



Appeal Decision

Site visit made on 31 January 2023

by S Harrington MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 March 2023

Appeal Ref: APP/V1260/W/22/3308851

1 Ashridge Gardens, Bournemouth, BH10 6DB

- 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 D. Wrigley against the decision of Bournemouth Christchurch and Poole Council.
 - The application Ref 7-2022-26116-B, dated 5 May 2022, was refused by notice dated 4 July 2022.
 - The development proposed is erection of a new detached dwelling with associated access and parking.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The address provided on the application form included the address line 'Bournemouth Christchurch Poole'. I have taken the address in the banner above from the appellants appeal form and the Council's decision notice, which more accurately describes the appeal site address.
3. I have taken the description of development in the banner heading above from the application form. However as '(revised scheme)' is not an act of development, I have removed this element.
4. Following the decision of the Council, the appellant has submitted amended plans. These plans relate to the gradient of the driveway, position of soakaway and provision of a bin store and EV charging point. Furthermore, a signed Unilateral Undertaking(UU) has been received which commits to payment of contributions to Strategic Access Management and Monitoring schemes. The appellant suggests that this information should be considered in the appeal decision to address part of the Council's reasons for refusal.
5. The appeal process should not be used to evolve proposals and revisions intended to overcome reasons for refusal should normally be tested through a fresh application. I have had regard to the Wheatcroft Principles and the degree of engagement of all parties and the interests of fairness. Noting the minor nature of the amendments, concerns of third parties in respect of the matters and the opportunity for the Council to fully respond, I do not consider that any party will be prejudiced by my consideration of the plans and I have therefore determined the appeal on the basis of the amendments. The plans do not alter the nature or substance of the application which remains as applied for and are not substantial.

Main Issues

6. 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 highway safety.

Reasons

Character and appearance

7. The appeal site is a garden located on a corner plot fronting Ashridge Gardens and Hogue Avenue. The surrounding area is predominantly residential and features a mix of single storey and two storey detached and semi-detached dwellings. While some surrounding development may well be higher density, the area immediately surrounding the appeal site has a lower density appearance due to dwellings being set back from the highway behind largely open plan front gardens or parking areas.
8. Furthermore, the existence of gaps between detached dwellings, as well as the set back from the highway provide glimpsed views towards the surrounding townscape and landscape. I acknowledge that some of these gaps between properties, and pairs of semi-detached properties, have varying widths and importance in the street scene. Nevertheless, the positioning of dwellings within their plots help to maintain the sense of space between the relevant properties such that they contribute positively to the character and appearance of the area.
9. The proposed dwelling would be sited to the north of No. 1 Ashridge Gardens, and due to its position within the site, would maintain the existing building line along Hogue Avenue, whilst also retaining the building line along Ashridge Gardens.
10. Although I note that 1 Ashridge Gardens has a more contemporary appearance than surrounding properties, largely due to cladding and window frame colours, it retains a traditional tiled pitch roof form. The proposed development would also have a traditional pitch roof form, however due to roofing materials, and box dormer windows would have more of a contemporary appearance than 1 Ashridge Gardens.
11. While the proposal may share some contemporary design elements with 1 Ashridge Gardens, the proposed development would draw the eye, and combined with its prominent position within a corner plot, would appear visually out of keeping with surrounding built form. Furthermore, despite the lower ridge height and smaller scale, and even if the overall development density is similar to the surrounding area as put to me by the appellant, the close proximity to the adjacent property would result in the proposed development appearing cramped within this visually prominent site, contrary to the overall character and pattern of development of the immediately surrounding area. It would substantially diminish the perception of spaciousness and openness of the appeal site and accordingly, its contribution to the character and appearance of the street-scene and area.
12. I have noted the variety of roof forms in the immediate area, and planted boundary treatments, and while a hedge boundary would not appear out of place, I find that the prominence of the gable adjacent the roof form of No. 3 Hogue Avenue would not visually provide a successful transition between No. 1

Ashridge Gardens and No. 3 Hogue Avenue, further resulting in an incongruous appearance within this location. In this location it would not result in a high quality of design.

13. In conclusion, the proposed development would cause significant harm to the character and appearance of the area. Accordingly, the proposed development would be contrary to policies CS6, CS16, CS21, and CS41 of the Bournemouth Local Plan: Core Strategy (October 2012) (CS), and Policy 6.8 of the Bournemouth District Wide Local Plan (February 2002) (LP). Amongst other things, and when taken as a whole, these require development to respect the character and appearance of the surrounding area and neighbourhood. Furthermore, for the same reasons, the proposed development would also be contrary with paragraph 130 of the National Planning Policy Framework (Framework) which seek to enhance the built environment and achieve well designed places.

