



Appeal Decision

Site visit made on 11 June 2024

by S D Castle BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 July 2024

Appeal Ref: APP/V1260/W/23/3332466

5 Nursery Road, Bournemouth BH9 3AS

- 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 Ms C Read (3LUE Limited) against the decision of Bournemouth, Christchurch and Poole Council.
 - The application Ref 7-2023-3907-B, dated 15 June 2023, was refused by notice dated 15 August 2023.
 - The development proposed is change of use of former chapel to two flats, including construction of mezzanine floor, external alterations and bin and cycle stores. Existing first floor flat to remain as existing.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are the effect of the development on:
 - the character and appearance of the area; and
 - the living conditions of the future occupiers, with particular regard to the availability of daylight/sunlight, outlook, privacy and external amenity space.

Reasons

Character and appearance

3. The appeal site is located on the northern side of Nursery Road, close to the junction with Malvern Road and Parley Road. The surrounding area is predominantly residential, with houses arranged in a traditional linear pattern with back-to-back gardens. There are a variety of architectural styles within the surrounding street scene, including Victorian red brick buildings. Generally, the buildings along Nursery Road are set back behind small landscaped frontages and the street scene includes a mix of low brick walls, hedges, trees and driveways.
4. The site is occupied by a 2-storey building comprised of a chapel on the ground floor, with a self-contained 3-bed flat above that is accessed via an external staircase on the eastern elevation. The chapel's frontage has a red brick exterior with buff brick detailing under a gable roof form. A 2-storey flat roof rear extension has been added to the original chapel building to provide the first floor flat and additional ground floor accommodation for the chapel. The

front garden area is predominantly laid to tarmac, with small areas of landscaped planting either side of the porch. A low brick wall with planting on top forms the street frontage boundary, with another low brick wall forming the western frontage boundary, and a timber closed boarded fence forming the eastern side boundary.

5. The existing low brick wall, and the predominantly open frontage to the site, allow the architectural details of the principal elevation of the former chapel to be appreciated within the street scene. These features of the existing site sit comfortably within, and contribute positively to, the wider street scene.
6. The proposal involves the removal of the wall and the positioning of a parking space and cycle storage shed within the frontage area. The cycle shed would be timber clad with a bituminous felt mono-pitch roof. Whilst there are other examples of sheds within the wider street scene, they harmfully disrupt the landscaped frontages and set back character of the dwellings in the area. As such, the existing sheds do not define the character of the area and should not be used as a precedent to permit further similar proposals. The cycle shed would be a dominant and obtrusive feature within the street scene that would relate poorly to the former chapel building and surrounding development. Furthermore, the removal of the existing low brick wall would result in the harmful loss of a positive characteristic feature of the street scene.
7. The proposed bin store would be located between the side elevation of Flat 1 and the closed boarded fence on the eastern boundary. Whilst the bin store would be of similar appearance to the cycle store, its smaller scale and less prominent position mean that it would not appear incongruous in the street scene.
8. The proposed steel staircase would be located to the side of the building and is significantly set back from the street frontage. It replaces a concrete staircase and would allow views through it, giving it a more lightweight appearance than the concrete staircase. Subject to an appropriate finish, the staircase would not appear prominent or incongruous in the street scene given its set back location.
9. Overall, by virtue of the identified harms above, the development would be detrimental to the character and appearance of the area contrary to the requirements of Policies CS21 and CS41 of the Bournemouth Local Plan Core Strategy 2012 (CS), the Council's Residential Development Design Guide 2008 (RDG), and the provisions of the Framework. Taken together these require, amongst other things, that development is of a high quality that contributes positively to the character and function of the neighbourhood.

Living Conditions

10. The living area and bedroom 3 of Flat 1, and the bedrooms of Flat 2, would be served by the ground floor windows on the western elevation of the existing building. The kitchen, dining area, and bedroom 2 of Flat 1 would be served by the ground floor windows on the eastern elevation of the existing building. Light to, and outlook from, these windows would be limited by the close proximity of either boundary fencing, neighbouring dwellings, or the proposed bin store.

