



Appeal Decisions

Site visit made on 14 February 2023

by S Leonard BA (Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 March 2023

Appeal A: APP/V1260/W/22/3307022 **5 Seafield Road, Bournemouth BH6 3JE**

- 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 Prestige Organisation Ltd against the decision of BCP Council.
 - The application Ref 7-2022-26969-A, dated 14 January 2022, was refused by notice dated 29 March 2022.
 - The development proposed is demolition of existing dwelling and garage and erection of six flats with bin and cycle stores, widening of vehicular access, formation of new vehicular access and formation of parking spaces.
-

Appeal B: APP/V1260/W/22/3307023 **5 Seafield Road, Bournemouth BH6 3JE**

- 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 Prestige Organisation Ltd against the decision of BCP Council.
 - The application Ref 7-2022-26969-B, dated 31 May 2022, was refused by notice dated 27 July 2022.
 - The development proposed is erection of 6 flats with bin and cycle stores, involving demolition of existing dwelling and garage, widening of existing access, installation of new vehicular access and additional parking spaces.
-

Decisions

1. Appeal A is dismissed.
2. Appeal B is dismissed.

Procedural Matters

3. I have taken the description of development in respect of Appeal B from the appeal form and decision notice, since this more accurately describes the proposed development than the description on the application form.
4. In respect of Appeal B, the appellant has referred to amended drawings, Ref Proposed Site Plan 002 rev B and Proposed Street Scenes 006 Rev B, that were submitted to the Council prior to the determination of the planning application in order to address the Council's concerns in respect of highway safety, but which were not accepted by the Council prior to the decision being made.
5. The planning appeals procedural guidance¹ (Annexe M) advises that, if an applicant thinks that amending their application proposals will overcome the

¹ Procedural Guide. Planning Appeals – England. The Planning Inspectorate August 2019.

local planning authority's reasons for refusal, they should normally make a fresh planning application. Moreover, if an appeal is made, the appeal process should not be used to evolve a scheme, and it is important that what is considered by the Inspector is essentially what was considered by the local planning authority, and on which interested people's views were sought. Accordingly, I have determined Appeal B on the basis of the scheme which was refused by the council and the plans listed on the decision notice, which include drawing Nos. 002 and 006.

Main Issues

6. The following three main issues are common to both appeals:
 - The effect of the proposal on the character and appearance of the area:
 - The effect of the proposal on the living conditions of future occupiers, with particular regard to privacy and noise impacts; and
 - The effect of the proposal on the integrity of the Dorset Heathlands SPA.
7. There is also another main issue in respect of Appeal B, which is the effect of the proposal on highway safety, with particular regard to off-road parking provision and access design.

Reasons

8. There are two proposals before me, each the subject of its own separate appeal. Both appeal schemes propose the removal of the existing house and garage and the construction of a 3-storey, flat-roofed building comprising 6 flats, which would front onto Seafield Road and Douglas Road. The layout of both schemes comprises two blocks of three flats with a linking central access, stairway and circulation area. There would be vehicular accesses from both roads, each of which would serve 3 parking spaces located in front of the new building and accessed directly from the back of the public footpath. Communal outdoor amenity space would be provided to the rear of the building.
9. The differences between the two schemes primarily relate to the footprint, mass, siting, layout and elevational appearance of the building. In particular, the building proposed under Appeal B would be sited further from the eastern site boundary, would have a more centrally positioned integral cycle store, and a smaller building mass at second floor level, so that Flat 6 would comprise a 1-bedroomed unit rather than a 2-bedroom flat as proposed with Appeal A. Terraces would be incorporated into the layout of both second floor flats under the Appeal B scheme, replacing some of the lost floorspace compared to the Appeal A scheme. The Appeal B scheme would incorporate underground refuse storage facilities instead of the proposed surface bin stores of the Appeal A scheme, and the Douglas Road facing parking spaces would be sited closer to the eastern site boundary under the Appeal B scheme.

