



Appeal Decision

Site visit made on 18 January 2023

by Robert Parker BSc (Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 February 2023

Appeal Ref: APP/V1260/W/22/3294594

The Woodrisings, 10 Branksome Wood Road, Bournemouth BH2 6DB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Fayrewood Property Consulting Ltd against the decision of Bournemouth Christchurch and Poole Council.
 - The application Ref 7-2021-4762-AA, dated 12 March 2021, was refused by notice dated 11 February 2022.
 - The development proposed is demolition of existing buildings and erection of a block of 50 flats with basement parking.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application was made in outline with details of access and scale provided for consideration. Layout, appearance and landscaping are reserved for future approval. I have treated the submitted plans as illustrative, except insofar as they relate to the access arrangements and the scale of the building.
3. Amended plans were provided during the application process to reduce the maximum number of units and the width of the proposed building. The Council made its decision against those plans and I shall determine the appeal in the same manner. The above description of development reflects the amendments and is that used by the parties on the decision notice and appeal form.
4. During my site inspection, and at the prior written request of the residents concerned, I made an assessment of the proposal from Flat 32 in Central Park and two of the flats in 12a Branksome Wood Road.

Main Issues

5. Having regard to what I have read on the file, including the representations of interested parties, the main issues are:
 - a) the effect of the proposal on the character and appearance of the area;
 - b) the effect of the scheme on highway safety in Branksome Wood Road and surrounding streets, with regard to parking and access arrangements; and
 - c) the effect on the living conditions of the occupiers of flats in Central Park and 12a Branksome Wood Road, with reference to outlook and sunlight.

Reasons

Character and appearance

6. The site is located on the south side of Branksome Wood Road, backing onto Bournemouth Upper Gardens. It contains The Woodrisings, a terrace of 8 two-storey dwellings which are set back from the road behind a low wall, hedging and open front curtilage. The site has two points of access which allow vehicles to enter and exit in a one way arrangement, with parking provided at the rear of the building. The land slopes downwards, away from the road, allowing for garages at lower ground floor level, beneath the rear patio style gardens.
7. Branksome Wood Road as a whole contains a varied mix of buildings, including flatted developments and family housing. Immediately opposite the site is a short row of two-storey dwellings, not dissimilar to The Woodrisings, and this scale of development continues to the west. There are also a number of larger flatted blocks in the vicinity. To the east of the site, Central Park is a modern apartment scheme comprising five storeys of accommodation, the lowest floor set partly below road level and with the uppermost storey much smaller in area and set in from the main façade. This site has basement parking. To the west is 12a Branksome Wood Road, a more modestly proportioned, three-storey period building¹ which is divided into six flats.
8. The proposal would take the form of a single, five-storey block on the footprint of The Woodrisings. The new building would be substantially taller than these houses, its fourth and fifth storeys sitting above the height of the current roof ridge and most of the third storey set above the eaves line. The structure would extend across what are presently rear patio gardens, making it deeper than the existing gable. The result would be a development, the excessive height, width and bulk of which would dominate the street scene of Branksome Wood Road and the properties on either side. Central Park is itself a substantial building, but its size has been disguised through good design. The appeal scheme would be a storey taller and substantially wider; the scale, form and massing would be poorly articulated and it would not respond well to the neighbouring buildings.
9. The appellant draws parallels to nearby flatted buildings such as Baronsmede; this six-storey residential block is set well back from the road within spacious, verdant grounds. However, the appeal scheme would be much closer to the road with limited opportunity for tree planting on the frontage. The building would be far more assertive, without any meaningful landscape screening, and thus its visual impact would be very significantly greater.
10. The amended plans introduced vertical elements to add some modulation to the design. However, they do little to break up the monolithic proportions and do not persuade me that a building on the scale being proposed can be accommodated on the site without detriment to the street scene.
11. Saved Policy 6.10 of the Bournemouth District Wide Local Plan (2002) permits flats within the built-up area, provided the development respects or enhances the character and appearance of the area as regards scale and massing. Policies CS22 and CS41 of the Bournemouth Local Plan: Core Strategy (2012) (CS) set out a similar requirement for development to respect its surroundings in relation to matters such as scale and density. The proposal would conflict with

¹ This building has a lower ground floor which is only visible from the rear garden.

these policy requirements and accordingly I conclude that it would be materially harmful to the character and appearance of the area.

