



Appeal Decision

Site visit made on 1 August 2023

by C Rose BA (Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 September 2023

Appeal Ref: APP/V1260/W/22/3313448

15 Southbourne Overcliff Drive, Bournemouth BH6 3TE

- 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 & Mrs M Bale against the decision of Bournemouth Christchurch and Poole Council.
 - The application Ref 7-2022-28187-C, dated 6 September 2022, was refused by notice dated 2 November 2022.
 - The development proposed is demolish the existing house and erect a replacement dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The description of development on the appeal form is different from the application form. In the absence of written confirmation of agreement from the appellant to change the description of development, I have used the description as taken from the application form in the banner heading above. I have however removed reference to the proposal being a revised scheme as this is not an act of development.

Main issues

3. The main issues are:
 - the effect of the development on the character and appearance of the area,
 - the effect of the development on the living conditions of the occupiers of surrounding properties, with particular regard to outlook and privacy,
 - whether the scheme would provide suitable provision for cycle parking, and
 - the effect of the development on biodiversity.

Reasons

Character and Appearance

4. Southbourne Overcliff Drive comprises mainly residential properties facing out over the road, public land and beyond to the sea. The properties comprise a mix of traditional and contemporary styles with a number of buildings altered to provide balconies and viewing platforms. Buildings in the immediate area are generally over two and three floors with an occasional fourth, or upper floor within the roof or under a flat roof.

5. The dwelling on the appeal site is one of the smaller and narrower properties fronting the road and is traditional in design. It is adjoined by the more modern building forming 1-12 Southbourne Overcliff Drive (Seascape) that comprises apartments over four floors under a flat roof. To the other side, the appeal site is adjoined by two older buildings more modest in scale over three floors with the upper floor within the roof.
6. I acknowledge that the height and footprint of the appeal proposal has been altered since the appeal decision (ref: APP/V1260/W/21/3281880) on the site in February 2022. As a result, the current proposal is set back further from the road frontage, with a stepped rear elevation and does not propose a fourth/upper floor or habitable rear outbuilding.
7. From the site frontage, the building would respect and continue the staggered building line and although some of the spaciousness created by the existing pitched roof, when viewed in association with Seascape would be lost, the proposal would follow the height of Seascape immediately adjacent to the site. The proposal would retain similar gaps to Seascape and No's 17/19.
8. The front elevation of the proposed building would have a contemporary appearance but would step back from the site frontage with each rising floor level. This follows the general pattern of new development in the area where flat roofs and frontage balconies within more contemporary designed buildings next to more traditional buildings are not uncommon, with examples being found at No's 27 & 29 and 61 & 63 Southbourne Overcliff Drive.
9. I acknowledge that the Inspector dealing with the 2022 appeal on the site concluded that from the road the proposal would not be sympathetic to or complement the other buildings in the row and would result in that structure appearing unduly cramped. However, the Inspector came to that conclusion due to that proposal's box-like appearance close to Seascape in combination with the first and second floors projecting forward of a recessed ground floor, loss of the staggered building line, and additional floor proposed. In light of the removal of the full first and second floor overhangs, retention of the staggered building line and removal of the fourth floor, the current appeal proposal would not appear unduly cramped when viewed from the street and would be sympathetic to and complement the area. Moreover, the filling of gaps/voids above existing pitched roofs are fairly common along Southbourne Overcliff Drive.
10. Notwithstanding this, from the rear of the appeal site, the recessed upper floors would be viewed in association with the rear of Seascape and No's 17/19 Southbourne Overcliff Drive. Although the rear elevation is proposed to be stepped as it rises, it would extend across most of the site and project beyond the rear of 17/19 and be of a greater overall bulk in comparison to the existing dwelling. This increased depth of projection and bulk, particularly from the replacement of the rear pitched roof with a vertical full-width rear elevation with no openings at the upper floor, would, when viewed from surrounding residential properties to the rear, result in an unsympathetic, stark and imposing addition to the area.
11. The rear of the appeal site is partially screened from No.41 Southwood Avenue by existing planting including garden trees on the boundary between the appeal site and No.41. Given that the ground floor of the proposal would remain in close proximity to the trees, and as the application has not been

accompanied by a detailed arboricultural report identifying the tree root protection areas or demonstrating that the trees would not be unduly affected, there is no certainty that these trees would not be harmed as a result of the development. The loss of these trees would increase the visual prominence of the building when viewed from No.41 in particular. Although there would be space within the rear garden of the appeal site for additional planting, due to the depth of projection of the appeal proposal this would not adequately compensate for the loss of the existing trees to No.41 or be likely to provide the same level of screening on the boundary to No.41.