Character and appearance – Appeals A and B

10. The rectangular-shaped appeal site lies in a visually prominent position, on the corner of Seafield Road and Douglas Road, within an established urban residential area within the designated settlement policy boundary.
11. Purpose-built flatted developments, of a variety of designs, heights and materials, exist at the southern end of Seafield Road, within the vicinity of its

junction with Belle Vue Road. These have been drawn to my attention by the appellant, and include contemporary 3-storey apartment blocks at 1 Seafield Road and 68 Belle Vue Road, and a higher 6-storey development at 10 Seafield Road. Flatted development is also a feature of Twynham Road, including a large, 3-storey flatted development on the south side of the road with frontages onto Belle Vue, Seafield and Twynham Roads, and smaller scale, more traditionally designed flats buildings on the north side of Twynham Road.

12. These larger residential buildings do not appear unduly out of place near the mixed commercial and residential area around Belle Vue Road, which is a busy principal route through this part of Bournemouth, and is aligned by larger scale buildings than those characteristic of surrounding mainly residential suburbs.
13. Further north, beyond nos. 1 and 10 Seafield Road, the character of the road, and that of Douglas Road, onto which the principal front elevation of the appeal schemes would face, is markedly different. This area predominantly comprises detached, two-storey dwellings, which face the street, behind front gardens or parking areas set behind low front boundary walls/fences, often with frontage hedging. This frontage treatment, together with plot sizes incorporating ample private rear gardens, contributes to the area having a pleasant, spacious and domestic character.
14. The buildings tend to be traditionally designed, under simple hipped or pitched roofs. Whilst individual building designs differ, there are common elements throughout the area which combine to give a sense of overall design cohesion throughout the area. These include a predominance of brick, render and tiling materials, with walls often including incorporating elements of both brick and render, large projecting bay windows, overhanging roof eaves and feature porches.
15. Whilst some properties appear to have been converted into flats, such as the adjacent property at 4 Douglas Road, this has not noticeably altered their outward appearance. Moreover, purpose-built block of flats opposite the appeal site at 12 Seafield Road and further north at No.19 comprise a traditional, hipped roof buildings, incorporating materials and fenestration detailing, overtly 2-storey appearances, and parking and garaging arrangement which do not appear at odds with the established character of the residential area within which the appeal site lies.
16. The appeal site is typical of this prevailing character. It is occupied by a traditionally designed, tiled hipped roofed, detached, two-storey dwellinghouse, with principal elevations, incorporating a mix of brick and render finishes and large bay windows, fronting onto both roads. The site highway frontages are defined by low brick walling with boundary hedging which enclose soft-landscaped front gardens, providing a spacious and verdant setting to the building. A single vehicular access from Seafield Road serves driveway parking and an attached single garage to the side of the house.
17. As such, the appeal site makes a positive contribution to the quiet, spacious, regular, domestic-scale, residential character of the area. The existing building sits harmoniously within the established street scene in respect of its building lines, scale, height, massing and detailed design, including in relation to the surrounding detached, traditionally designed two-storey residential properties at 3 and 7 Seafield Road and 4 Douglas Road.

