



Appeal Decision

Site visit made on 6 June 2023

by C Butcher BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 August 2023

Appeal Ref: APP/V1260/W/22/3311175

113 Richmond Park Road, Bournemouth BH8 8UA

- 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 Bryanstone Developments (Mr N Richards) against the decision of Bournemouth Christchurch and Poole Council.
 - The application Ref 7-2022-24215-B, dated 3 August 2022, was refused by notice dated 21 October 2022.
 - The development proposed is demolition of existing garage and partial demolition of rear extension. Construction of a coach house style dwelling to the rear of the existing property with associated amenity space and parking.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council's reasons for refusal relate solely to the proposed new dwelling. I also note from the Planning Officer's report that the Council has not raised any concerns in relation to the demolition of the existing garage and the partial demolition of the rear extension on the donor property. From what I have read and from what I saw when I visited the site, I have no reason to find differently. For the purposes of the appeal, I have, therefore, only considered the proposed new dwelling.

Main Issues

3. The main issues are the effect of the proposed development on: i) the character and appearance of the surrounding area; ii) the living conditions of future occupiers of the proposed dwelling, and those of 113 Richmond Park Road, with particular regard to privacy, and the occupiers of 117 Bennett Road, with particular regard to outlook and sunlight; and iii) the Dorset Heathlands Special Protection Area and Ramsar site, and Dorset Heaths Special Area of Conservation.

Reasons

Character and appearance

4. The appeal site is located in a residential area that is predominantly characterised by a mix of detached dwellings of different sizes or larger blocks of flats, all of which have varying styles. The development pattern is generally linear, although there are some examples of backland development in the surrounding area. Due to the size of some of the blocks of flats, the form of development in the area is quite dense, although there is generally enough distance between the buildings to ensure that there is still a feeling of

spaciousness. The host property itself is a two-storey brick built detached dwelling with a hipped roof and front facing gable.

5. The proposed dwelling would be brick built and so would be sympathetic to the appearance of the host dwelling to some degree. Some of the architectural detailing would be quite different, including a pitched slate roof and a Juliet balcony at first floor level. However, given the variety of building styles and sizes that exist in the surrounding area, the appearance of the proposed dwelling, taken in isolation, would not be out of keeping or seem unusual.
6. The new dwelling would be situated behind the existing house at No. 113 and would therefore form a backland style of development. While the dwelling wouldn't be in a particularly prominent position, it is likely that it would be at least partly visible from the street. Given that there are examples of this backland style of development nearby, the principle of this kind of layout is not unacceptable. There would also be a reasonable distance between the proposed dwelling and No. 113.
7. However, the new dwelling would be situated extremely close to No's. 117 and 119 Bennett Road. I saw when I visited the site that the interior of the perimeter block bounded by Richmond Park Road, Bennett Road, Chatsworth Road, and St Leonard's Road is comprised largely of open garden areas and parking areas to the rear of the flats on Richmond Park Road. Although there are a number of small single storey garage blocks and sheds present within the curtilage of other properties, overall the area has a very open appearance and spacious character. As a result, the proximity of the proposed new dwelling to 117 and 119 Bennett Road would appear out of keeping and incongruous with the surrounding area. In particular, the new dwelling and associated hard-standing would result in the immediate area feeling overly cramped, thereby reducing the current feeling of spaciousness that exists.
8. I therefore conclude that the proposal would harm the character and appearance of the surrounding area. This would be in conflict with Policies CS21 and CS41 of the Bournemouth Local Plan: Core Strategy, October 2012 (CS), as well as Policy 6.8 of the Bournemouth District Wide Local Plan, February 2002 (LP). Taken together, the relevant aspects of these policies seek to ensure the development is well designed and preserves character and appearance.
9. The Council's decision notice refers in general terms to a document called Residential Development: A Design Guide, September 2008 (PGN), and the appellant has also made several references to it within their statement. While it appears that the document has been subject to public consultation and is adopted, it is not described as a Supplementary Planning Document and is also not part of the development plan. Given this, and its age, I can only afford limited weight to it. Nevertheless, even if I were to agree that the proposed development conforms with some of the technical aspects of the document, one of its overarching purposes is to ensure that character and appearance is preserved. I have set out why the proposal would cause harm in this regard, and I am therefore satisfied that it is not in conformity with the overall aims of the guidance, in so far as they relate to character and appearance.