11. Whilst the open plan living areas have windows on more than one aspect, the ground floor bedrooms would be single aspect. I appreciate that bedrooms do not require as much natural light as living areas. Nevertheless, it seems unlikely that occupiers would have views of open skies from within the ground floor bedrooms unless they were standing next to the window and looking upwards. In the absence of an internal daylight assessment, I am not persuaded that adequate levels of internal illumination from natural daylight would be achieved within the bedrooms. Furthermore, the restricted outlook from the ground floor bedrooms would have an adverse enclosing effect, significantly harmful to the living conditions of future occupiers.
12. The use of the communal bin store adjacent to the kitchen window of Flat 1 would have a detrimental effect on privacy, as would the passing of residents accessing Flat 3. However, instances of adjoining residents moving past the kitchen window would be fleeting. Given the living areas to flat 1 are open plan and benefit from windows on different aspects, the use of net curtains or blinds to maintain privacy to the kitchen would be acceptable.
13. The appropriate type and level of provision of outdoor space will vary according to the characteristics of the development. Flat 1 would be a 3-bed dwelling and would therefore be suitable for occupancy by a small family. Appropriate outdoor space would be required for several purposes, including, for example, drying space for washing, storage, play areas for children, as well as areas for sitting and relaxing outside. The outdoor space associated with Flat 1 would have an awkward long and narrow shape, squeezed between the side elevations of Flat 1 and 3 Nursery Road. This outdoor space, given its limited area, awkward shape, and proximity to the adjoining dwelling, would feel uncomfortably enclosed, significantly limiting its potential uses. It would not provide high quality garden space commensurate with the reasonably expected requirements of future occupiers.
14. Overall, the proposed development would not provide satisfactory living conditions for future occupiers with regard to the availability of daylight and sunlight, outlook, and external amenity space. It would, therefore, conflict with the requirements of CS Policies CS21 and CS41, the Council's RDG, and the provisions of the Framework. Taken together these require, amongst other things, that new development provides a high standard of amenity to meet the day-to-day requirements of future occupants.

Other Matters

European Sites

15. The Council advises that the site is within 5km of the designated Dorset Heathlands SPA (Special Protection Area) and Ramsar Site, and part of the Dorset Heaths candidate SAC (Special Area of Conservation) which covers the whole of Bournemouth. These designated European sites contain lowland heath important for nature conservation of protected habitats and species.
16. The Council has adopted an avoidance and mitigation strategy which aims to ensure no adverse effect on the integrity of the Dorset Heathlands SPA. It includes strategic access management and monitoring of recreational use of the heath by a standard tariff per dwelling financial contribution; and provision of suitable alternative natural greenspace to alleviate use of the heath through Community Infrastructure Levy receipts generated by development. The

appellant's Unilateral Planning Obligation (UU), dated 10 April 2024, is intended to make the requisite financial contribution but it appears to have an incorrect plan attached to it, with the site edged in red not the appeal site.

17. As I am dismissing the appeal for other reasons, there is no need for me, as the competent authority, to carry out an assessment on the likely significant effects of the proposal on the European Sites, or to explore the necessity for undertaking an Appropriate Assessment and securing mitigation where required. Even if I had done so and found the proposal to be acceptable in this regard, such a finding would not have affected my overall conclusion on this appeal.

Extant Planning Permission

18. The appellant has submitted details of an extant planning permission¹ on the appeal site for the residential development of the chapel. That permission was granted subsequent to the refusal of the planning permission subject of this appeal. The extant permission seeks to address the Council's refusal reasons by, amongst other things, repositioning the cycle store, retaining the frontage wall, and reducing the number of bedrooms within Flat 1. The appeal scheme would be more harmful than the extant permission and it is, therefore, given very limited weight in my decision.

Planning Balance

19. The appellant asserts that Paragraph 11(d) of the Framework is engaged because the Council is unable to demonstrate a five year supply of deliverable housing sites. In such circumstances, the Framework indicates that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the Framework policies taken as a whole.
20. The proposal would make a limited contribution to the Government's objective of significantly boosting the supply of homes. Furthermore, the dwelling would be in a sustainable location with good access to services, and would represent the efficient redevelopment of previously developed land. However, in light of the small scale of the proposal, the benefits identified attract limited weight.
21. I acknowledge that it may be possible for a biodiversity net gain to be achieved, however, no substantive evidence regarding the potential extent of any net gain has been provided. As such, any benefit in this regard is afforded very limited weight.
22. Weighing against these benefits would be the above identified harms to the character and appearance of the area, and to the living conditions of the future occupiers of Flats 1 and 2. The Council's policies seeking high quality design and good standards of amenity are broadly consistent with the Framework. The identified conflict with the development plan therefore attracts significant weight.
23. Whilst a key aim of the Framework is to significantly boost the supply of housing, when read as a whole the Framework does not suggest this should happen at the expense of other considerations. Given the very limited scale of the benefits identified, the substantial adverse impacts of granting permission

¹ LPA Ref: 7-2023-3907-C

would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework when taken as a whole.

24. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission to be determined in accordance with the development plan, unless material considerations, including the Framework, indicate otherwise. The proposal would conflict with the development plan when read as a whole and there are no other considerations that outweigh that identified conflict.

Conclusion

25. For the above reasons, the appeal is dismissed.

S D Castle

INSPECTOR