12. For these reasons, and although I have identified no harm when viewed from Southbourne Overcliff Drive, I conclude that the proposal would result in significant harm to the character and appearance of the area when viewed from surrounding properties to the rear. As such, the proposal fails to comply with Policies CS22 and CS41 of the Bournemouth Local Plan: Core Strategy (October 2012) (CS), Policy 4.5 of the LP, the Residential Development – A Design Guide (September 2008) (the Design Guide) and the National Planning Policy Framework (the Framework). Amongst other things, these seek to ensure that new residential development has a scale and appearance in keeping with the surrounding area, enhances the townscape, respect the site and its surroundings and achieves well-designed places.
13. Although the notice of decision references Policy 6.8 of the Bournemouth District Wide Local Plan (February 2002) (LP), as this relates to infill development, and the proposal is for a replacement dwelling, I do not find this policy determinative in relation to this appeal.

Living Conditions

14. The rear elevation of the existing dwelling extends beyond the rear elevation of the two flats forming No's 17/19 Southbourne Overcliff Drive. As a result, the dwelling already has a degree of impact upon the outlook from the rear outdoor space to 17/19. In addition, the rear of the appeal site adjoins, and is visible from, the rear of No.41 Southwood Avenue and its rear outdoor space.
15. The overall greater depth of projection and height of the dwelling, notwithstanding the stepped arrangement which progressively reduces the depth of built form to the upper floors, would have an overbearing impact upon No's 17/19 at the side and No 41 Southwood Avenue to the rear, and therefore, would be harmful to the outlook and enjoyment of outdoor space for occupiers of those neighbouring properties.
16. In reaching the above findings, I have taken into account that given the depth and height of the rear projection beyond 17/19, the proposal would be viewed above the existing shed within the rear outdoor space to 17/19. I have not been provided with sufficient evidence to demonstrate that a similar size of rear projection could be constructed under permitted development rights or a Prior Approval submission and in any case, the theoretical possibility of such a scheme does not justify the harm arising from this proposal. Similarly, I do not have the planning history or details in relation to how the existing relationship of Seascape to the appeal site evolved and such a situation does not justify a harmful relationship of the proposal to other surrounding properties.
17. As a result of the rear elevation of the proposed dwelling extending further into the plot to the rear, the first-floor windows proposed in the rear elevation

would be positioned closer to the rear of No.41 Southwood Avenue and its associated garden. This would also result in an unacceptable increase in the level of overlooking of No.41 even though there would be no increase in the number of windows.

18. The potential loss of trees on the rear boundary with No.41 Southwood Avenue would further increase the potential for direct overlooking from the proposed first-floor windows given their closer proximity to No.41 than existing windows. Planting elsewhere within the site would not be directly between the proposed built form and No.41 to provide the same, or adequate, level of screening from No.41 and therefore, would not provide sufficient mitigation to overcome the harm identified.
19. Views from bay windows of the existing property towards Seascape are currently restricted by their angled design and positioning set in from the side of the building. Although the appeal proposal would retain a very similar building line to the site frontage, the first-floor balcony proposed to the front of the proposed dwelling would not contain a privacy screen on its side closest to Seascape. Given that this balcony is proposed to extend across the full frontage closer to Seascape than the existing bay windows, and would be forward of the existing balconies to Seascape, the appeal proposal would afford a greater degree and opportunity for overlooking along the first floor balconies to Seascape. In light of the balcony to Seascape being set back from the front of the appeal building, the existing privacy screens of that neighbouring property would not prevent overlooking of the full extent of the adjacent balcony areas. Whilst a further privacy screen at first floor level to the side of the balcony closest to Seascape could be secured by condition should I be minded to allow the appeal, given that the balcony would project forward of Seascape at close proximity, it would not adequately mitigate the perception of overlooking from the proposed balcony to the adjacent occupiers of Seascape.
20. For these reasons, I conclude that the proposal would result in a significant adverse impact on the living conditions of the occupiers of surrounding properties with regard to outlook and privacy. As such, the proposal fails to comply with Policies CS22 and CS41 of the CS, the Design Guide and the Framework. Amongst other things, these seek to ensure that new residential development would not harm local amenity or living conditions, enhance the amenities of neighbouring residents and provide a high standard of amenity for existing users.

