



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: 07 February 2023

Appeal Ref: APP/V1260/W/22/3295613

18 Browning Avenue, Bournemouth BH5 1NN

- 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 Klarus Ltd against the decision of Bournemouth Christchurch and Poole Council.
 - The application Ref 7-2021-23365-F, dated 24 February 2021, was refused by notice dated 26 January 2022.
 - The development proposed is erection of a 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 existing and future occupiers; and the integrity of the Dorset Heathlands.

Reasons

Character and Appearance

3. The appeal property is located on the north-eastern side of Browning Avenue, which is a residential road situated to the east of the district centre of Boscombe. It comprises a large-detached villa, which incorporates four separate flats. A series of low-level garages, separate from the main villa, are situated to the rear of the plot.
4. The appeal property is typical in appearance of other properties along the road. Indeed, the road is characterised by large, two-storey, detached residential properties, which are set within spacious plots, benefiting from gardens to their front and to the rear. Gaps between properties offer glimpsed views to a woodland walkway to the rear, which provides an attractive verdancy to the avenue. These characteristics reflect the area's character description set out in the Council's Design Guide SPG¹ (Design Guide), which defines the area by reference to its large, detached houses, which are "positioned in large spacious plots with generous spaces between buildings".
5. Generally, properties along the road adhere to a coherent front building line. Given that most properties are at least two storeys, they also follow a broadly comparable ridge height. Despite the architectural differences between properties, these common features give a strong degree of coherence between

¹ Residential Development: A Design Guide (2008)

the residential dwellings along the road, which contributes positively to the road's overarching character. Whilst outbuildings are not uncommon along the road, these are mostly low level buildings, with a scale, design and appearance which clearly establish their ancillary or secondary function. In turn, as outbuildings, they do not undermine the prevailing character of the avenue.

6. The proposal seeks to convert the existing garages into a single dwelling. The new dwelling would incorporate a flat roof, and would remain single storey. Whilst the dwelling would occupy a larger footprint than the existing garages, the size and scale of the dwelling would be modest. Although I acknowledge the proposal would not be markedly different in appearance to the existing garage, as a dwelling, it would be notably different in character to other properties along the avenue. Indeed, the modest size, height and scale of the new dwelling would be vastly at odds with the prevailing pattern of large, detached properties which typify the road. In turn, it would appear discordant within this wider context, which would be to the detriment of the street scene.
7. Moreover, the new dwelling would sit substantially back from the front building line of the road. Its front elevation would also be very near to the proposed bin store and bike shed, with limited intervening space in between. Whilst a front boundary fence would screen much of the dwelling's frontage, this arrangement would lead to a cramped and contrived plot, which would jar with the spacious plots which typify the road. This impact would be further amplified by the siting of the dwelling immediately adjacent to the shared boundary with no. 18A, an arrangement which would undermine the gapping between neighbouring residential properties along the road. Whilst the existing garages already abut this shared boundary, low level outbuildings are not uncommon within gaps between houses along the road. As garages, the building therefore integrates effectively with the street scene. Unfortunately, the same would not be true for a separate dwelling in this same location, as the character and function of the proposal would be wholly different.
8. Owing to the spacious plots which typify the road, housing density in the area is relatively low. The main property within the appeal site has been converted into four separate flats, which increased the housing density of the appeal site. Nonetheless, given that the external appearance of the main property retained the appearance of a large, detached dwelling, the impact of this increased density was limited. The addition of another separate dwelling within this same plot would further increase the housing density, to a level five times higher than the original plot. In turn, this would result in a significantly greater comparative density to other properties along the road. Once again, the proposal would be uncharacteristic of the area in this regard.
9. On account of these factors, I consider that the proposal would constitute overdevelopment of the appeal site, and would result in a cramped plot, which would be incongruous with neighbouring dwellings along the road. This would be to the detriment of the street scene, and would harm the prevailing character and appearance of the area. The proposal would therefore conflict with Policies 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. The proposal would also conflict with the housing density objectives set out in Policies BAP1 and BAP7 of the Boscombe & Pokesdown Neighbourhood Plan (2019). Finally, the development would conflict with the overarching design objectives of the Design Guide and the National Planning Policy Framework (2021) (Framework).

10. Notwithstanding the above, I find no conflict with saved policy 6.10 of the Local Plan, which primarily concerns proposals for new flats. As the proposal is for a separate dwelling from the existing flats, this policy is not directly relevant.

Living Conditions

11. The proposal's footprint would be greater than the existing footprint of the garages, which would reduce the level of external amenity space to serve the residents of the existing flats. External space would be further diminished by the displaced bike shed and bin stores, arising from the loss of the existing garages. The space to the rear of the new dwelling would also be enclosed on three sides by the rear and side boundaries of the plot, and the rear elevation of the new dwelling. Notwithstanding the appellant's intentions, it is therefore difficult to envisage the space being used by anyone other than the occupiers of the new dwelling. This would further reduce the area of communal space to serve the flats, which would be to the detriment of the respective occupiers' living conditions.
12. Even if I were to accept that the external amenity space to serve the flats and the new dwelling would remain entirely communal, then this would lead to a new dwelling with a scarcity of its own private amenity space. Given that the new dwelling would conceivably be occupied by a small family, a lack of any private amenity space would be problematic, and would significantly undermine the living conditions of its occupiers. In turn, the proposal would either result in substandard outdoor amenity space for the occupiers of the flats, or else a complete lack of private amenity space for the occupiers of the new dwelling. Either way, the resultant outcome would not be satisfactory.
13. Whilst broadly speaking, I am satisfied that the proposal would not lead to an unacceptable impact with regard to natural light or noise arising from the adjacent driveway, these are neutral factors, and not benefits of the scheme that would outweigh the harm arising from the shortcomings with regard to levels of outdoor space.
14. For these reasons, the development would compromise the living conditions of the existing occupiers of the flats, and would further risk unsatisfactory living conditions for future occupiers of the proposed dwelling. The development would therefore conflict with Policies CS20, CS21 and CS41 of the Core Strategy, which together seek to ensure new family accommodation procures acceptable living conditions for its future occupiers, whilst also respecting neighbouring residents' amenity. The development would conflict with saved Policy 6.8 of the Local Plan, which seeks to ensure privacy of existing and future occupiers is properly safeguarded as part of new residential development. It would also conflict with Policy BAP7 of the Neighbourhood Plan, which promotes new residential development which provides adequate amenity space for its occupiers. Finally, the proposal would conflict with the overarching amenity objectives of the Design Guide and the Framework.

15. Once again, I find no conflict with saved policy 6.10 of the Local Plan, which primarily concerns proposals for new flats.

Protected Sites

16. 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.
17. 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.
18. 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.
19. 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

20. The appellants have cited a number of permissions granted by the Council which they allege are comparable to the proposal in this instance. Nonetheless, both 25 Michelgrove Road and Castle Mount are located on different roads within Bournemouth, where there is less commonality between neighbouring properties when compared to Browning Avenue. This means there is potential for more diversity in terms of property types. In any event, each application must be considered on its own merits, and in this instance, harm has been identified to both character and appearance of the area, and to the living conditions of existing and future occupiers. In turn, these permissions only carry limited weight in my decision.
21. 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.

22. 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, and should promote a high level of amenity for existing and future users. The content of the Framework therefore reflects the overriding design, character and amenity principles of the Core Strategy, Local Plan and Neighbourhood 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, the Local Plan and the Neighbourhood Plan should therefore be attributed significant weight in this appeal.
23. 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 existing and future 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

24. 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