



Appeal Decision

Site visit made on 12 September 2023

by N Praine BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 October 2023

Appeal Ref: APP/V1260/W/23/3320404

76 Southwick Road, Bournemouth BH6 5PU

- 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 and Mrs Holliday against the decision of Bournemouth Christchurch and Poole Council.
 - The application Ref 7-2022-4937-B, dated 25 August 2022, was refused by notice dated 19 October 2022.
 - The development proposed is described as the sub-division of 76 Southwick Road and erection of new two-storey dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on:
 - The living conditions of future residential occupants with particular reference to light, outlook and privacy;
 - The living conditions of neighbouring residential occupants with particular reference to privacy and outlook;
 - The character and appearance of the area; and
 - Parking standards.

Reasons

Future Occupiers

3. Residential occupiers should be able to enjoy good quality outlook to the external environment from habitable rooms. Proposed bedrooms 2 and 3 would be served by windows with their larger lower casements obscure glazed. Although there would be some higher-level clear glazing, any outlook from these would be limited given their height and size. The outlook from these two proposed bedrooms would therefore be of poor quality.
4. Such limited outlook would be inadequate for the day-to-day requirements of future occupiers. Consequently, the appellant has not clearly demonstrated that there would be any meaningful outlook achieved from these rooms.
5. While outlook would be lost, light generally does still pass through obscure glazed windows. Therefore, it has not been sufficiently shown that adequate

light would fail to enter these windows. However, the absence of harm in this regard does not overcome the loss of outlook identified above.

6. The site is located within an urban area where a degree of overlooking would be expected. The upper floor of the host dwelling, 76 Southwick Road, features habitable windows (a bedroom) at first floor facing the proposed development.
7. Given the limited distance between these existing windows and the proposed development, there would be significant opportunities for direct and penetrating overlooking into the garden area and ground floor windows of the proposed development causing an unacceptable loss of privacy.
8. The proposed 1.8m close boarded boundary fence would not mitigate this harm. Consequently, these building relationships would create poor living conditions for the future occupants of the proposed development.
9. My attention is drawn to other decisions, and I have considered these. While matters regarding outlook and privacy were found to be acceptable in these cases, the exact details regarding window design, separation and layout of the effected buildings are not before me.
10. Overall, I am not persuaded that these other decisions are directly comparable to the current appeal. I have therefore considered this appeal on its own specific circumstances.
11. The proposed development would consequently have an unacceptably harmful effect on the living conditions of the future residential occupants with particular reference to outlook and privacy.
12. The proposal would therefore be contrary to the relevant provisions of Policies CS6, CS21 and CS41 of the Bournemouth Local Plan: Core Strategy (2012) ("The Core Strategy"), Saved Policy 6.8 of the Bournemouth District Wide Local Plan (2002) ("The Local Plan"), The Council's Residential Development: A Design Guide' (2008) ("The Design Guide") and the National Planning Policy Framework ("The Framework"). These, amongst other things, address the need for high quality design therefore respecting the living conditions of residential occupiers.

Neighbouring Occupiers

13. 74 and 74a Southwick Road would be located to the side / rear of the proposed development. While facing windows are proposed and notwithstanding the harm identified above, these would be obscure glazed and lower casements could be fixed shut. If this appeal was successful in all other regards, such an arrangement could be controlled by planning condition. For these reasons there would be limited, if any, opportunities for unacceptable overlooking or perceived overlooking toward the residential occupiers of Nos 74 and 74a.
14. During my site visit I entered 7 Southwick Place. The existing windows facing the proposed development at this neighbour are all secondary windows including those which serve the kitchen. I say this as this kitchen has a rear outlook into the rear garden. Given the size and siting of the rear kitchen window and the status of the side windows, there would be no unacceptable loss of outlook at No 7.

15. The proposed development would therefore be acceptable in respect of its effect on the living conditions of neighbouring residential occupants with particular reference to overlooking and outlook.
16. The proposal would therefore comply with the relevant provisions of Policies CS6, CS21 and CS41 of the Core Strategy, Saved Policy 6.8 of the Local Plan, the Design Guide and the Framework. These, amongst other things, address the need for high quality design therefore respecting the living conditions of residential occupiers.

Character and Appearance

17. While to the rear of 76 Southwick Road, the appeal site would be experienced within the Southwick Place street scene. The pattern of development in Southwick Place comprises some dwellings located close to their flank boundaries. However overall, the buildings are generally well spaced physically from each other regardless of where the boundary lies.
18. The proposed development follows the existing building line and would be well separated from No 76 but it would be located close to its shared boundary with 7 Southwick Place. However, the driveway and side access to No 7 would ensure that appropriate spacing between the built form commensurate with the prevailing character of Southwick Place would be retained.
19. I acknowledge the proposed development would be sited close to its rear boundary. However, this would not be readily apparent from the street scene due to its siting behind the proposed dwelling. Accordingly, I find this aspect to have limited negative visual impact when perceived from public vantage points.
20. I noted during my site visit that existing dwellings within Southwick Place do not all sit centrally within their plots. The proposed development would also not sit centrally within its plot. However, given the established spacing and layout of the street scene, in combination with my findings above, the proposed development would not appear cramped, forced, or contrived.
21. I accept that high-level windows are not a reoccurring aspect of the existing street scene. However, side windows do feature in Southwick Place and it is not unusual to see hi level windows on the side elevations of dwellings in more general terms.
22. The existing street scene also benefits from some variation in architectural detailing and appearance of dwellings. The proposed high-level windows would be of modest size and given the context in which they would sit, would not harm the appearance of the elevations but rather would add some interest to this street scene.
23. In addition, it has not been robustly shown how the side elevation facing No 76 would be confused as a rear elevation or how it would have an over fenestrated appearance. I therefore find these windows would be acceptable.
24. The proposed bike and bin stores would be sited to the front of the proposed development. The drawings show these to be screened behind a low-level wall and hedge planting would also be incorporated to further screen these stores.
25. These would have a visual impact within the street scene, albeit moderate. However, given their modest height and width in combination with the

proposed screening and examples of stores elsewhere in the wider area, this part of the appeal proposal would not adversely impact the character and appearance of the area.

