



Appeal Decision

Site visit made on 21 September 2023

by Alexander O'Doherty LLB (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 October 2023

Appeal Ref: APP/V1260/W/22/3312530

135 Kingswell Road, Bournemouth BH10 5DQ

- 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 Nick Richards (Bryanstone Developments) against the decision of Bournemouth Christchurch and Poole Council.
 - The application Ref 7-2022-2083-L, dated 21 June 2022, was refused by notice dated 30 September 2022.
 - The development proposed is described on the application form as, "Demolition of the existing house and construction of one house and two bungalows with associated parking, landscaping and access".
-

Decision

1. The appeal is dismissed.

Preliminary Matter

2. The Council's decision notice refers to access being achieved for potential further development as part of a more comprehensive scheme. However, no such scheme is before me. The appeal proposal has therefore been assessed on its own merits. This is reflected in the main issues, below.

Main Issues

3. The main issues are the effect of the proposed development on:
 - the character and appearance of the area;
 - the living conditions of the future occupiers of units 2 and 3, with particular regard to privacy and outlook; and
 - biodiversity.

Reasons

Character and appearance

4. The appeal site comprises 135 Kingswell Road (No 135), a 2-storey detached dwelling with a single-storey rear extension. No 135 occupies a long, narrow plot, which contains, amongst other structures, a garage and a greenhouse.
5. The site is situated in a residential area where, although plot sizes vary somewhat, plots tend to be fairly generously-sized for those dwellings which directly front Kingswell Road. The site however benefits from a particularly long plot in its context.

6. The detailed design of the proposed dwelling identified as unit 1, which would front Kingswell Road, would appropriately reflect the appearance of nearby dwellings. The siting of the 2 proposed bungalows would broadly align with the 2 dwellings to the rear of 131 and 133 Kingswell Road, and also with the nearest dwellings on Adamsfield Gardens.
7. Nevertheless, erecting an additional 2 dwellings over-and-above that which presently exists on site would have the effect of the site becoming unduly congested and cramped in its context, due to the narrowness of the plot and the corresponding limited amount of private amenity space available around the proposed dwellings. Nor would this compact tandem arrangement be reflective of the local pattern of development, which mostly consists of either single dwellings fronting the road or groups of single dwellings arranged around short cul-de-sacs. The character of the area would be undermined as a result.
8. Furthermore, the proposal would incorporate a long hard surfaced driveway to the side of the site, which would be of a far greater overall length than is commonly found serving the dwellings on nearby parts of Kingswell Road. Minimal areas would be provided for soft landscaping to the sides of this driveway. This stark visual feature, and the particularly wide gap between the proposed dwelling identified as unit 1 and 137 Kingswell Road, would undermine unit 1's visual assimilation into the street scene. Harm to the visual attractiveness of the street scene would thereby result.
9. I observed all of the examples of infill development highlighted by the appellant, including (amongst others) development on Adamsfield Gardens, Kingswell Grove, and Heaton Road. These comprise developments of a greater quantum of dwellings than the appeal proposal, with each of these developments having their own distinctive character and identity, which would not be the case with the appeal proposal for 3 dwellings only. I also observed that the 2 dwellings to the rear of 131 and 133 Kingswell Road sit comfortably within their plots, which for the reasons given above, including the narrowness of the site, would not be the case with respect to the proposed dwellings. For these reasons, these examples are not directly comparable with the appeal proposal, and they do not change my findings.
10. I therefore find that the proposed development would have an unacceptable and harmful effect on the character and appearance of the area. It would conflict with the second bullet point of Policy CS6 of the Bournemouth Local Plan: Core Strategy (adopted 2012) (Core Strategy) which provides that, amongst other things, the features that contribute to each place's character and local distinctiveness should be retained and enhanced, and with the third bullet point of the third paragraph of Policy CS21 of the Core Strategy which provides that, amongst other things, proposals for residential development will be expected to contribute positively to the character of the neighbourhood.
11. The proposal would conflict with the first paragraph of Policy CS41 of the Core Strategy which provides that, amongst other things, development should, through its layout, character and appearance be designed to respect the site and its surroundings. The proposal would conflict with part i) of the second paragraph of Policy 6.8 of the Bournemouth District Wide Local Plan (adopted 2002) (Local Plan), which provides that, amongst other things, development will be expected to complement and respect the character of neighbouring development.

12. The proposal would also conflict with paragraph 130 c) of the National Planning Policy Framework (the Framework) which provides that, amongst other things, planning decisions should ensure that developments are sympathetic to local character.

Living conditions

13. The Council have calculated that the back-to-back relationship from the first floor of unit 1 to plot 2 would involve a separation distance of approximately 18.5 metres, and this figure has not been disputed by the appellant. Nevertheless, similar relationships exist between the 2-storey dwellings fronting Kingswell Road and some of the bungalows behind these dwellings on Adamsfield Gardens. Considering this, and noting that this separation distance would not be unreasonably short, I consider that any views from the first floor windows of unit 1 into the private living area of unit 2 via the proposed bi-fold door, and views towards the private amenity space of plot 2, would not result in a harmful loss of privacy for the future occupiers of unit 2.
14. The window serving bedroom 2 in unit 3 would be located very near to the side boundary of the site. Outlook from that window would therefore be largely obscured by the proposed fence on that boundary, situated in close proximity to that window. This arrangement would make that bedroom unpleasant to use.
15. I therefore find that the proposed development would have an unacceptable and harmful effect on the living conditions of the future occupiers of unit 3, with particular regard to outlook. The proposal would conflict with the fifth bullet point of the third paragraph of Policy CS21 of the Core Strategy which provides that, amongst other things, proposals for residential development will be expected to respect residents' amenities, and the first paragraph of Policy CS41 of the Core Strategy which provides that, amongst other things, development should be designed to provide a high standard of amenity to meet the day-to-day requirements of future occupants. The proposal would conflict with part iii) of the second paragraph of Policy 6.8 of the Local Plan, which provides that, amongst other things, development will be expected to provide a pleasant residential environment.
16. The proposal would also conflict with paragraph 130 f) of the Framework which provides that, amongst other things, planning decisions should ensure that developments create places with a high standard of amenity for future users.

