



Appeal Decision

Site visit made on 17 November 2023

by C Rose BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 January 2024

Appeal Ref: APP/V1260/W/23/3322879

208 Columbia Road, Bournemouth BH10 4DS

- 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 UPP Architects + Town Planners against the decision of Bournemouth Christchurch and Poole Council.
 - The application Ref 7-2022-28535-A, dated 24 March 2022, was refused by notice dated 1 December 2022.
 - The development proposed is erection of a 2-bedroom bungalow with associated parking, cycle storage, refuse and recycling, and external amenity space, involving demolition of existing side extension, garage and associated outbuildings and sheds to rear.
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Decision

1. The appeal is allowed and planning permission is granted for erection of a 2-bedroom bungalow with associated parking, cycle storage, refuse and recycling, and external amenity space, involving demolition of existing side extension, garage and associated outbuildings and sheds to rear at 208 Columbia Road, Bournemouth BH10 4DS in accordance with the terms of the application, Ref 7-2022-28535-A, dated 24 March 2022, subject to the conditions in the attached schedule

Application for costs

2. An application for costs was made by UPP Architects + Town Planners against Bournemouth Christchurch and Poole Council. This application is the subject of a separate Decision.

Preliminary Matters

3. The description of development in the banner heading above has been taken from the Council's decision notice and the appeal form as it reflects the amended nature of the application and more accurately describes the development than that stated on the application form.
4. The appeal has been accompanied by a signed legal agreement under Section 106 of the Town and Country Planning Act 1990 to mitigate the impacts from future occupiers on the 'Dorset Heathlands' which comprises the Dorset Heathlands Special Protection Area (SPA), Dorset Heathlands Ramsar Site, Dorset Heaths Special Area of Conservation (SAC) and Dorset Heaths Special Area of Conservation (Purbeck and Wareham) and Studland Dunes (SAC). This is a matter I will return to later.

Main Issues

5. The main issues are:

- the effect of the proposal on highway safety, with particular regard to the provision of car parking; and
- the effect of the development on the integrity of the SPA and SAC.

Reasons

Highway Safety

6. The appeal site comprises a semi-detached dwelling off Columbia Road. At the time of my site visit, the site frontage was formed from a combination of stone and tarmac surfacing. There was no frontage boundary wall at the edge of the pavement and no side boundary wall adjacent to the garage. The garage is accessed directly off Columbia Road served by a dropped kerb. Columbia Road is a District Distributor Road and bus route with parking restrictions to both sides preventing parking on the road. Parking off-street to the front of properties is characteristic of the immediate area along Columbia Road.
7. The appeal proposal comprises the construction of a bungalow to the rear of No.208 Columbia Road. The proposal would necessitate the demolition of the existing garage to provide vehicular access to the rear of No.208 serving three car parking spaces and secure cycle parking and bin stores. A further car parking space is proposed to the front of No.208.
8. The Vehicular Swept Path Analysis (drawing number TRK01 Rev A) (VSPA) submitted by the appellant seeks to demonstrate that each of the four car parking spaces can be accessed from the highway. I acknowledge that the manoeuvres shown, particularly to the space to the front of No.208 and the western most of the three spaces to the rear, come close to No.208 and site boundaries.
9. The VSPA also shows that exiting the majority of the spaces to the rear of No.208 would require more than one manoeuvre in order to negotiate the limited turning space available. However, even if more than one manoeuvre were required to enter and/or exit any or all of the parking spaces, in light of the low vehicle numbers using the site, with vehicles travelling at a low speed, this reduces any likely conflict. Any manoeuvring would not be to an extent that would lead to harm to highway safety or discourage the use of the spaces. Moreover, the lack of available parking elsewhere in the locality would encourage the use of the parking spaces and discourage parking elsewhere away from the site where owners could not survey their cars. While I note the Council's reference to the need for the access to be extended by 1m, in light of the above and provision of some space to the side of the parking bay to allow a door to open, I do not find this necessary.
10. With particular regard to the parking space to the front of the site, as stated above, there was no frontage boundary wall to Columbia Road at the time of my site visit. The lack of frontage boundary wall removes any potential for conflict with it. The VSPA does not show any conflict with the bay window to No.208 or with the lamppost close to the site frontage.
11. Whilst the frontage parking arrangement would be parallel to the highway, this is not uncommon along this part of Columbia Road. The appellant has suggested that a wall of shorter length could be provided to the site frontage to ensure that the new frontage boundary wall is of an appropriate length and height to enable vehicles to enter and exit the site and overcome the conflict

shown on the VSPA. Should I be minded to allow the appeal, submission of such details could be conditioned. As a result, there would be no harmful conflict between cars manoeuvring into and out of the space, other users of the highway and no ability to drive along the footway to access the parking space. Moreover, the proposal would be an enhancement upon the existing arrangement whereby vehicles parking on the driveway or within the garage do not benefit from space to turn on the site necessitating either reversing on or off the highway.