26. The parking space to the front would be separated from the house with space to its sides. It would also comply with parking standards as set out later in this decision notice. Parking to the front of dwelling houses is not unusual within Southwick Place and the proposed parking would therefore sympathetically integrate within the street scene.
27. In conclusion, the proposed development would not unacceptably harm the character and appearance of the area. The proposals would therefore comply with the relevant provisions of Policies CS6, CS21 and CS41 of the Bournemouth Core Strategy, Saved Policy 6.8 of the Local Plan, the Design Guide and the Framework. All of which, amongst other things, require development proposals to protect, conserve, and enhance the character of the wider landscape.

Parking Standards

28. Bournemouth Christchurch and Poole Council's Parking Standards Supplementary Planning Document 2021 ("The Parking Standards"). Identify the minimum dimensions of parking bays.
29. The Parking Standards set out at paragraph 3.2.1 that a 4.8m bay length allows for a range of everyday vehicles to use a space without the vehicle overhanging the parking bay.
30. There appears to be no dispute between the main parties that the size of the proposed parking space accords with the dimensions specified in the Parking Standards.
31. Paragraph 3.2.2 of the Parking Standards confirm that spaces would need to increase if next to a wall or a footway. The minimum distance expected between the end of the vehicle and a solid object is identified as 0.5m and this is shown in Figure 2 of the Parking Standards.
32. The Council confirm the parking space would be separated by 0.5m from the proposed dwelling. I note that the proposed parking bay and separation to the proposed dwelling would accord with Figure 2 of the Parking Standards in this regard.
33. Given the specified bay size is qualified as "*A 4.8m bay length [which] allows for a range of everyday vehicles to use a space without the vehicle overhanging the parking bay*" and 0.5m would be provided between the proposed building and parking area, it is not clear how a vehicle would further overhang the highway.
34. Consequently, it has not been sufficiently demonstrated that any harm would occur from vehicles overhanging into the highway. The proposed development would therefore comply with Parking Standards.
35. The proposals would therefore comply with the relevant provisions of Policies CS6, CS16, CS21 and CS41 of the Core Strategy, Saved Policy 6.8 of the Local Plan, the Design Guide, the Parking Standards and the Framework. These, amongst other things, encourage high quality and well-designed parking

provision, appropriate to the type and scale of development within its context and location.

Other Matters

36. The appeal site is within influencing distance of the Dorset Heathlands SPA (Special Protection Area) and Ramsar Site, and part of the Dorset Heaths SAC (Special Area of Conservation).
37. In accordance with the Council's Dorset Heathlands Supplementary Planning Document 2020 a financial contribution is required to mitigate the adverse effects of the development on the integrity of the sites.
38. The appellant has not submitted a legal agreement to secure these financial contributions. Had I been allowing the appeal it would have been necessary for me to undertake an Appropriate Assessment and consider the likely effect of the development in the absence of such mitigation.
39. In doing so I would have considered whether there would be significant effects arising from the scheme, either alone or in combination with other schemes, in order to be certain that the integrity of the designated sites would not be adversely affected. However, as I am dismissing the appeal for other reasons, such an assessment is not necessary.
40. I have also considered the various other concerns raised by interested parties. However, none of the other matters raised outweigh or alter my conclusion on the main issues.

Planning Balance

41. The Council is unable to demonstrate a five-year supply of deliverable housing sites. In regard to the specifics of the appeal scheme and its situation, this would take me to paragraph 11 d) ii) of the Framework and where the most important policies would be out of date. I am then required to grant planning permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
42. The proposal would be an efficient use of land within a broadly residential area and it would add one dwelling to housing stock. There would be economic benefits both from the construction phase and the future occupiers. However, the sum of these benefits would be modest given the quantum of the proposed development.
43. Low to zero carbon construction is encouraged with renewable and sustainable measures incorporated into the dwelling. The dwelling has also been designed to be easily accessible.
44. However, considering the emphasis of the Framework on using natural resources prudently, moving to a low carbon economy and creating accessible buildings, it is not unusual for new dwellings to be designed to high environmental and accessible standards. For these reasons, I give moderate weight to these benefits.
45. I have found unacceptable harm arises from the proposed development's impact upon the living conditions of future residential occupants with particular reference to outlook and privacy. The harms would be significant and long

lasting. I therefore attach significant weight to the proposal's conflict with the development plan and the Framework when read as a whole.

46. While I have found no harm in regard to neighbouring residential occupants, the character and appearance of the area and parking standards, the absence of harm is neutral and neither weighs for nor against the development proposal.
47. With the above in mind, it is sufficiently clear that 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 appeal scheme would not, therefore, benefit from the presumption in favour of sustainable development.

Conclusion

48. The proposal is contrary to the development plan as a whole and there are no other material considerations of sufficient weight to indicate a decision should be made other than in accordance with the development plan. I therefore conclude that the appeal should be dismissed.

N Praine

INSPECTOR