18. Both appeal schemes would replace the existing building with a larger structure, comprising a 3-storey apartment block. They would both introduce a significantly greater amount of built development onto the appeal site, including the building and associated hardsurfaced parking and paved pedestrian paths.
19. The above, together with the proposed removal of a large part of the frontage boundary walling and hedging, would mean that both appeal proposals would have a noticeably greater visual impact upon the street scene than the existing building.
20. The combined footprint, scale and bulk of the new building would be notably greater than that of the adjacent rows of houses which characterise both sides of Douglas Road and the main part of Seafield Road which lies north of nos.1 and 10. The visual impact of the proposed building depth would be particularly apparent within the Douglas Road townscape, where a 3-storey mass of building would extend to within close proximity of the side wall of No.4 filling in most of the existing building gap where there is currently soft-landscaped garden, and harmfully eroding the existing spacious verdant nature of the appeal site to the detriment of the townscape.
21. Whilst the proposed space between the new building and No.4 would be greater in the case of the Appeal B scheme, and there would be more space at second floor height due to the smaller proposed upper floor flat, this would not sufficiently address the resulting over-dominant and incongruous impact of the building when viewed from the public realm of Douglas Road. The relatively small recess of the central communal staircase element and small set back from the street of the section of the building closest to No.4, in the case of both schemes, would not provide sufficient visual relief to satisfactorily address the perceived overdominance of the building within the streetscene. Moreover, the replacement building would extend closer towards both road frontages than the existing building and the two neighbouring properties.
22. Notwithstanding that both appeal proposals would have a lower ridge height than the adjacent properties at 4 Douglas Road and 3 Seafield Road, both proposals would introduce a perceptibly more blocky and flat roof form, which would be at odds with the prevailing traditional hipped/pitched tiled roofs. A considerable proportion of the top storey of the elevations of both schemes would be taken up with glazed openings, including full floor to ceiling height windows/doors, in contrast to the predominantly plain unrelieved tiled roof forms characteristic of the surrounding housing. The vertically designed glazing would be particularly pronounced on the road-facing elevations of the new building in the case of both appeal schemes, and would draw attention to the three storey height of the proposals.
23. In the case of both appeal schemes, discordance between the scale of the new building and that of the adjacent houses would be compounded by the greater height of the top of the first floor level of the new building in relation to the adjacent eaves heights. Moreover, in both schemes, added perceived visual dominance of the part of the new building closest to no.4 Douglas Road would arise from significantly larger glazed openings at first floor level compared to the proposed windows directly below them.
24. The incongruous nature of the proposals would be compounded by a dominance of the site with built development, which would leave very little

- room to provide sufficient soft landscaping to effectively screen the building and soften the visual impact of the proposals within the townscape.
25. In this respect, the proposed parking would take up a considerable part of the building frontage, which, together with an associated reduction in frontage enclosure, would contribute to the starkness of proposal, exposing the building to the street scene and compounding its visual incongruence within the townscape. In the case of the scheme for Appeal A, the excessive site coverage of built development would be exacerbated by the proposed prominently sited bin storage adjacent to the eastern site boundary.
26. All the above factors would combine to give the new building, in the case of both appeal schemes, an unduly visually prominent and overbearing impact within the street scene. It would appear at odds with the more spacious, modest scale and verdant development which surrounds the site.
27. The appellant has drawn my attention to a number of flatted developments within the vicinity of the appeal site in support of the proposed design of the Appeal A and Appeal B schemes and the amount of site coverage proposed. I have already referred to a number of these developments in my earlier appraisal of the prevailing character of the area. Moreover, on the basis of the evidence presented to me by the appellant and my site visit, I do not find the specific circumstances of the other flatted developments referred to by the appellant to be directly comparable with those of the developments the subject of both current appeals before me, including in respect of building footprint, mass, scale, detailed design, juxtaposition on the site in relation to the street and neighbouring properties. As such, these developments do not comprise sufficient reason to approve the proposed designs of either or both appeal schemes before me, which I must determine on their merits and having regard to the particular circumstances of the appeal site.
28. For the above reasons, I therefore conclude that the development proposals the subject of both Appeal A and Appeal B would materially harm the character and appearance of the area. As such, they would be contrary to Policies CS21 and CS41 of the *Bournemouth Local Plan: Core Strategy* (2012) (the Core Strategy) and Saved Policy 6.10 of the *Bournemouth District Wide Local Plan* (2002) (the Local Plan). These policies, amongst other things, seek to ensure that new development is of a high quality design, maintains and enhances the quality of the street scene, and respects the site and its surroundings in terms of factors including scale, layout, siting, character and appearance.
29. For similar reasons, both proposals would also be contrary to Chapter 12 of the *National Planning Policy Framework 2021* (the Framework), which seeks to ensure high quality design.

Living conditions – Appeals A and B

30. In respect of the Appeal A scheme, the proposed layout of development would be such that the bedroom windows of Flat 2 would directly face onto one of the proposed parking areas serving the development. These would be large and wide windows, which act as the sole windows serving each bedroom. The proximity of the front wall of the building to the parking areas, combined with these window positions, means that the occupiers of Flat 2 would be likely to experience noise disturbance impacts and loss of privacy associated with the use of the parking spaces by occupants of the development and their

associated visitors, including tradesmen and deliveries, accessing and exiting the development.

