



Appeal Decision

Site visit made on 16 January 2023

by James Blackwell LLB (Hons) PGDip

an Inspector appointed by the Secretary of State

Decision date: 25 January 2023

Appeal Ref: APP/V1260/W/22/3299053

Land adjacent to no. 3 Lytton Road, Bournemouth BH1 4SH

- 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 Messers E&M Gorvin of Portus Homes Limited against the decision of Bournemouth Christchurch and Poole Council.
 - The application Ref 7-2021-23023-B, dated 12 July 2021, was refused by notice dated 9 December 2021.
 - The development proposed is to erect a 1 bedroom dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on the character and appearance of the area; the living conditions of future occupiers of the dwelling and those of neighbouring occupiers; parking provision; and the integrity of the Dorset Heathlands.

Reasons

Character and Appearance

3. The appeal site comprises a vacant piece of land, which sits between nos. 1 and 3 Lytton Road, and is partly occupied by two car parking spaces along its frontage. The property is enclosed by other residential properties along both sides, as well as to its rear. Lytton Road itself is mostly made up of a series of terraced dwellings, with the dwellings in each terrace sharing commonality in terms of size and scale. The properties in each terrace also adhere to a coherent front building and roof line, which adds a degree of uniformity to the road, which contributes positively to the street scene.
4. The proposed dwelling would be attached to no. 3 Lytton Road, which is an end of terrace property towards the north-western end of the road. The new dwelling would be stepped back from the front elevation of the other properties in the terrace by approximately 1.4 metres. Although the dwelling would have a similar eaves height, the main ridge of its roof would also be stepped down from the ridge of the main terrace by approximately 0.7 metres. On account of these factors, the new dwelling would appear dwarfed by the adjoining properties in the terrace, thereby appearing as a subservient addition, as opposed to a separate dwelling in its own right. The mismatch in size, height and scale would also undermine the prevailing uniformity of the terrace, which would be detrimental to the street scene.

5. The development would therefore harm the character and appearance of the area. It would conflict with Policies CS21 and CS41 of the Bournemouth Local Plan Core Strategy (2012) (Core Strategy), which seek to ensure new residential development achieves good design and contributes positively to the character of the area, by ensuring it is appropriate in terms of scale, density, layout and siting. The development would also conflict with the overarching design objectives of Residential Development, A Design Guide (2008) (Design Guide), Residential Extensions, A Design Guide for Householders (2008) (Extensions Design Guide) and the National Planning Policy Framework (2021) (Framework).

Living Conditions

6. Whilst the Council has not adopted its own minimum space standards, the Nationally Described Space Standards (NDSS) remain a useful guide for determining the acceptability of internal space. In this instance, the internal floor area of the proposed development would be approximately 40.6m². This falls significantly short of the minimum space standard of 58m² for a one bedroom, two person dwelling over two storeys. Given this significant shortfall (particularly as the NDSS are minimum recommended standards), the dwelling would be overly cramped and constrained, which would be to the detriment of the living conditions of its occupiers.
7. In terms of neighbouring properties, the side elevation of the new dwelling would face the rear elevations of nos. 206-208 Holdenhurst Road. Paragraph 3.7 of the Design Guide says that "*minimum back to side distance for 2 or 3 storey buildings with rear facing windows on the back elevation facing the side elevation of another property with no windows or obscure windows – 12.5m*". The intervening distance between the two properties would be approximately 11 metres in this instance, thereby falling short of this requirement. In turn, the new development would feel oppressive within certain habitable rooms to the rear of these neighbouring properties, particularly those at first floor level which have windows directly facing the appeal site.
8. The new dwelling would also project out beyond the principal rear elevation to no. 3 Lytton Road. This elevation includes a number of windows, which are understood to serve habitable rooms. The Extensions Design Guide says that rear extensions should not break a 45 degree line drawn from the middle of the nearest affected neighbouring window. (Whilst I note this guidance relates to home extensions, the principles are still relevant, as the impact of the development would be comparable to a rear extension). In this instance, it is not clear from the drawings whether this 45 degree line would be breached. Without evidence to confirm otherwise, the rear projection of the new dwelling could create a harmful sense of enclosure within the habitable rooms to the rear of no. 3, which would be to the detriment of the living conditions of its occupiers.
9. Whilst the proposal makes adequate provision for refuse storage to the rear of the development, it is unclear where bins would be stored on collection day. In the event that both parking spaces to the front of the property were occupied on collection days, it is likely that bins would be displaced onto the pavement to the front of the property. This would exacerbate levels of clutter along the street, which would again be to the detriment of neighbouring amenity.

