



Appeal Decision

Site visit made on 21 February 2023

by C Rose BA (Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 March 2023

Appeal Ref: APP/V1260/W/22/3304645

59 Stirling Road, Bournemouth BH3 7JH

- 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 Simon Small against the decision of Bournemouth Christchurch and Poole Council.
 - The application Ref 7-2022-28448-A, dated 17 May 2022, was refused by notice dated 7 July 2022.
 - The development proposed was described as "Installation of a hardstanding to the front to create 2 x additional parking spaces".
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Decision

1. The appeal is allowed and planning permission is granted for Installation of a hardstanding to the front to create 2 x additional parking spaces at 59 Stirling Road, Bournemouth BH3 7JH in accordance with the terms of the application, Ref 7-2022-28448-A, dated 17 May 2022, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
 - Site Location Plan;
 - Showing Proposed New Parking in Red; and,
 - New Proposed Parking: Widen Drive Opening to Left of Existing.

Preliminary Matters

2. The description of development used in the banner heading above is that given by the local planning authority. I have used this description as it more succinctly describes the development proposed than that given on the application form.
3. As the proposal relates to development within a Conservation Area, I have had special regard to section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).

Main Issues

4. The main issues are:
 - the effect of the proposal on highway safety; and,

- the effect of the proposal on the character and appearance of the area, including whether it would preserve or enhance the character or appearance of the Meyrick Park/Talbot Woods Conservation Area (CA).

Reasons

Highway safety

5. The site is located off Sterling Road which is wide in nature and a no-through road for vehicles. From the evidence before me, and as experienced at my site visit, Sterling Road is quiet with very little vehicular and pedestrian activity.
6. The proposal seeks to provide a parking area for the ground floor flat that does not benefit from any off-road parking. The existing parking on the appeal site serves the first floor flat only.
7. The Council indicate that the proposal would result in overprovision of car parking on the site based on its Parking Standards Supplementary Planning Document (SPD) Adopted 5 January 2021. The ground floor flat has 5 habitable rooms and for dwellings of this size, in Zone D where the appeal site is located, 2 spaces should be provided.
8. The parking area proposed is large enough for a vehicle to serve the flat off a widened access onto the road. I note that the appeal is not accompanied by a plan with annotated parking bays with dimensions, visibility splays or swept paths. I also note that the size of the parking area is limited, would make the turning of vehicles on-site difficult, and would be impractical for the parking and manoeuvring of two cars. However, in light of the quiet nature of the road, relatively slow speed of vehicles existing the appeal site, and presence of other similar accesses, there is a lack of substantive evidence to demonstrate that the proposed layout, parking provision, extended dropped kerb or visibility would be a hazard for pedestrians or other road users.
9. Moreover, I note that the SPD allows reductions in parking provision where this can be fully justified. In light of the proposal seeking to provide parking for an existing dwelling with no off-street parking and given that the dwelling already benefits from parking on the road, I find the proposed car parking provision justified and acceptable.
10. For the above reasons, I conclude that the proposal would not harm highway safety. As such, the proposal complies with Policies CS16 and CS41 of the Bournemouth Local Plan: Core Strategy Adopted October 2012 and Paragraphs 108 of the National Planning Policy Framework (the Framework) that seeks to ensure, amongst other things, that development is in accordance with the Council's adopted parking standards, is well designed to contribute positively to the safety of the public realm and ensures safe and suitable access to a site can be achieved for all users.

Character and appearance

11. The appeal site comprises two flats located off Sterling Road set back behind a front garden area with vehicular and pedestrian access off the road. The front boundary of the site is formed by a low retaining wall with planting, shingle surface, a bird bath feature and rockery.

12. This site lies within the Meyrick Park/Talbot Woods Conservation Area. Sterling Road and the immediate surrounding area is characterised by large, detached properties in large plots. The significance of this part of the CA is derived from its suburban residential form comprised of detached properties in large plots set back behind frontage gardens and walls on wide roads lined with trees. This creates a verdant local street scene, to which the appeal site makes a neutral contribution.
13. The majority of properties in the area benefit from off-street parking with a number, including the neighbouring property at No 59 Sterling Road, having hard surfaced front gardens providing additional off-street car parking behind retained boundary walls. Whilst I acknowledge that a short section of the front boundary wall would be removed to form the widened access, a significant section would be retained. In light of this and given that the proposal seeks to retain the majority of the existing planting on the site, the proposal would complement other properties and parking areas in the street and retain the verdant nature of the area.
14. Given the above, I conclude that the proposal would not harm the character and appearance of the area and would preserve the character or appearance of the Meyrick Park/Talbot Woods Conservation Area. As a result, it would preserve the significance of the CA as a designated heritage asset. As such, the proposal complies with Saved Policy 4.4 of the Bournemouth District Wide Local Plan Adopted February 2002 and Policy CS41 of the Bournemouth Local Plan: Core Strategy Adopted October 2012. Amongst other things, these require that development preserve or enhance the character or appearance of the area, is of a design that relates to the predominant character of buildings in the area, retains original building plots and protects existing street patterns, walls and planting integral to the Conservation Area and is designed to a high quality.

Other Matters

15. I note that on-street parking is generally available on Sterling Road, although there are restrictions in place of a morning and afternoon at certain times of the week and year. As a result of the restrictions, I do not find it unreasonable for the appellant to seek to provide off-street car parking to serve the existing flat. I appreciate that the appeal property is well located close to a range of services and facilities. However, the provision of a small parking area to serve an existing flat that has access to parking on the street would be unlikely to undermine any modal shift to non-car alternatives or unacceptably add to climate change.
16. I acknowledge the comments regarding the ownership of the appeal site. Given that ownership Certificate B was subsequently completed and served as part of the planning application process, and as an appellant does not have to own a site in order to seek planning permission, ownership is a matter between the relevant parties.
17. I note concerns raised regarding the close relationship of the parking area to windows to the first floor flat, the potential for disturbance from noise and pollution and subsequent effect on health and living conditions of the occupiers of the first floor flat. However, the proposal is for a small parking area adjoining existing parking spaces adjacent to a road and resulting in the removal of a small part of the garden. In light of this and given that the parking area is at a lower level to the first floor flat with the size of the parking

area limiting its use, the proposal would not result in unacceptable living conditions. It is noteworthy that the Council came to the same conclusion in these regards.

18. I also note comments regarding the effect on wildlife from the removal of the bird bath feature. As the proposed parking area is small in size with much of the existing planting retained, this does not alter my findings above.
19. Given the circumstances of the case and my findings regarding the proposal not harming the character or appearance of the area, I can see no reason why it would lead to harmful developments on other sites in the area.

Conditions

20. I have considered Paragraph 56 of the Framework and the National Planning Practice Guidance in relation to conditions. In addition to the standard time condition, it is necessary for a condition to confirm the approved plans in the interests of certainty. In light of my findings above, I do not find it necessary to add a condition requiring the submission of further details of the parking area.

Conclusion

21. For the reasons given above, I conclude that the appeal should be allowed.

C Rose

INSPECTOR