31. There would be likely noise disturbance from vehicle engines, driver and passenger conversations, and in-vehicle music/entertainment systems, and light disturbance from vehicle headlights in connection with vehicular activity to and from the new dwelling, particularly given the perpendicular arrangement of parking spaces in relation to the building so that car lights would directly face the windows.
32. Moreover, the use of the area between the parking spaces and the front of the building, comprising the same surfacing as the parking spaces, would be likely to result in noise disturbance and loss of privacy associated with pedestrians accessing and existing the building from the parking area. This would be exacerbated by any loitering of people within this area, particularly having regard to the close-range views from the pedestrian path and parking area into both bedrooms of Flat 2, and insufficient available space to enable the provision of effective noise and privacy screening to the front of the windows.
33. Short-term intermittent incidences of noise associated with vehicle and pedestrian comings and goings during the night would be set apart from the general background noise within the site vicinity, and arguably have a greater potential to disrupt sleep patterns than more regular, constant sources of background noise, and would be expected to be increased during periods of warm weather when the bedroom windows are more likely to be open.
34. The unallocated nature of the parking area is such that the parking area would be available to all occupants of the development and their visitors, so that that these harmful impacts would be unable to be effectively controlled by the occupiers of Flat 2. Moreover, the location of this parking area adjacent to the main communal entrance to the building, could reasonably be expected to mean that this parking area would be chosen in preference to the other parking area fronting Seafeld Road due to a natural desire to park as close as possible to the main building entrance.
35. In the case of the Appeal B scheme, there would be a different arrangement of front-facing windows in relation to the Douglas Road-accessed parking than in the case of the Appeal A scheme. This parking area would be sited further eastwards compared to Appeal A scheme, and the room layout of Flat 2 would be altered so that its north-facing windows would serve a bedroom and a kitchen/diner. In addition, a strip of land to the front of building is proposed to be soft-landscaped instead of having the same surfacing as the parking spaces.
36. These changes would go some way to reducing the harmful impacts that I have identified in respect of the Appeal A scheme, in that there would no longer be bedroom windows sited directly opposite the parking area, the kitchen diner window which would face the parking area would not be the sole window serving that room, and the provision of landscaping would divert pedestrians away from the front wall of the building.
37. However, the parking area would still be sited in close proximity to the front of the building and the sole and large window serving one of the bedrooms, and it would not be practical or desirable for any new landscaping in front of the building to be of such a height and thickness that it would prevent views into and out of the front-facing windows, and it would be unlikely to prevent users

of the parking area from accessing the main building from alongside the southern edge of the parking area, whether cars are parked there or not. As such, harmful noise and privacy impacts similar to those that I have identified in respect of the Appeal A scheme, also relate to the Appeal B scheme, having regard to the principal uses of the affected rooms as sleeping and kitchen/eating areas.

38. I have considered the Council's concerns relating to harm arising to the living conditions of the occupiers of Flat 1, having regard to noise and privacy impacts associated with the Seafeld Road parking arrangement within the development which is the subject of Appeal B.
39. In the case of this scheme, I find that the proposed juxtaposition of the parking area and the sole principal room windows of Flat 1 would be such that there would be sufficient space to incorporate a layout of pedestrian access to the building and mitigation measures such as screening of the parking area, to address any potential materially harmful noise and privacy impacts.
40. The appellant has drawn my attention to other flat developments within the locality of the appeal site where on-site parking exists in close proximity to the building. On the basis of the information before me, I do not consider that these developments are directly comparable with the schemes the subject of Appeals A and B, including in respect of the building and parking layouts and their juxtapositions. In any event, I must determine the current appeals on the merits of the appeal schemes before me and the appeal site circumstances.
41. I am not persuaded that the proposed installation of electric car charging points for each parking space would provide sufficient mitigation against the harmful noise impacts I have identified. Whilst encouraging the use of quieter vehicles, there is no guarantee that future occupants would choose to use electric vehicles. Moreover, the noise impacts I have identified are not limited to those associated with vehicle engines.
42. For the above reasons, I therefore conclude that the development proposals, the subject of both Appeal A and Appeal B would materially harm the living conditions of the future occupiers of Flat 2, having regard to noise and privacy impacts. As such, the development would be contrary to Core Strategy Policy CS41 and Local Plan Policy 6.10, in so much as these policies require new development to provide a high standard of amenity to meet the day-to-day requirements of future occupants and respect the living conditions of the occupiers of buildings in the vicinity.
43. This is generally consistent with guidance within the Framework, which seeks to ensure that developments will function well and promote a high standard of amenity, health and well-being for existing and future users (Paragraph 130).

