



Appeal Decision

Site visit made on 5 March 2024

by Juliet Rogers BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 April 2024

Appeal Ref: APP/V1260/W/23/3325664

93A Parkway Drive, Bournemouth, Dorset BH8 9JS

- 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 Mr David Coward against the decision of Bournemouth Christchurch and Poole Council.
 - The application Ref is 7-2023-15707-G.
 - The development proposed is the change of use of a garden room annexe to a self-contained unit.
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Decision

1. The appeal is allowed and planning permission is granted for the change of use of a garden room annexe to a self-contained unit at 93A Parkway Drive, Bournemouth, Dorset BH8 9LS in accordance with the terms of the application, Ref 7-2023-15707-G, subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans:
 - Location Plan / Block Plan
 - Basement Level Floor Plan
 - Elevations
 - 2) Notwithstanding the details shown on the plans referred to in condition 1), unless within three (3) months of the date of this decision details of the turning and parking area, provision of electric charging points and cycle parking facilities are submitted in writing to the local planning authority for approval, and unless the approved scheme is implemented within nine (9) months of the local planning authority's approval, the works detailed in this scheme shall cease and shall be removed until such time as a scheme is approved and implemented.

If no scheme in accordance with this condition is approved within eighteen [18] months of the date of this decision, the works detailed in this scheme shall cease and shall be removed until such time as a scheme approved by the local planning authority is fully implemented.

Upon implementation, works agreed by the local planning authority pursuant to this condition shall thereafter be maintained, kept free from obstruction and available for the purpose specified, in accordance with the agreed details.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

Preliminary Matters

2. In the banner head and decision above I have used the address entered on the planning application form as this more accurately refers to the site.
3. The application form confirms that the development was completed before submission. The Council has assessed the scheme retrospectively. During my site visit, I observed that the garden room annexe was occupied as a self-contained unit. Therefore, I have determined the appeal scheme retrospectively.
4. During the appeal, a new version of the National Planning Policy Framework (the Framework) came into effect. The main parties have been invited to provide further comments on this version and, where received, I have taken them into account in my decision. I am satisfied no party would be prejudiced by determining the appeal accordingly.

Main Issues

5. The main issues are:
 - the effect of the development on the character and appearance of the area;
 - whether the development would provide satisfactory living conditions for occupiers with particular regard to internal floor space and privacy; and
 - whether the development would be likely to have a significant effect on the integrity of the Dorset Heathlands Special Protection Area (SPA) and the Dorset Heaths Special Area of Conservation (SAC).

Reasons

Character and appearance

6. The development comprises part of the basement area of 93 Parkway Drive (No.93), a wide detached single-storey dwelling with accommodation in the roof. The property, along with others on this side of Parkway Drive, is set back from the road within mature gardens. This, combined with the verdant wooded backdrop, wide plots and curvature of the road, provides a sense of spaciousness to the area, despite the dwelling occupying almost the full width of the plot.
7. As the appeal scheme comprises minimal physical alterations to the front of No.93, the spacious character of the street scene and the relationship between the dwelling frontages and the road are maintained. Whilst the self-contained unit does not have what the Council considers to be a normal 'frontage' and outlook to other properties within the street scene, this does not detract from the contribution No.93 makes to the character of the area. Furthermore, given its size, additional activity as a result of people coming and going from the unit would be minimal and therefore, would not harm the character and appearance of the area.

8. I conclude that the development does not harm the character and appearance of the area and complies with policies CS6, CS21 and CS41 of the Core Strategy¹ and Saved Policy 6.8 of the Local Plan². Taken together, these policies expect residential development to contribute positively to the character and function of the neighbourhood through, amongst other elements, its scale and density, whilst maintaining and enhancing the quality of the street scene.