Biodiversity

17. The long rear garden at No 135 contains of a range of vegetation and shrubs. The proposal would result in a significant increase in the amount of hard surfacing on site, in addition to the erection of 2 additional dwellings over-and-above that which presently exists on site.
18. I have had regard to the submitted Ecological Technical Note¹, and the Biodiversity Enhancement Plan contained within it. The Biodiversity Enhancement Plan includes measures to translocate existing plants which are identified by the Royal Horticultural Society as 'pollinator friendly' species to proposed new shrub planting areas on site. The Biodiversity Enhancement Plan also proposes the use of an enhanced lawn mixture, green roofs on the

¹ SoEcology Ltd

proposed sheds, and artificial habitat creation methods including (amongst others) the installation of bee bricks, bat and bird boxes, and hedgehog friendly fencing.

19. Although the baseline biodiversity value of the site has been described in the Ecological Technical Note, specific calculations (such as those contained within a Biodiversity Metric spreadsheet, for example) have not been provided to accurately quantify its present value. Similarly, the Ecological Technical Note does not provide calculations which might demonstrate that the measures proposed within the Biodiversity Enhancement Plan would not result in a net loss of biodiversity on site.
20. Considering the size of the site and the extent of vegetation and shrubs within it, and that the proposed pollinator friendly translocation and new planting areas would only cover a fairly small portion of the site, with few specific details provided to clearly quantify the likely effect of the measures proposed on the biodiversity value of the site, I consider that it has not been demonstrated that the proposal would not result in a net loss of biodiversity on site. Given this lack of certainty, it would not be reasonable for compliance with the measures detailed in the Ecological Technical Note (including the Biodiversity Enhancement Plan) to be secured by condition.
21. I therefore find that it has not been demonstrated that the proposal would conserve the existing biodiversity value of the site. The proposal would conflict with the second paragraph of Policy CS41 of the Core Strategy which provides that, amongst other things, new developments should aim to conserve and improve biodiversity. The proposal would also conflict with paragraph 174 d) of the Framework which provides that, amongst other things, planning decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity.

Other Considerations and Planning Balance

22. The proposal would provide a contribution to the Government's objective of significantly boosting the supply of homes, via the erection of 2 dwellings over-and-above that which is currently present on site. Considering that the Council cannot demonstrate a 5-year supply of deliverable housing sites (with a housing land supply position stated to be approximately 2.3 years for Bournemouth as at 1 April 2021, a figure which has not been disputed by the Council), and noting the extent of this shortfall, and that the latest Housing Delivery Test results place Bournemouth in the 'presumption' category, this is a matter which provides modest support for the proposal. Additionally, the proposed family-sized dwellings would be situated in an accessible location, and would contribute towards housing choice and mix in the local area.
23. The benefits of the proposal in terms of making an efficient use of land would be limited due to my findings on the first main issue above in the light of paragraph 124 e) of the Framework which provides that, amongst other things, planning decisions should support development that makes efficient use of land, taking into account the importance of securing well-designed and attractive places.
24. The proposal would provide work for construction professionals, and it is likely that the future occupiers of the proposed dwellings would contribute to both the local economy and the local community.

25. The above-mentioned benefits of the proposal would be in compliance with a number of the Council's development plan policies, and relevant paragraphs of the Framework. The economic, social, and environmental benefits of the proposal, summarised above, would however be constrained by the limited quantum of development proposed. The cumulative benefits of the proposal, including the additional housing provided in the context of the Council's shortfall of deliverable housing sites, provide modest support for it. Moderate weight has therefore been given to these benefits in support of the proposal.
26. I have found that the proposal would result in adverse impacts on all 3 main issues. These matters relate to planning and design fundamentals. Accordingly, very significant weight has been given to these adverse impacts. As a matter of planning judgement I find that the matters advanced in support of the proposal, do not, either individually or collectively, outweigh the adverse impacts identified, nor the conflict with the development plan identified. Consequently, I consider that the proposal would conflict with the development plan when considered as a whole.
27. As the Council is unable to demonstrate a 5-year supply of deliverable housing sites, the policies which are most important for determining this appeal are deemed to be out-of-date in accordance with paragraph 11 d) of the Framework. As mentioned above, the adverse impacts of the proposal merit very significant weight against it. The adverse impacts of granting planning permission would therefore significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. Hence, the proposal would not benefit from the presumption in favour of sustainable development, detailed at paragraph 11 of the Framework.
28. It follows that none of the other considerations, which include the Framework, indicate that this appeal decision should be taken otherwise than in accordance with the development plan.
29. As mentioned in the Council's decision notice, the Council considers that the proposal has the potential to have adverse effects on designated conservation sites. In this regard, a unilateral undertaking (deed dated 15 September 2023) has been submitted in relation to the Dorset Heathlands Mitigation (SAMM) contribution. However, as I am dismissing the appeal for other reasons, there is no need to consider the potential implications of the proposal in these respects. I therefore make no further comments on this matter.

Conclusion

30. For the reasons given above, having considered the development plan as a whole, the approach in the Framework, and all other relevant material considerations, I conclude that the appeal should be dismissed.

Alexander O'Doherty

INSPECTOR