Highway safety – Appeal B

44. There is no dispute between the main parties that the proposed inter-visibility splay on the eastern side of the Douglas Road access and parking area would be sub-standard and would fail to provide the required unobstructed visibility for drivers to see and be seen by pedestrians using the public footway on Douglas Road.
45. There is also no dispute that the parking spaces which to be accessed from Douglas Road would be sub-standard due to the proposed positioning of the

western visibility splay boundary wall, which would impede upon car door opening, and insufficient parking space depth to arising from the proposed soft landscaping between the parking and the front wall of the building. As such, there would be a high likelihood of parked vehicles overhanging the public highway and obstructing and forcing footpath users onto the carriageway near to the road junction.

46. Based on the evidence before me, I have no reason to disagree with the Council's highway safety concerns. I acknowledge that these matters are capable of being addressed to the Council's satisfaction through amendments to the parking layout, as indicated on the application drawings associated with the Appeal A scheme. However, notwithstanding the appellant's willingness to make these changes, paragraphs 4 and 5 of this decision have explained why I am unable to consider such changes as part of my determination of this appeal.
47. For the above reasons, I therefore conclude that the development proposals the subject of Appeal B would materially harm highway safety, with particular regard to off-road parking provision and access design. As such, they would be contrary to Core Strategy Policy CS18 in so much as this policy seeks to ensure that new development is well integrated with, and will not compromise, any existing walking network.
48. This accords with advice in the Framework which seeks to ensure that development proposals provide safe and suitable access to the site and create places that are safe and minimise the scope for conflicts between pedestrians, cyclists and vehicles (Paragraphs 110 and 112).

SPA – Appeals A and B

49. The Council's final reason for refusal in respect of both appeal planning applications, relates to the failure of the proposals to secure avoidance/full mitigation of the likely significant effects from recreational pressures that the Council considers the proposed additional residential dwellings, in combination with other dwellings proposed near to the European sites, would have on the integrity of the European sites, particularly upon bird and reptile habitats within the SSSI.
50. The site is within 5km but outside 400m of the European sites. Natural England is concerned about the intensification of residential development in South-East Dorset, and the resultant pressures upon protected Heathland by the new occupants of these dwellings living in close proximity to such areas. Studies have shown that increased access to lowland heathland from nearby development leads to an increase in wildfires, damaging recreational uses, the introduction of incompatible plants and animals, loss of vegetation and soil erosion and disturbance by humans and their pets. It is the view of Natural England that within 5km of Heathland, there will be significant adverse effects in combination with other proposals. However, avoidance or mitigation measures, including access management measures to divert recreational pressure from heathland can allow development to be permitted.
51. The proposal would be required to comply with an Avoidance and Mitigation Framework Strategy contained within the *Dorset Heathlands Planning Framework 2020–2025 Supplementary Planning Document* (2020) (the DHPF) which includes a requirement for a financial contribution towards Strategic Access Management and Monitoring (SAMM). This is in line with Policy CS33 of

the Core Strategy. The Council has carried out an Appropriate Assessment (AA) under the Habitats Regulations, concluding that adverse effects on the designated nature conservation sites would be avoided if a financial contribution in accordance with the requirements of the DHPF were to be made.