10. On account of these factors, the proposal would harm the living conditions of future occupants of the development, as well as those of neighbouring properties. The development would therefore conflict with Policies CS21 and CS41 of the Core Strategy, both of which seek to promote a good level of amenity for future occupiers of a development, and those of neighbouring occupiers. The proposal would also conflict with saved policy 6.8 of the Bournemouth District Wide Local Plan (2002) (Local Plan), which requires new residential development to achieve a pleasant and safe living environment, which respects neighbouring amenity. As set above, the development would also fail to meet the overarching amenity objectives of the Design Guide, the Extensions Design Guide, the Waste and Recycling Services Planning Guidance Note, and the Framework.

Parking Provision

11. Whilst no additional parking is proposed as part of the development, the proposal would retain the existing parking spaces to the front of the appeal site, which are understood to serve nos. 1 and 3 Lytton Road. The Council is satisfied that the overall level of provision is consistent with the content of its Parking Standards Supplementary Planning Document (2021) (Parking SPD). Whilst I note that the spaces do fall short of the recommended length for parking spaces which are next to a wall (as set out in the SPD), the shortfall is minor. Moreover, it is a situation that would not be materially impacted by the development, given this is an existing arrangement.
12. I therefore find that the proposal would have an acceptable impact with regard to parking provision. In this regard, the development would broadly align with Policies CS16 and CS41 of the Core Strategy, which require new development to meet the day to day needs of future and neighbouring occupants, which would include adequate parking (in accordance with the content of the Parking SPD).

Protected Sites

13. The appeal site is within 5km of the Dorset Heathlands SPA, Special Area of Conservation and Ramsar Site (collectively referred to as the Dorset Heathlands). The Dorset Heathlands are an extensive network of lowland heath within south-east Dorset, which are recognised for their national and international importance for nature conservation.
14. The proposed development has the potential to lead to increased recreational use of the Dorset Heathlands, owing to the proposed additional residential unit. In combination with other similar small-scale development, this means the proposal could result in increased disturbance to the protected habitats and species found in these protected areas. As a result, it is not possible to rule out likely significant effects on the Dorset Heathlands.
15. Nonetheless, The Dorset Heathlands Planning Framework (2020 – 2025) sets out measures to help mitigate against the potential effects from new housing. This mitigation is achieved through financial contributions towards Strategic Access Management and Monitoring (SAMM). The primary objective of SAMM is to raise awareness of relevant issues, through the employment of project coordinators and wardens to manage visitor pressures on the respective protected areas, and to monitor the effects of new development.

16. The appellant has submitted a signed unilateral undertaking (UU) to secure payment of a financial contribution towards SAMM. Whilst this payment could conceivably secure appropriate mitigation with regard to any potential adverse effects on the integrity of the Dorset Heathlands, as I am dismissing the appeal on other grounds, further consideration of this factor, including an appropriate assessment under Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended), is not required. I have therefore not discussed this matter further.

Other Matters

17. The Council cannot demonstrate a five-year supply of deliverable housing land and has failed to meet the Housing Delivery Test, which means its policies relating to delivery of housing are out of date. Paragraph 11(d)(ii) of the Framework (tilted balance) is therefore engaged. Nonetheless, paragraph 219 of the Framework is clear that due weight should still be given to existing policies according to their degree of consistency with the Framework.
18. Paragraph 130 of the Framework is explicit that new development should function well and add to the overall quality of an area. It highlights that development should be visually attractive and sympathetic to local character and surrounding built environment, as well as ensuring a high standard of local amenity for its future users. The content of the Framework therefore reflects the overriding design, character and amenity principles of the Core Strategy and Local Plan in terms of new residential development. Even accounting for the Framework's objective of boosting the supply of housing and the Council's housing land supply position, the conflict between the proposal and the relevant policies of the Core Strategy and the Local Plan should therefore be attributed significant weight in this appeal.
19. As mentioned above, the proposal would contribute to the Council's housing stock. Whilst any increase is desirable, the net addition of one dwelling would only be a modest contribution in this instance. Consequently, I consider that the adverse impacts of the development in terms of harm to the character and appearance of the area and to the living conditions of future and neighbouring occupiers, would significantly and demonstrably outweigh its benefits when assessed against the policies in the Framework taken as a whole. As a result, the presumption in favour of sustainable development does not apply in this instance.

Conclusion

20. The proposal would conflict with the development plan as a whole and there are no other considerations, including the provisions of the Framework, which outweigh this finding. Therefore, for the reasons given, the appeal should be dismissed.

James Blackwell

INSPECTOR