Living conditions

14. Although the site is restricted in size, the position of the proposed development provides for a small garden area and single parking space. The Council raise concerns that the boundary screening would not provide adequate privacy to either the garden area or primary windows.
15. The landscaping and management plan indicates that the hedged boundary would be formed by mature evergreen species thereby providing instant screening as well as providing for future management. I observed other hedge boundaries elsewhere in the area, which successfully screened parts of front gardens. I have no substantive evidence before me that the proposed landscaping scheme would not be equally as effective at screening, and although the planting may take some time to fully establish, I do not find that this would result in a significant impact on the privacy of future occupiers. Suitable living conditions for future occupiers in terms of private amenity space could be secured.
16. Although the Council has raised concerns that there may be pressure for a tall fence like boundary treatment, thereby impacting on the character and appearance of the area, such a fence is likely to require planning permission in any case, given its location adjacent the highway which would be considered on its own merits.
17. Consequently, I conclude that the proposed development would result in acceptable living conditions of future occupiers. The proposal would provide adequate garden area, with a landscaping scheme, which could be secured by condition. Accordingly, the proposed development would accord with CS Policy CS21 and CS41 in so far as they relate to protection of living conditions.

Highway safety

18. The amended site plan and site section that has been received during the appeal process seeks to demonstrate that the proposed driveway would be at a gradient of no more than 1:20 within the first 5m of Hogue Avenue, as well as provision of a cycle and bin store and EV charging point. The relevant Highway Authority have reviewed the amended plan and is satisfied that the amended plans have overcome previous highway safety concerns.

19. Matters relating to the provision of visibility splays and EV charging point, and cycle store, access to that store, and the parking area could be secured by the imposition of planning conditions if the appeal were to be allowed, and on the evidence before me, I have no reason to disagree with those conclusions.
20. I therefore find that the proposed development would not cause harm to highway safety. In this regard, the development would accord with CS Policies CS16 and CS41 which require new development to meet the day to day needs of future and neighbouring occupants and which would include adequate and well-designed parking. Furthermore, the proposal would accord with guidance on parking requirement provided within the Parking Standards SPD (2021).

Other Matters

21. The appellants have cited a number of permissions granted by the Council which they allege are comparable to the proposal in this instance. In terms of 34 Ferncroft Road, this was not a prominent corner plot and features a differing spatial relationship with neighbouring properties. The impact of this scheme is therefore materially different to the present case. Similarly, the scheme at land r/o 16-20 Ferncroft Road features differing spatial relationships, appearance and is of a differing scale, being 3 dwellings, therefore provides differing material considerations than the appeal scheme. Finally, I observed the development at 13 Pinewood Avenue isn't within a prominent corner plot, and offers a differing design solution which more comfortably assimilates into the street scene. Consequently they are not directly comparable to the appeal scheme before me and do not alter my view, and in any event each case must be considered on its own merits.
22. Part of the Council's reason for refusal relate to a failure to make an appropriate contribution towards mitigation measures required due to an additional demand the proposed development would place on the Dorset Heathlands Special Protection Area, Ramsar Site and Dorset Heaths Special Area of Conservation (the habitats sites). During the appeal process a signed UU has been received which commits to payment of contributions to Strategic Access Management and Monitoring schemes. If the appeal were to be allowed, I would need to undertake an Appropriate Assessment in accordance with the Habitats Regulations. However, as I am dismissing the appeal, I have not found it necessary to consider such matters any further.

Planning Balance and Conclusion

23. The main parties agree that the Council is not able to demonstrate a five-year supply of deliverable housing sites. The Council state that in the Bournemouth area a 2.3 year housing land supply can be demonstrated, and a 2021 Housing Delivery Test result of 67%.
24. Although there would be compliance with some aspects of the development plan, the proposal would conflict with the development plan, when taken as a whole. Planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. The Framework is one such material consideration, and in this case, if I were to accept that the UU provides acceptable habitat mitigation measures thereby not engaging paragraph 11 d)i, the presumption in favour of sustainable development set out within paragraph 11 d) ii of the Framework would apply.

25. The adverse impacts are derived from the above identified harm to the character and appearance of the area. Paragraph 130 of the Framework is clear 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.
26. Even in an area of under supply a single dwelling would make a minimal contribution to housing supply. There would also be short term economic benefits during the construction phase which and a further long term benefit from the future spend of occupants in the local economy.
27. The development would provide appropriate living conditions for future occupiers, would not result in any harmful overlooking or loss of light and would not result in highway safety concerns. However, these are ordinary requirements for new development, and they do not represent a positive benefit that weighs in favour of the development.
28. It has also been put to me that the proposed development would be an effective use of under utilised land supported by Paragraph 119 and 120(d) of the Framework. However, the Framework also seeks to enhance the built environment and achieve well designed places, to which I have found conflict within the main issue above
29. Nonetheless, and although there is accordance with some elements of the Framework, given the identified harm, overall, the proposed development would fail to fulfil the social and environmental dimensions of sustainable development as articulated within paragraph 8 of the Framework.
30. Consequently, the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. The proposal would not be sustainable development for which Paragraph 11 d) ii. of the Framework indicates a presumption in favour.
31. The proposal would conflict with the development plan, read as a whole and there are no other material considerations, including the provisions of the Framework, which outweigh this finding. Therefore, for the reasons given, the appeal should be dismissed.

S Harrington

INSPECTOR