Parking

12. The BCP Parking Standards Supplementary Planning Document (2021) (SPD) takes a zonal approach to parking provision to reflect differing accessibility levels and access to local shops, services and facilities. The appeal site is located within Zone D which is considered suburban or rural in nature. According to the guidance, this zone has the lowest level of access to public transport, services and facilities but also the highest levels of car ownership.
13. The SPD requires one parking space per flat for the proposed 1-bed and 2-bed units, and two spaces for each of the 3-bed units². This translates to 55 spaces for the whole scheme, excluding any visitor parking. The plans show basement parking for 33 vehicles. The annotation is for 35 vehicles but this does not correlate to the number of spaces shown on the drawing. Although layout is a reserved matter, the scale of the building is fixed and there is limited scope to amend the scheme to accommodate extra vehicles. Consequently, it is reasonable to conclude that there would be a significant shortfall of 22 parking spaces against the optimum standard. The appellant considers the deficit to be lower at 15 spaces but this does not take account of the 3-bed units. Either way, the lack of parking spaces against the standard would be significant.
14. Paragraph 4.3.2 of the SPD states that new development should aim to meet the parking requirements set out in the document. However, it indicates that where an applicant can provide robust justification, a departure from the standards may be considered. The appellant contends that the site has more in common with Zone B or even Zone A as it lies near to the boundary with both. An hourly bus service to the town centre operates from the Queens Road bus stop and it is also possible to cycle or make the journey on foot through the gardens at the rear of the site. Whilst this suggests a reasonably good level of accessibility by sustainable transport modes, it does not factor in car ownership levels or the pressure for additional on-street parking, including from visitors.
15. Branksome Wood Road itself is subject to parking restrictions along much of its length. Timed photographs submitted by interested parties suggest that where kerbside parking does exist, for example in Kensington Drive and Branksome Wood Gardens, there is little capacity to accommodate any overspill generated by the proposal. The appellant has not submitted an on-street parking stress survey to counter the third party evidence. Consequently, there is a significant risk that the scheme would give rise to inconsiderate and illegal parking to the detriment of the safety and convenience of existing residents and road users.
16. The appellant has drawn my attention to an appeal decision³ for The Sloop public house, also in Zone D, in which the Inspector accepted reduced parking. In that case, the site was 'directly bordering' Zone A, with easy access to high frequency bus services connecting Poole to Bournemouth. The Branksome Wood Road site does not benefit from the same level of public transport connectivity and it does not lie at the boundary between zones. As such, the cases can be distinguished from one another.

² The standards are based on the number of habitable rooms, but they also include the bedroom equivalent.

³ APP/V1260/W/20/3264947

17. In conclusion, the proposal fails to make adequate provision for car parking and it therefore conflicts with the requirement in CS Policy CS16 that new development shall be in accordance with the Council's adopted parking standards. Although the SPD provides for some flexibility, there is no justification in this particular case to depart from its standards.

Access arrangements

18. The SPD explains that visibility splays at junctions and site accesses must ensure that there is adequate inter-visibility between vehicles on the major and minor arms. Visibility is required at accesses to allow safe and efficient egress. This should be based on vehicle speeds on the major road and the relevant stopping sight distances (SSD) for those vehicles. The SSD, adjusted for bonnet length, for a 30mph road is 43m.
19. Figure 31 of the SPD, which is based on guidance contained in Manual for Streets (MfS), indicates that the Y distance should be measured along the nearside kerb line, unless circumstances make it unlikely that vehicles approaching from the left on the main arm will cross the centreline, in which case the Y distance can be measured to the centreline.
20. Consistent with MfS, the SPD makes clear that an X distance of 2.4 m should normally be used in most built-up situations, as this represents a reasonable maximum distance between the front of the car and the driver's eye. This should be measured back from the edge of the highway kerb.
21. The proposed access would meet the required visibility standard to the east. However, plans submitted by the appellant demonstrate that the maximum achievable Y distance to the west is 33.5m. The required SSD of 43m is only possible when measuring to the centreline of the road which, given the lack of any segregation of flows along this stretch of Branksome Wood Road, is the incorrect measurement.
22. The appellant concedes that the proposed arrangement would be substandard, but argues that it would represent an improvement on the current situation whereby visibility from the eastern site access (which is used as the exit) is obstructed by brick pillars and vegetation. However, the existing arrangement does not justify the construction of a replacement access with visibility below the required standard – particularly as the substantial increase in the number of dwellings on the site means that the new access would be used much more intensively. The minor benefit of relocating the proposed access away from Branksome Wood Gardens and Kensington Drive does not alter my view.
23. Accordingly, I conclude that the proposed access arrangements would be detrimental to highway safety on Branksome Wood Road. The scheme would constitute poor design, contrary to CS Policy CS41, insofar as it requires the layout of development to contribute positively to the safety of the public realm.