Cycle Parking

21. CS Policy CS18 requires all new development to provide adequate cycle storage in accordance with the Council's adopted standards. These standards are detailed within the BCP Council Parking Standards Supplementary Planning Document (2021) (SPD). This details the options for the provision of cycle parking for different types of development with paragraph 3.3.5 stating that 'Where parking is provided to the rear or sides of a building, the access way should be 2m wide, with an absolute minimum width accepted for a length of no more than 10m except where there are adjoining buildings or boundary treatments.' Cycle parking is proposed within a dedicated cycle store to the rear of the dwelling accessed via a narrow gap between the side of the building and Seascape.

22. Although the gap proposed to the side of the dwelling would be similar to that existing at present, it would be significantly less than the minimum width required by the SPD. This would make access with a cycle difficult therefore discouraging its use. Whilst I acknowledge the lack of existing secure cycle parking, and that the proposed location of the cycle store would be safe and secure, access to it would not be attractive. The SPD seeks to ensure the provision of improved cycle storage facilities that is considered at the commencement of the design process to encourage cycling. Moreover, it is not unreasonable for the SPD and related CS policies to require cycle parking to address the shortcomings of existing dwellings without secure cycle parking to promote increased opportunities for cycling. By reason of the narrow access, the appeal proposal would not adequately encourage cycling.
23. In light of the above, I conclude that the proposal would not provide suitable cycle parking. As such, the proposal is contrary to Policies CS18 and CS41 of the CS, Section 3.3 of the SPD and the Framework. Amongst other things, these seek to provide adequate cycle storage, promote cycling, and ensure appropriate opportunities to promote sustainable transport modes have been taken and ensure appropriate opportunities to promote sustainable transport are taken up.

Biodiversity

24. The appeal statement offers the provision of two swift boxes and planting to encourage wildlife to address the comments from the Councils Biodiversity Officer and Policy CS30 of the CS. If I were minded to allow the appeal, these could be secured via a suitably worded condition and would provide suitable mitigation and biodiversity enhancement for the loss of planting within the site.
25. For these reasons, I conclude that the proposal would not have a harmful effect on biodiversity. As such, the proposal would not be contrary to Policies CS30 and CS41 of the CS and the Framework. Amongst other things, these seek to ensure that all developments are well designed, respect the site and its surroundings, conserve and improve biodiversity and habitats, enriches biodiversity and wildlife habitats and minimise impacts on and provide net gains for biodiversity.

Other Matters

26. I have had regard to the proposal providing adequate car parking but as this is a requirement of local planning policy, this is neutral in my consideration.
27. The fact that the proposed development would not result in loss of housing stock/affect the number of homes in the area does not outweigh the harm I have identified above.
28. The appeal site falls within 5km of the Dorset Heathlands. However, as I am dismissing the appeal for other reasons, I do not need to consider this matter or the related duties under the Conservation of Habitats and Species Regulations 2017 further.

Conclusion

29. In conclusion, the appeal proposal would have a significantly harmful effect on the character and appearance of the area, living conditions of neighbouring occupiers and fail to provide adequate cycle parking. In my view, these are the

prevailing considerations. Although I have found that the proposal would be capable of providing suitable biodiversity mitigation measures, the proposal should be regarded as being in conflict with the development plan, when read as a whole. There are no other considerations, including the provisions of the Framework, which outweigh this finding. Therefore, the appeal is dismissed.

C Rose

INSPECTOR