflict with the development plan is not outweighed by other considerations including the Framework.

Conclusion

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

S Leonard

INSPECTOR