



Appeal Decision

Site visit made on 17 October 2023

by M Aqbal BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6th November 2023

Appeal Ref: APP/V1260/W/22/3311039

8 Castleton Avenue, Bournemouth BH10 7HP

- 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 Coastline Homes against the decision of Bournemouth Christchurch and Poole Council.
- The application Ref 7-2022-28590, dated 5 September 2022, was refused by notice dated 4 November 2022.
- The development proposed is to demolish the existing garage, sever land and erect a detached 2 bedroom bungalow with new vehicular access and parking (revised scheme).

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are: i) the effect of the proposal on 8 Castleton Avenue ('the host property') and the character and appearance of the area; ii) whether the proposal secures acceptable parking and safeguards highway and pedestrian safety; and iii) the effect of the proposal on the integrity of the Dorset Heathlands Special Protection Area ('SPA') and Ramsar Site, and the Dorset Heaths Special Area of Conservation ('SAC').

Reasons

Character and appearance

3. Castleton Avenue is a short cul-de-sac which is mainly made up of pairs of semi-detached houses. Within this cul-de-sac and the wider area, there are examples of back-land developments. Even so, dwellings in the area are generally located in generous plots with space about them, which gives the area a spacious character and appearance.
4. The host property is a semi-detached dwelling with a driveway to the side leading to a garage. The garage is to be demolished to form an access into the rear garden of the host property, and the rear garden subdivided to allow the erection of the new bungalow. Given the varied appearance of properties in the area, the external appearance of the new bungalow would be acceptable.
5. The depth of the rear garden for the new bungalow would be about 5m and approximately 6.3m for the retained garden at the host property and both gardens incorporate a practical layout. Whilst I have not been referred to any specific size requirements for private gardens, both these gardens would be well related to internal living accommodation, safe and secure with a reasonable degree of privacy, and a useful size for the proposed occupants

enabling flexibility of use and personalisation. Therefore, these meet the qualitative requirements set out in the Council's 'Residential Development: A Design Guide' (2008) ('Design Guide').

6. Based on the proposed layout, the gap to the northern boundary of the site would be limited to about 1m and although the gap to the southern boundary would be greater, the elevation of the bungalow facing this boundary incorporates its main entrance which would be parallel with a high boundary treatment. Therefore, this entrance would appear particularly enclosed and does not reflect the prevailing arrangement of dwellings in the area which incorporate entrances that face towards the highway.
7. Furthermore, the east elevation of the bungalow would face a small area which does not appear to incorporate any soft landscaping and would be largely enclosed and mainly utilised for parking and turning. As such, and whilst I accept that views of this area would be limited, this part of the plot would have a particularly cramped and bleak appearance. Also, the separation between the facing elevations of the new bungalow and host property would be limited to about 13m, which further erodes spaciousness.
8. For the above reasons, the siting and layout of the new bungalow would result in a cramped and contrived plot, which would not be reflective of the areas prevailing spacious character. My findings on the second main issue in respect of the parking and turning arrangement for the new bungalow is also indicative of a contrived layout.
9. As a consequence of the proposal, the frontage of the appeal property which is landscaped would be hard surfaced to accommodate a vehicle parking space along with bin storage and collection areas. This type of parking and bin collection arrangement is practical and not uncommon within Castleton Avenue. Also, the frontages along this cul-de-sac are varied in appearance and include those which are soft landscaped, hard surfaced and some which incorporate a combination of hard and soft landscaping. As such, the appearance of the proposed frontage would assimilate with the varied frontages along this cul-de-sac and would be acceptable.
10. Nonetheless, because of its siting relative to its plot, the proposed bungalow reflects poor design and would be detrimental to the character and appearance of the area. As such, the proposal conflicts with policies CS21 and CS41 of the adopted Bournemouth Local Plan: Core Strategy (2012) ('CS') and Saved Policies 4.25 and 6.10 of the District Wide Local Plan ('LP'). These policies, amongst other things, seek to ensure that new development is well designed of a high-quality design, contribute positively to the character and function of the neighbourhood and respects the site and its surroundings in terms of factors including scale, layout, siting, character and appearance. Along with including sufficient land for planting and landscaping.