Living conditions

9. The self-contained unit comprises a combined kitchen/diner area and lounge, a shower room and a bedroom with a built-in wardrobe. Although compact, based on my observations during my site visit, the layout and amount of internal space provided within the unit are sufficient to meet the day-to-day needs of its existing occupier.
10. The Council refer to the minimum space standards set out in the Government's Technical housing standards – nationally described space standards (NDSS) which stipulate for a one-bedroom, two-person single-storey dwelling, the minimum gross internal floor area should total 50 square metres. However, these standards are not referenced in the Core Strategy or the Local Plan, nor are minimum areas stipulated within the Council's Residential Development Design Guide (the Design Guide). Consequently, compliance with the NDSS is not mandatory.
11. The unit's flat roof provides an external space for the occupiers of No.93 from which it is possible to view the unit's patio area below. However, views of the patio area are possible from the edge of No.93's external space, through and over the glass balustrade. Therefore, when using the patio area, the occupier of the unit is afforded a level of privacy not dissimilar to the level experienced by occupiers of ground-floor apartment accommodation. Although not fenced off from the rest of the large garden area, the evidence before me indicates the patio area is for the sole use of the occupier of the unit. As it provides a separation between the unit's internal living space and the large garden area, a level of privacy commensurate to dwellings with communal gardens is achieved.
12. I conclude that the development provides satisfactory living conditions for future occupiers with particular regard to internal floor space and privacy. It accords with policies CS21 and CS41 of the Core Strategy and Saved Policy 6.8 of the Local Plan. In combination, these policies expect new development to respect residents' amenities to a standard which meets the day-to-day requirements of future occupants, amongst other provisions.
13. Although not indicated on the decision notice, the development complies with the Design Guide containing general design guidance, rather than prescriptive standards.

The integrity of the SPA and SAC

14. The appeal site is located within 5km of the Dorset Heathlands SPA and the Dorset Heaths SAC (part of the Dorset Heathlands), European Designated Sites afforded protection under the Conservation of Habitats and Species Regulations 2017 (the Habitat Regulations). The special interest of the Dorset Heathlands

¹ Bournemouth Local Plan: Core Strategy (the Core Strategy)

² Bournemouth District Wide Local Plan (the Local Plan)

relates to its extensive network of lowland heath which supports priority habitats and species including various types of birds, lizards and snakes. Consequently, the overarching objective for the management of the Dorset Heathlands is the ongoing protection of these internationally important habitats and species. One of the issues preventing this objective from being met relates to the pressure from an increase in the number of people living nearby, resulting in urbanisation, impacts from recreational purposes and damage caused by pets.

15. As the development increases the number of people living in the area it therefore leads to an increase in visitors to the Dorset Heathlands for recreational purposes. When considered alone or in combination with other plans or projects, it would have the potential to result in likely significant effects on the SPA and SAC. Consequently, it is necessary for me, as the competent authority, to conduct an Appropriate Assessment concerning the effect of the development on the integrity of the SPA and SAC.
16. During the appeal, the appellant submitted a signed Unilateral Undertaking (UU), pursuant to Section 106 of the Town and Country Planning Act 1990, dated 6 December 2023. The submitted UU obligates the appellant to pay an agreed sum to the Council on the date the agreement was signed towards the strategic access, management and monitoring (SAMMs) of the Dorset Heathlands.
17. The Dorset Heathlands Planning Framework 2020-2025 Supplementary Planning Document (the SPD) sets out the mitigation required based on the scale of development. Concerning recreational impacts, for the appeal scheme this equates to a specified financial contribution, taking into account the size of the dwelling. As such, the provisions are necessary to make the appeal scheme acceptable in planning terms, are directly related to the development and are fairly and reasonably related in scale and kind to it. Consequently, the three tests required by paragraph 57 of the Framework for planning obligations have been met.
18. I conclude that subject to mitigation, the development would not be likely to have a significant effect on the integrity of the SPA and SAC and accords with the SPD in this respect.

Conditions

19. As the development has commenced, I have not imposed the standard time limit condition. However, I have imposed a condition requiring that the development accords with the approved plans, for the avoidance of doubt and in the interests of protecting the character and appearance of the area and the living conditions of occupiers of the self-contained unit.
20. I have combined the requirement for the approval of a scheme showing the turning and parking area, electric vehicle charging point and cycle parking facilities into a single condition. There is a strict timetable for the submission of the scheme and subsequent implementation because the development has commenced. This also ensures that the development can be enforced against if the requirements are not met.

21. I have not imposed a condition requiring the bins to be returned to their storage area after waste collection day as this requirement is not necessary to make the development acceptable.

Conclusion

22. For the reasons given above and taking into account all other matters raised, I conclude that the appeal should be allowed.

Juliet Rogers

INSPECTOR