



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: 27 January 2023

Appeal Ref: APP/V1260/W/22/3293536

30 Westby Road, Bournemouth BH5 1HD

- 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 J East and Mr G Thornton against the decision of Bournemouth Christchurch and Poole Council.
 - The application Ref 7-2021-11774-E, dated 31 March 2021, was refused by notice dated 26 August 2021.
 - The development proposed is to convert garage to a new dwelling - resubmission.
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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; and the integrity of the Dorset Heathlands.

Reasons

Character and Appearance

3. The appeal site comprises a large villa converted into flats, together with an ancillary garage which is situated at the end of the driveway running alongside the flats. These buildings are set within a generous plot, which gives a sense of space and openness in and around the appeal site. This arrangement is reflective of other properties along the road. Neighbouring properties along Westby Road comprise a mixture of detached and semi-detached dwellings, some of which are flats and some of which are single dwellings. Nonetheless, they are typically large, two-storey villas, slightly set back from the road. This gives a strong degree of coherence between properties along the street frontage, which contributes positively to its overarching character.
4. The proposal seeks to convert the existing garage to a single residential dwelling. Whilst physically, the appearance of the garage would remain similar under the proposal, its character would fundamentally change. Indeed, as an outbuilding the garage is clearly ancillary to the main villa on the appeal site, and is typical of many other incidental outbuildings along the road. In this capacity, the building is able to integrate effectively with its surroundings. Conversely, as a dwelling, the building's very limited size would jar with the substantial size and scale of neighbouring properties. It would be dwarfed by the main villa within the appeal site and would continue to assume the appearance of an ancillary outbuilding, as opposed to a dwelling in its own

right. Moreover, given that the building sits in the north-western corner of the appeal site, it would be substantially set back from the road, which would be at odds with the arrangement of neighbouring residential properties, which are much closer to the street frontage.

5. Taken together, these factors would lead to a distinct incongruity between the proposed dwelling and neighbouring properties along the road. This would undermine the prevailing sense of coherence along the street frontage, which would be to the detriment of its underlying character. Given that there is a clear view of the garage from the street, the incongruity between the two would also be readily experienced within the public realm.
6. The proposal would also result in a housing density of 103 dwellings per hectare (DPH), which exceeds the upper density limit of 100 DPH for new housing, as set out in Policy BAP1 of the Boscombe & Pokesdown Neighbourhood Plan (2019) (Neighbourhood Plan). Whilst this exceedance is only marginal, it is nonetheless indicative of an overdevelopment of the site. Indeed, an additional residential property in the rear corner of the appeal site would appear overly contrived and constrained, with very limited surrounding private amenity space. This would again appear at odds with the more spacious plots which typify the road.
7. On account of these factors, the proposed development would harm the character of the area. It would conflict with Policies CS6, CS20, 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 proposal would conflict with saved policy 6.8 of the Bournemouth District Wide Local Plan (2002) (Local Plan) which requires new development to complement and respect the character of neighbouring development. As highlighted above, the development would also exceed the housing density limit set out in Policies BAP1 and BAP7 of the Neighbourhood Plan. Finally, the development would conflict with the overarching design objectives of Residential Development, A Design Guide (2008) (Design Guide) and the National Planning Policy Framework (2021) (Framework).

Living Conditions

8. The Nationally Described Space Standards (NDSS), which are also reflected in Policy BAP7 of the Neighbourhood Plan, require a single storey, one bedroom, one person dwelling to have a minimum internal floor area of 37m². The proposed dwelling would meet this requirement. In turn, I am satisfied that the development would provide adequate levels of space for a single occupier.
9. In this regard, the development would provide acceptable living conditions for its occupier, and would therefore comply with Policy CS41 of the Core Strategy, which seeks to ensure new residential development provides a high standard of amenity to meet the day-to-day needs of its occupiers. The proposal would be consistent with saved Policy 6.8 of the Local Plan, which promotes development that encompasses a pleasant living environment. As mentioned, the development would also adhere to the space standards set out in Policy BAP7 of the Neighbourhood Plan.

Protected Sites

10. 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.
11. 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.
12. 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.
13. 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

14. The appellants have cited a number of permissions granted by the Council which they allege are comparable to the proposal in this instance. Whilst I accept in certain circumstances, conversions of ancillary outbuildings to residential use may be acceptable, each case must be considered on its own merits. In terms of 25 Michaelgrove Road, this scheme was located to the rear of a property, with limited external visibility. It was also a larger scheme for a greater number of dwellings. The impact of this scheme, as well as the overall benefits, were therefore materially different to the present case. Castle Mount is located in a different area of Bournemouth where the character and mix of properties is more varied, and is therefore limited in its relevance. Finally, the development at 40 Westby Road was for sleeping accommodation which was ancillary to a care home, and would therefore have been assessed against different criteria. On account of these factors, these permissions only carry limited weight in my decision.
15. 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.

16. 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. The content of the Framework therefore reflects the overriding design and character 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.
17. 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 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

18. 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