Living conditions of neighbours

24. The decision notice does not include reference to the effect of the proposed development on the living conditions of neighbouring occupiers. However, concerns are raised in paragraph 36 of the officer report and neighbours have also objected. The matter is therefore before me for consideration, and my assessment has been informed by visits to relevant properties.

25. Adjoining the site to the east is Central Park, a block of residential apartments. The majority of windows on the side elevation of this building face into a row of conifers which restrict outlook and natural light. However, the two uppermost floors sit above the tops of the trees. Flat 32 has a large outdoor terrace together with high level, west facing windows which allow a generous amount of daylight and sunlight into the main living area. The proposed building would be significantly taller than the terrace; its height, mass and proximity to the boundary would combine to make it an oppressive feature for the occupiers of Flat 32. The proposal would also lead to loss of sunlight both on the terrace and within the property itself. The impact has not been quantified through technical evidence, but the probability is that it would result in substantial overshadowing and unacceptable harm to the living conditions of this neighbour.
26. No 12a Branksome Wood Road is set further back from the boundary on the western side of The Woodrisings. This building has bay windows at first and second floor facing into the appeal site and these windows serve habitable rooms. The considerable scale and bulk of the proposed building, relative to the current terrace of houses, means that there would be some reduction in outlook from the affected rooms. Although there is no technical analysis before me, it is also likely that there would be a reduction in morning sunlight.
27. Overall, I conclude that the proposal would cause material harm to the living conditions of the occupiers of flats in Central Park and 12a Branksome Wood Road. It would conflict with CS Policy CS41 and specifically its requirement that new developments should enhance the amenities of neighbouring residents.

Other Matters

28. The decision notice refers to the lack of an appropriate contribution towards measures to mitigate the adverse impact of the proposed development on the Dorset Heathlands Special Protection Area and Ramsar site, and the Dorset Heaths Special Area of Conservation. The appellant acknowledges the need for the contribution and has provided a copy of a draft unilateral undertaking (UU) to secure monies for Strategic Access Management and Monitoring in line with the Dorset Heathlands Planning Framework 2015-2020 Supplementary Planning Document. I understand that the UU is close to completion. However, since the appeal is being dismissed for other reasons, there is nothing to be gained by waiting for submission of the signed document.
29. CS Policy CS19 seeks to resist the loss of small family dwellinghouses which are defined as dwellings with an original gross external floorspace of less than 140m². The Council does not take a clear position on whether the existing dwellings meet the definition. However, the application was not refused on this issue and I have therefore determined the appeal on the basis that a policy conflict has not been adequately demonstrated.
30. There are no objections from the Council in respect of housing mix, the level of amenity for future occupiers, arboricultural impacts, biodiversity, flooding or affordable housing. The absence of harm is a neutral factor but in any event the Council's stance on these particular matters does not alter my conclusion on the main issues.

Planning Balance and Conclusion

31. The Council concedes that it is unable to demonstrate a 5 year supply of deliverable housing sites, and advises that the current supply is 2.3 years. This figure, which is not disputed, represents a significant housing shortfall. Paragraph 11 of the National Planning Policy Framework ('the Framework') indicates that where the requisite housing land supply does not exist, 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.
32. The proposal would make use of previously developed land within the built-up area where the principle of residential development is acceptable. The scheme would provide a net increase of 42 new homes and I have attached the benefits of this great weight, given the extent of the housing shortfall. There would also be benefits to the local economy during the construction phase. However, the scheme would give rise to significant harms to the character and appearance of the area, highway safety and the living conditions of neighbouring residents. Taken together, these harms would significantly and demonstrably outweigh the benefits of the scheme. As such, the proposal does not benefit from the presumption in favour of sustainable development set out in the Framework.
33. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Robert Parker

INSPECTOR