Living Conditions

10. The proposed development would result in a new two-storey dwelling being built within the existing rear garden of No. 113. At first floor level, the occupiers of the proposed dwelling, and those of No. 113, would have views into the primary living space on the ground floor of the dwelling opposite, as well as the respective garden spaces. The inclusion of a Juliet balcony on the north elevation of the proposed dwelling would also increase overlooking opportunities to a degree. However, the distance between the two properties is reasonable and is not necessarily unusual in a relatively dense urban environment such as this. In addition, the views would be oblique, being from first floor level to ground floor. As a result, the relationship between No. 113 and the proposed dwelling would be acceptable. The gardens of No. 113 and the proposed dwelling would be fairly small, but still of a sufficient size to perform their function as private outdoor recreation spaces.
11. However, the west elevation of 119 Bennett Road would form part of the boundary with the proposed dwelling. On my site visit I observed that there are two windows within that elevation at first floor level. These windows would provide unobstructed views of the garden space of the proposed dwelling, as well as into the primary living accommodation on the ground floor. While the views would be at an oblique angle, the very close relationship between the properties would clearly result in extensive opportunities for overlooking, particularly into the garden. While those windows do already overlook the garden of No. 113, that is in the context of a much bigger outdoor space, and therefore there are areas of the garden that are not currently overlooked to a significant degree. In contrast, the same windows would overlook the entirety of the relatively small garden of the proposed dwelling which would be particularly intrusive. The appellant has suggested that the close range views into the primary living accommodation could be prevented by installing an obscured glazed window into the east elevation, or through the use of blinds or curtains. However, obscured glazing would appear highly unusual in primary living space and would also reduce the outlook from the living room, while curtains and blinds cannot be closed all of the time.
12. The proposed dwelling would also be located very close to the boundary with No. 117 Bennett Road. There are trees on this boundary which provide some screening. However, given the two-storey nature of the proposed dwelling, it is likely that it would be clearly visible to the occupiers of No. 117, particularly in the winter months. Given that No. 117 is situated to the south of the appeal site, any reduction in sunlight to the house and garden would be very limited. However, the very close proximity of the proposed dwelling to the boundary would likely result in an unacceptable sense of enclosure for the occupiers of No. 117, particularly when using their rear garden. This would result in a feeling of being 'hemmed in' and cramped.
13. I therefore conclude that the proposed development would harm the living conditions of future occupiers, as well as the occupiers of No. 117 Bennett Road. This would be in conflict with CS Policies CS21 and CS41, as well as LP Policy 6.8. Taken together, the relevant aspects of these policies seek to preserve living conditions.
14. As noted earlier in this decision, I only afford limited weight to the PGN. However, once again, even if were to conclude that some elements of the

proposal conform with the detailed requirements of the PGN, another of the overarching purposes of the document is to protect living conditions. I have set out why the proposed development would not achieve this.

Protected Sites

15. The Council's officer report notes that the site is within 5km of the Dorset Heathlands Special Protection Area and Ramsar site, and part of the Dorset Heaths candidate Special Area of Conservation. The appellant has submitted a unilateral undertaking and made a financial contribution to mitigate the impact arising from the proposed development. However, as I am dismissing the appeal, I am not required to consider this matter any further.

Conclusion

16. The proposed development conflicts with the development plan when considered as a whole. It is not in dispute that the Council cannot currently demonstrate a 5-year supply of deliverable sites for housing. Indeed, the current shortfall is significant, and I have no evidence before me to suggest that this position is likely to improve in the short-term. As a result of the shortfall, policies related to the location and supply of housing are deemed to be out of date. In such circumstances, Paragraph 11d and footnote 8 of the National Planning Policy Framework (the Framework) require that 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 as a whole.
17. In this instance, the benefits of the proposal include the provision of a single new home that would assist in meeting need in the area, support for local facilities, and the creation of jobs during the construction phase. Despite the level of shortfall in housing land supply, which leads me to attribute increased weight to the benefits, I still only afford limited weight to them overall given that they are relatively minor in nature.
18. The support for the principle of development within the Framework is countered by the importance it places on the provision of development that preserves character and appearance and living conditions. I have concluded that there would be material harm to the character and appearance of the area and to the living conditions of the future occupiers of the proposed development and those of neighbouring properties. In this instance, the harm to both would be significant and enduring. As a result, I conclude that this harm significantly and demonstrably outweighs the benefits that I have identified. Consequently, for the reasons given, and having regard to all other matters raised, the appeal is dismissed.

C Butcher

INSPECTOR