52. The appellant has agreed to address this matter through the submission of a Section 106 Unilateral Undertaking (UU) to secure such payment.
53. Within the context of this appeal, the responsibility for assessing the effects of the proposal on the European designated sites fall to me as the competent authority. Had I been minded to allow Appeal A or Appeal B, and the circumstances therefore existed in which planning permission could be granted, it would have been necessary for me to examine this matter further and to undertake an AA of the implications of the appeal scheme(s) for the European designated sites.
54. However, as the first two main issues provide clear reasons for dismissing Appeals A and B, the outcome of any such AA would have no bearing on the overall outcome of these appeals. There is therefore no need for me to consider this matter any further as part of my decisions, since any findings on this issue would not change the outcome of Appeals A and B.

Other Matters

55. The Council has confirmed that it cannot demonstrate a 5-year supply of deliverable housing sites as required by the Framework. The appellant's supporting planning statement states that the Council's supply stands at 2.9 years of deliverable housing land, and this figure is not disputed by the Council. As such, the undersupply is acute.
56. Moreover, the results of the 2021 Housing Delivery Test, which were published on 14 January 2022, show that the Council delivered 67% of its housing requirement over the preceding 3 years.
57. As such, Paragraph 11 of the Framework applies, which states that relevant policies for the supply of housing should not be considered up to date where a 5-year housing land supply cannot be demonstrated, or the Housing Delivery Test indicates that the delivery of housing was substantially below the housing requirement over the previous three years. Paragraph 11 sets out that, where relevant policies are out of date, permission should be granted unless the application of policies in the Framework that protect areas or assets of particular importance, provides a clear reason for refusing the development proposed, or the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole, or specific policies in the Framework indicate that development should be restricted.
58. Paragraph 8 of the Framework defines the three dimensions of sustainable development as performing economic, social and environmental objectives. When judged against some of the core planning principles of the Framework, the appeal proposal would perform well in that it would be in an urban area within a designated settlement boundary, where access to facilities and services and public transport connections is likely to be greatest.
59. Paragraph 60 of the Framework refers to boosting significantly the supply of homes, and five additional dwellings would make a modest contribution

towards addressing the housing delivery deficit. Moreover, the development could be built out relatively quickly, having regard to Paragraph 69 of the Framework. There would also be economic benefits as a result of the construction of the new dwellings and economic and social benefits as a result of their future occupation. These considerations weigh in favour of the development, and I afford them moderate weight, having regard to the modest size of the proposed development.

60. The Council has raised no objection to both appeal schemes in respect of matters including the principle of replacing the existing dwelling with new residential development and the impact of the proposals upon the living conditions of neighbouring residents, and, in respect of the Appeal A scheme, parking and highway safety. In terms of the planning balance, the lack of identified harm is a neutral factor that does not diminish the harm that would arise from both appeal schemes in respect of the impact on the character and appearance of the area and upon the living conditions of the future occupiers of the proposals, and the harm in respect of highway safety that would arise from the Appeal B scheme.
61. I acknowledge the proposed incorporation of sustainable design elements. However, this is a requirement of current national and local planning policies in any case, and does not outweigh my conclusions on the main issues in respect of both appeals.
62. A high standard of design is a key aspect of sustainable development. The harms I have identified to the character and appearance of the area, the living conditions of future occupiers of the development and highway safety would be significant. As a result, the social objectives of sustainable development of fostering well-designed and beautiful places and providing a good standard of residential amenity, would not be achieved.
63. Whilst the Framework encourages the effective use of land in meeting the need for homes and requires the Council to approach decisions in a positive and creative way, these matters are not unqualified and would not address or outweigh the aforementioned harms that I have identified.
64. Accordingly, notwithstanding whether footnote 6 to Paragraph 11 of the Framework applies with respect to habitats sites, I have found that, when assessed against the policies in the Framework taken as a whole, the adverse impacts of both the Appeal A and Appeal B schemes would significantly and demonstrably outweigh the benefits. Therefore, the proposals, the subject of Appeal A and Appeal B, would not be sustainable forms of development. The conflict with the development plan is not outweighed by other considerations including the Framework.

Conclusion

65. For the reasons given above, I conclude that both **Appeal A** and **Appeal B** should be dismissed.

S Leonard

INSPECTOR