12. In light of the dropped kerb to the front of the site being continuous with that serving the adjoining properties to the west, the proposal can be adequately accessed via the existing dropped kerb without driving over the wider footway.
13. I note the Council's concerns regarding access for a fire appliance. However, the dwellings are within the 45m stated safety distance and I note the availability of other measures to ensure compliance with fire safety requirements.
14. In light of the above, access to the parking spaces would be possible, the spaces usable and the layout unlikely to result in overspill parking on surrounding streets or result in significant highway safety conflicts.
15. It therefore follows that I conclude that the proposal would not harm highway safety, with particular regard to the provision of car parking. Accordingly, the appeal scheme would not therefore conflict with Policies CS16, CS18, CS21 or CS41 of the Bournemouth Local Plan: Core Strategy (October 2012) (CS), Policy 8.2 of the Bournemouth District Wide Local Plan (February 2002) or the Parking Standards Supplementary Planning Document (January 2021). Amongst other things, these require that parking provision is in accordance with the Council's adopted parking standards, provide adequate cycle storage, contribute positively to the character and function of the neighbourhood, be of a high quality and close existing vehicular frontage access where alternative means can be obtained.

Integrity of the SPA and SAC

16. The appeal site falls within the 5km zone of influence around the 'Dorset Heathlands'. It comprises extensive areas of land including lowland heathland, wetlands and dunes. The area is protected via the Habitats Directive, which is incorporated into domestic statute via the Conservation of Habitats and Species Regulations 2017 (as amended) (the Habitats Regulations). I am statutorily required to take appropriate steps to conserve biodiversity.
17. The 'Dorset Heathlands' designated in order to safeguard ecology and the habitat upon which various species are reliant, notably in this instance Dartford warblers, nightjars, woodlark, hen harriers, merlin, sand lizards and smooth snakes. Ecology can be disturbed by recreational activities, predation from domestic pets, and from habitats being unavailable from time to time by consequence.
18. Whilst not a precise correlation, the potential for adverse effects increases with the number of dwellings nearby, including within a wide zone of influence (and therefore the aggregate, or in-combination, implications of a number of smaller developments may be significant). Habitats Regulation 63(1) states that 'a competent authority, before deciding to undertake, or give any consent,

permission... must make an appropriate assessment'. I have sought to apply that requirement reasonably and proportionately relative to the nature and context of the development proposed.

19. The avoidance or mitigation of effects resulting from increased residential development would be achieved by the provision of alternative greenspace, to redirect those who would have made use of the 'Dorset Heathlands' recreationally, and via associated monitoring and management arrangements. The contributions that individual schemes are expected to make in that context are established at a strategic level, such that a proportionate contribution is made in each instance (the former being funded by Community Infrastructure Levy receipts). A signed Section 106 Agreement has been submitted by the appellant and accepted by the Council. This would provide a financial contribution towards ecological monitoring and management arrangements in that context, consistent with the Council's approach. I have consulted with Natural England which has confirmed that the payment is sufficient to avoid adverse impacts on the integrity of the European Sites and their features.
20. Chapter 4 of the Dorset Heathlands Planning Framework 2020-2025 Supplementary Planning Document April 2020 (SPD) indicates the approach that it establishes towards ecological mitigation has been arrived at in conjunction between Dorset Council, Bournemouth, Christchurch and Poole Council with Natural England, the appropriate nature conservation body under Regulation 63(3). Consequently, subject to appropriate financial contributions being made, I am satisfied that likely significant effects to the ecological integrity of the 'Dorset Heathlands' would be avoided.
21. Paragraph 57 of the Framework and Regulation 122 of the CIL Regulations sets out three tests that planning obligations must meet. Firstly, they must be necessary to make the development acceptable in planning terms, secondly, they must be directly related to the development and thirdly they must be fairly and reasonably related in scale and kind to the development.
22. I am satisfied that the financial contribution is necessary to make the proposed development acceptable in planning terms. The obligation would contribute towards the provision of mitigation towards wardening, raising awareness and monitoring. Given the location of the appeal site within 5km of the protected sites, I consider that the contribution is directly related to the appeal scheme. In addition, as it relates to a standard charge based on the scale and type of residential development proposed, I consider it to be fairly and reasonably related to the proposal in scale and kind.
23. For the above reasons, I am satisfied that the planning obligation would meet the requirements of the Framework and the CIL Regulations. I therefore give it significant weight in the determination of this appeal.
24. In conclusion, I am satisfied that with the proposed avoidance and mitigation measures in place, secured through the CIL Regulations and planning obligation, the development would not have an adverse effect on the integrity of the 'Dorset Heathlands'. The development would therefore comply with the Conservation of Habitats and Species Regulations 2017. They would also accord with CS Policy CS33 and the SPD which, amongst other things, seek to ensure that development will not lead to an adverse effect on the integrity, directly or individually, of the Dorset Heaths international designations.

Other Matters

25. I have taken into consideration the comments from third parties, particularly with regard to the potential overshadowing and overlooking of neighbouring dwellings, noise and disturbance from construction, potential damage to adjoining accesses, need for a new boundary fence, too much infill development in the area, visual impact from the proposal and potential to harm existing foundations. However, since these comments were received the development has been amended to a single bungalow, mitigating concerns regarding overshadowing, and overlooking. Moreover, any noise and disruption from construction would be temporary in nature and with suitable access to the property there is no need to use adjoining accesses. The proposal includes new boundary treatment and would not harm the character and appearance of the area given the presence of similar development. Any harm to foundations during construction would be a private matter outside of the scope of this appeal. Furthermore, it is noteworthy that the Council came to similar conclusions in these regards.