Parking, and highway and pedestrian safety

11. The bungalow is to feature 3 habitable rooms and incorporates 1 car parking space which accords with the Council's Parking Standards - Supplementary Planning Document Adopted 5 January 2021 ('Parking SPD'). Although the area between the two dwellings would be utilised for turning and the appellant says that a vehicle could turn in a forward gear by undertaking a number of turning manoeuvres, this has not been clearly shown, for example by way of swept

- path track drawings. As such, this arrangement increases the likelihood for drivers to reverse out along the access. Given that this access would serve a new family dwelling, which is likely to generate additional pedestrian movements, the proposed arrangement could result in unacceptable conflict between pedestrians and vehicle users.
12. In respect of the host property, it is unclear how many habitable rooms this incorporates and notwithstanding the appellant's appeal statement, only 1 parking space is shown for this property. Nonetheless, if I were to accept the Council's observations that the host property currently has 3 parking spaces, the appellant's evidence shows that there is sufficient on-street parking capacity near the appeal site to accommodate 2 displaced vehicles. Indeed, section 4.3 of the Parking SPD does support some flexibility in parking standards where this is justified.
 13. Therefore, the proposed level of parking would be acceptable and in compliance with CS Policy CS16, which requires that parking provision for new development shall be in accordance with the Council's adopted parking standards.
 14. In the interests of pedestrian safety, the Parking SPD requires that visibility splays should be provided on both sides of a vehicle access where it meets the back of the footway. As part of the proposal a 2m x 2m visibility splay to the north would be provided to the access for the new bungalow but cannot be achieved to the south because this land is in separate ownership.
 15. Nevertheless, and as already intimated, the new bungalow would largely utilise the existing driveway which serves the extant garage and vehicle parking in front of this. There is nothing to suggest that the operation of this is unsafe at present and no significant alteration of the existing driveway is proposed where this meets the footway.
 16. Furthermore, Castleton Avenue is residential in nature with footways and street lighting. Also, this road is straight and there is nothing to suggest that this is an area of high pedestrian movement, or where there is a significant likelihood of children crossing the access.
 17. Whilst I acknowledge the Council's aspirations to secure high standards of access design for the new bungalow, given the site-specific circumstances, the lack of pedestrian visibility splay on one side of the access for the new bungalow would not have any unacceptable impact on highway safety with regard to pedestrians or other highway users.
 18. Nonetheless, for the above reasons, the quality of the parking and turning arrangement for the new bungalow is unacceptable and has the potential to compromise pedestrian safety. As such, the proposed development would be contrary to CS Policy CS6. Amongst other things this requires applying good design principles to new buildings and how spaces are treated and improving accessibility and permeability on foot and by cycle by providing for a well connected, safe and attractive network of streets and roads, open spaces and other routes.

Dorset Heathlands SPA and Ramsar Site and Dorset Heathlands SAC

19. The site is within 5km of the Dorset Heathlands SPA and Ramsar Site and Dorset Heathlands SAC. These sites host protected priority habitats and species

including Dartford warblers, nightjars, woodlark, hen harrier, merlin, sand lizards and smooth snakes as well as other typical species of lowland heathland, wetlands and dunes.

