



Appeal Decision

Site visit made on 26 March 2024

by S Harrington MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 April 2024

Appeal Ref: APP/V1260/W/23/3322277

300-302 Iford Lane, Bournemouth, Dorset, BH6 5NG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Prestige Organisation against the decision of Bournemouth Christchurch and Poole Council.
 - The application Ref is 7-2022-5405-C.
 - The development proposed is demolition of existing dwellings, erection of six no. flats and a pair of semi-detached dwellinghouses with bin and cycle stores, formation of new vehicular access, formation of parking spaces, all other associated infrastructure and engineering works as required.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The address provided on the application form referred to solely '300' Iford Lane' and included the address line 'Bournemouth Christchurch Poole'. Given the appeal site area covers 300-302 Iford Lane I have taken the address in the banner above from the appellant's appeal form and the Council's decision notice, which accurately describes the appeal site address.
3. During the course of the appeal the revised National Planning Policy Framework (the Framework) was published. The main parties have had the opportunity to comment on the implications of this change and no parties will have been prejudiced by my having regard to the latest version in reaching my decision.
4. Following the decision of the Council, the appellant has submitted amended plans in relation to access. They suggest that this information should be considered in the appeal decision to address the Council's reasons for refusal.
5. The Procedural Guide to Planning Appeals – England states that the appeal process should not be used to evolve proposals and is clear that revisions intended to overcome reasons for refusal should normally be tested through a fresh application. I have had regard to the breadth of the changes, the degree of engagement of parties and the interests of fairness. Noting the limited changes proposed and opportunity for the Council to fully respond, I do not consider that any party will be prejudiced if I take the amended plans into account. I have subsequently referred to them in reaching my decision.

Main Issues

6. The main issues are:

- the effect of the proposal on the character and appearance of the area; and
- the effect of the proposal on highway safety.

Reasons

Character and appearance

7. The appeal site is located on the southern side of Iford Lane and is a prominent corner plot which currently contains two dwellings and their associated gardens. Adjacent to the appeal site is a Christian Fellowship Church, with further residential properties in the surrounding area of varying scale, although predominantly two storey and single storey dwellings.
8. Whilst contemporary design elements have been introduced nearby particularly in relation to fenestration and materials, and there are examples of flat roof dwellings in the wider area, Iford Lane is largely formed of dwellings of overall traditional appearance due to a noticeable proliferation of pitch roofs and traditional architecture. Combined with the River Stour, associated greenery and lack of development to the northern side of Iford Lane, the character of the immediate area is one of being open, verdant and suburban, markedly differing to the busier urban character in the wider area at Tuckton Road where there is a small collection of three storey buildings with flat roofs.
9. The proposal would result in the demolition of the existing dwellings, which whilst of limited architectural merit, do contribute to the surrounding character due to their traditional appearance within a corner plot. The proposed development would be of contemporary appearance, being a pair of semi-detached dwellings and a purpose-built block of flats set above under-croft parking.
10. The proposed percentage of coverage of built form to plot size, as well as separation distances are not significantly out of character with the pattern of development elsewhere in the area. Moreover, elements of contemporary design could successfully integrate into the area, and the proposed location of main entrances do not materially affect the appearance of the proposal addressing the highway. However, the proposed design solution would result in an imposing eye-catching bulky development due to flat roofs, horizontal overhangs and extensive glazing.
11. Additionally, notwithstanding the tiered levels of the front garden, the visual massing and bulk of the proposal would also be emphasised due to being constructed above the highway level due to the site topography and under-croft parking. Consequently, the proposal would appear out of scale and context with the surrounding traditional built form on a prominent corner plot and would significantly diminish the character of the area.
12. Planning conditions could be imposed to secure both a comprehensive landscaping scheme and final design of the proposed roller shutter door. Whilst this may go some way to softening the appearance of the proposal, given the proposed expanse and appearance of the built form, these would be insufficient

to maintain the important contribution the site makes to the immediate character of the area as a prominent corner plot.

13. The appellant has brought to my attention the contemporary design of a dwelling at 7 Wick Lane which I observed at my site visit, and a lapsed planning permission at 321 Belle Vue Road. These properties are in a residential area of similar character to the appeal site. Even if I were to agree that these examples successfully integrate into their context, 7 Wick Lane significantly differs from the appeal proposal in scale which limits the equivalence of that dwelling to the current proposal. Moreover, I have limited information before me in relation to 321 Belle Vue Road, and noting the permission has expired, the equivalence I can afford this to the current proposal is limited.
14. Subsequently, I conclude on this main issue that the proposal would have a harmful effect on the character and appearance of the area. The proposal would be contrary to policies CS21 and CS41 of the Bournemouth Local Plan: Core Strategy (2012) (CS), and saved Policy 6.8 of the Bournemouth District Wide Local Plan (2002) (LP). These policies, amongst other things, seeks to ensure that development achieves high quality design that maintains and enhances the quality of the street scene and respects and enhances the character of the area. Furthermore, the proposal would also be contrary to guidance outlined within the Residential Development: A Design Guide (2008) relating to achieving good design that respects the surrounding context and the provisions of the Framework which seek to provide well designed and beautiful places.