Conditions

26. I have had regard to the tests in the Framework in relation to conditions, and the planning conditions suggested by the Council and appellant. In addition to the standard time condition, it is necessary for a condition to confirm the approved plans in the interests of certainty.
27. Conditions are necessary to ensure the provision of biodiversity enhancements and landscaping in the interests of protecting biodiversity and protecting the character and appearance of the area. I have amended the wording of the landscaping condition for reasons of clarity.
28. A condition is necessary to ensure the submission and approval of materials in the interests of protecting the character and appearance of the area.
29. Conditions are necessary to ensure the provision of the turning and parking areas, cycle parking facilities and Electric Vehicle Charging points in the interests of highway safety and promoting sustainable development. I have amended the wording of these conditions in the interests of clarity.
30. A condition is necessary to ensure the provision of suitable surface water drainage in the interests of preventing flooding and the living conditions of neighbouring occupiers.
31. As detailed above, a condition is necessary to ensure that details of the proposed front boundary wall are submitted to, approved in writing by the Council and provided on site. This is to ensure adequate and safe access and egress in the interests of highway safety.
32. Conditions are necessary to remove permitted development rights for extensions and alterations and outbuildings in the interests of protecting the living conditions of neighbouring occupiers.
33. The Council suggest further conditions relating to any replacement hard surfacing being porous, a restriction on times of working hours and vegetation clearance. However, these are not necessary or reasonable as replacement surfacing is covered by the Town and Country Planning (General Permitted

Development) (England) Order 2015 with working hours and vegetation clearance covered by other legislation.

Conclusion

34. For the reasons given I conclude that the appeal should succeed.

C Rose

INSPECTOR

*****SCHEDULE OF CONDITIONS*****

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: drawing number 208CO-A-01-001 Location Plan; drawing number 208CO-A-01-002 Block Plans; drawing number 208CO-A-02-101 Proposed Front Visualization; drawing number 208CO-A-02-102 Proposed Rear Visualization; drawing number 208CO-A-03-101 Proposed Ground Floor Plan; drawing number 208CO-A-03-105 Proposed New Dwelling; drawing number 208CO-A-03-106 Proposed New Dwelling First Floor; drawing number 208CO-A-05-103 Section New Dwelling; drawing number 208CO-A-06-101 Proposed Street Scene; drawing number 208CO-A-06-105 Proposed Elevations – New Dwellings; drawing number 208CO-A-06-106 Proposed Elevations – New dwelling; drawing number .
- 3) Within two months of the commencement of the development, details of biodiversity enhancements, to include 2 swift bricks built into the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details prior to the occupation of the development and retained thereafter.
- 4) Within 3 months of the date of commencement of the development, full details of a landscape maintenance plan for a minimum period of 5 years shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include details of the arrangements for its implementation. The landscape management plan shall be carried out in accordance with the approved details.
- 5) Details/samples of the bricks, render and tiles to be used on the external surfaces of the proposed development shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any superstructure works on site. Development shall be carried out in accordance with the approved details.
- 6) Before the development is occupied or utilised the turning and parking shown on the hereby approved plans must have been constructed. Thereafter, these areas must be permanently maintained, kept free from obstruction and available for the purposes specified.

- 7) Before the development is occupied or utilised the cycle parking facilities shown on the hereby approved plans must have been constructed. Thereafter, these must be maintained, kept free from obstruction and available for the purposes specified.
- 8) Prior to the occupation of the dwelling hereby approved, Electric Vehicle Charge points shall be installed in accordance with the provision set out in table 1 and specification in table 2 of section 3.6 of the BCP Council Parking Standards SPD (January 2021) and shall be retained, maintained, and kept available for that use at all times thereafter.
- 9) No building hereby permitted shall be occupied until surface water drainage works shall have been implemented in accordance with details that shall first have been submitted to and approved in writing by the local planning authority. Before any details are submitted to the local planning authority an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system, having regard to Defra's non-statutory technical standards for sustainable drainage systems (or any subsequent version), and the results of the assessment shall have been provided to and agreed in writing by the local planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall: provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters; include a timetable for its implementation; and, provide, a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.
- 10) Prior to the first occupation of the dwelling hereby approved, details of front boundary walling shall have been submitted to, approved in writing by the Local Planning Authority and constructed on site in full accordance with the approved details. Thereafter the boundary walling shall be retained in full accordance with the approved details.
- 11) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development Order) 2015 (or any order revoking and re-enacting that Order with or without modification), no enlargements of the dwelling including alterations shall be constructed without the grant of further specific planning permission from the Local Planning Authority.
- 12) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development Order) 2015 (or any Order revoking and re-enacting that Order with or without modification), no outbuildings including garages shall be constructed without the grant of further specific planning permission from the Local Planning Authority.

*****END OF SCHEDULE*****