20. These sites are protected by the Conservation of Habitats and Species Regulations 2010 (as amended). Based on the Dorset Heathland Supplementary Planning Document ('SPD') various studies have found that public access to lowland heathland, from nearby development, has led to an increase in wild fires, damaging recreational uses, the introduction of incompatible plants and animals, loss of vegetation and soil erosion and disturbance by humans and their pets amongst other factors have an adverse effect on the heathland ecology.
21. Natural England advises that additional residential development within 5km of the Dorset Heathland area is likely to have a significant effect on the Dorset Heathlands either alone or in combination with other proposals.
22. The proposal would result in the creation of an additional dwelling. Consequently, an Appropriate Assessment is required in this case. The purpose of the assessment is to ascertain whether or not the proposal would adversely affect the integrity of the areas. Natural England also advises, in respect of the protected Dorset Heathlands, that in order for an Appropriate Assessment to be able to conclude that there is no adverse effect on the integrity of the areas, certain types of development, require avoidance or mitigation measures to be implemented to allow development to be approved. Without mitigation, new residential development in this area could have a significant adverse effect on the sensitive features of the areas, through increased recreational pressure.
23. The SPD identifies the mitigation element of the strategy is in two parts: Strategic Access, Management and Monitoring (SAMM); and Heathland Infrastructure Projects (HIPs). The SAMM focuses on wardening, raising awareness and monitoring the effectiveness of the strategy. HIPs are physical infrastructure projects that provide facilities to attract people away from the protected heathland sites.
24. The SPD clarifies that in order to enable Councils to grant planning permission for proposals for a net increase in dwellings within the 400 metres to 5km heathland area, applicants are required to contribute to SAMMs in this area by legal agreement or through a payment prior to the grant of planning permission as an upfront payment. Financial contribution to HIPs will be collected through Community Infrastructure Levy payments.
25. As the decision maker I must consider mitigation measures intended to avoid or reduce the harmful effects on a protected site within the framework of an Appropriate Assessment.
26. Whilst the appellant is willing to pay the financial contribution towards SAMMS and has indicated that this would be undertaken prior to the determination of the appeal. There is no evidence to suggest that this has been undertaken.
27. Therefore, in the absence of any mitigation measures, I cannot be confident that the development proposed would not have an adverse impact on the integrity of the Dorset Heathlands SPA and Ramsar Site and Dorset Heathlands SAC, either alone or in combination with other proposals.

28. Accordingly, I find conflict with CS policy CS33, which states that development will not be permitted unless it can be ascertained that the development will not lead to an adverse effect upon the integrity, directly or indirectly, of the Dorset Heaths international designations.

Other Matters

29. I have taken account of the approved scheme for a new bungalow to the rear of the neighbouring property (10 Castleton Avenue). The approved bungalow incorporates a main entrance along its eastern elevation and the area fronting this is largely landscaped and includes a pedestrian path. There is also greater separation between the proposed bungalow and 10 Castleton Avenue, relative to the arrangement in the proposal before me. Also, turning arrangements for a vehicle using the parking area for the approved bungalow are clearly shown. As such, the two schemes are not comparable. I have insufficient information on the other examples of back land developments highlighted within the appellant's submissions and also in respect of 'appeal 3202564 – 36 Portland Road' to draw any meaningful conclusions. Therefore, these do not alter my findings.

30. According to the appellant, the Bournemouth area currently only has a 2.3-year supply of deliverable housing sites. Furthermore, the most recent Housing Delivery Test results show a considerable shortfall in the number of homes delivered in the preceding 3 years. Irrespective of the extent of the shortfall, it is not disputed that the Council cannot currently demonstrate a 5-year supply of deliverable housing sites. Ordinarily, because of the Council's failure to demonstrate a 5-year supply of deliverable housing supply, the presumption in favour of sustainable development ('tilted balance') as laid out in paragraph 11 of the National Planning Policy Framework ('the Framework') would be engaged. However, given my findings in relation to habitat sites, then under paragraph 11di) and Footnote 7 of the Framework, irrespective of the housing land supply situation, the tilted balance is not engaged.

31. The Council's decision also refers to Policy CS38 of the CS. This mainly relates to minimising pollution and on the evidence before me, this Policy is not directly relevant to the main issues.

Conclusion

32. For the above reasons, I conclude that the appeal should be dismissed.

M Aqbal

INSPECTOR