Highway Safety

15. The application was accompanied by a speed survey which was undertaken in 2016. Due to the age of this survey, and potential intervening changes to the highway network and vehicular movements, I can only afford the findings of the survey minimal weight. Notwithstanding, at my site visit, whilst only a snapshot in time, I followed vehicles past the appeal site in both directions, with the traffic speeds being below the 30 miles per hour speed limit at this location.
16. The existing vehicular access serving 302 Iford Lane offers extremely poor visibility in both directions. The revised layout plan submitted with the appeal indicates that visibility splays would be available of 2.4m by 43m and 40m to the centreline of the carriageway, as well as space for off-road refuse collections. Whilst serving a greater number of dwellings than the existing access, given the speeds I observed, such splays would provide acceptable visibility of oncoming traffic, and the Council as Local Highway Authority also agree are acceptable in principle.
17. Nonetheless, concern is raised with regards the ability to implement the visibility splays and keeping them clear of any obstruction, including maintaining vegetation below 0.6m in height. The revised plans do indicate the visibility splay would include areas of tiered garden and walls. However, given the area of the visibility splays as indicated on the plans, I see no reason why an enforceable planning condition could not be imposed that would ensure that an appropriate landscaping scheme is achieved, and visibility maintained during the lifetime of the development.

18. The proposal provides sufficient cycle storage facilities and electric charging points, although off-road vehicle parking spaces exceeds the required number of parking spaces for 'Zone B' as outlined within the Parking Standards Supplementary Planning Document (2021) (SPD). The SPD outlines that it seeks to provide details on parking requirements with an emphasis on good design and sustainability in order to reduce the need to travel by private car.
19. The appeal site is in a location that provides good access to services and facilities, and a reduced quantum of parking could result in less reliance on private vehicles and ownership. However, the SPD outlines that in terms of parking figures, these are 'optimums', and therefore not a 'maximum'. On-street parking directly outside the appeal site is limited due to its location on a corner and on-street parking restrictions. The on-street parking that is available is to the front of dwellings often in close proximity to, and thus restricting visibility of driveway accesses resulting in potential harm to highway safety.
20. Therefore, although the quantum of parking is above that outlined within the SPD partially due to the number of habitable rooms within the units, given the number of individual residential units proposed and the character of the available surrounding on-street parking, I find the proposed parking provision acceptable.
21. To conclude, the proposal would provide sufficient safe access and parking arrangements and would not result in harm to highway safety. The proposal would therefore accord with CS Policy CS16, which seeks to ensure new development provides suitable parking provision and standards.

Other Matters

22. I note the appellant's comments about the Council's handling of the application. This has little to do with the planning merits of the case, which I have considered on the basis of the evidence before me.
23. Although not specifically referred to within the Council's reasons for refusal, the Council's Officer Report, as well as third party representations refer to harmful overlooking and loss of privacy to the occupiers of 298 Iford Lane, in particular from northwest facing windows. Whilst the first-floor window is large, and would afford direct views towards the neighbouring property, it serves a landing area, and subject to a planning condition to ensure obscure glazing would be fitted and retained, would not result in harm to the neighbouring occupiers living conditions.
24. A further refusal reason relates to the absence of an appropriate financial contribution towards mitigation measures to address the effect of new development on increased recreational activity on the Dorset Heathlands Special Protection Area, Ramsar Site and Dorset Heaths Special Area of Conservation (the habitats sites). However, and notwithstanding the appellant's agreement to address the matter, as the first main issue provides a clear reason for dismissing the appeal, there is no need for me to consider the implications of the development on the integrity of the habitats sites or the provisions of the Conservation and Habitats and Species Regulations 2017 (as amended), since my findings on that issue would not change the appeal outcome.

Planning Balance

25. The main parties agree that the Council are only able to demonstrate a 2.3 year housing land supply. In these circumstances the Framework states that permission should be granted unless policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development or, any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole.
26. The proposal would achieve an incremental increase in housing supply in a location close to services and facilities in an area with an acknowledged lack of housing provision relatively quickly. Given the scale of the proposal for 6 additional residential units, this is a moderate benefit. Furthermore, there would be limited short term economic benefits from the construction of the proposal and from the future occupation of the dwellings and associated spending in the locality.
27. I have found that the development would provide appropriate access, vehicular parking and not harm highway safety. Furthermore, the proposal would not result in harm to neighbouring occupiers living conditions. However, these are ordinary requirements for new development, and are therefore neutral factors in the planning balance.
28. The proposal would harm the character and appearance of the area, contrary to CS Policies CS21, CS41, saved LP Policy 6.8, and conflicts with the development plan as a whole. The Framework is clear that new development should add to the overall quality of an area. It highlights that development should be visually attractive and sympathetic to local character and the surrounding built environment. The policies that the scheme conflicts with are broadly consistent with the Framework. As such, and due to the degree of harm I have identified, I give the conflict with these policies substantial weight.
29. While I have found the contribution to housing supply to be a moderate benefit alongside other limited benefits, I find in this case the adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. Therefore, the proposal would not represent sustainable development.

Conclusion

30. For the reasons given above, I find that the proposal would conflict with the development plan, read as a whole. No material considerations have been shown to have sufficient weight to indicate that a decision should be taken otherwise than in accordance with it. Therefore, the appeal is dismissed.

S Harrington

INSPECTOR