



Appeal Decision

Site visit made on 14 May 2024

by Alexander O'Doherty LLB (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 July 2024

Appeal Ref: APP/V1260/W/23/3328764

Land to the rear of 140 to 144 Magna Road, Bournemouth BH11 9NB

- 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 C Watts (Foreshore Southern Developments Ltd) against the decision of Bournemouth Christchurch and Poole Council.
 - The application Ref is APP/22/01759/F.
 - The development proposed is subdivision of the site and construction of three detached dwellings with associated parking, landscaping and access (amended scheme).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The postal address of the site, as recorded by Royal Mail, and as stated in the Council's decision notice, the appellant's Grounds of Appeal, and on the submitted plans, relates to Bournemouth, which is reflected in the banner heading above.
3. At the appeal stage, the Council confirmed that the 2nd, 3rd, and 4th reasons for refusal given in the Council's decision notice, relating to trees and habitats sites respectively, have been overcome. This has been reflected in the main issue, below.

Main Issue

4. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

5. The appeal site comprises areas of garden land which are situated to the rear of 140 to 144 Magna Road in Bournemouth, and an accessway between 142 and 144 Magna Road. The wider area is predominantly residential and the site is located at the edge of this residential area.
6. The appellant has submitted a plan in their Grounds of Appeal showing new homes approved in the vicinity of the site in recent years, which includes infill development and plot subdivision on the northern side of Magna Road. Despite these historic approvals, I observed that the northern side of Magna Road, where the site is located, is currently distinctive due to the pattern of development which mainly involves a row of dwellings facing the road set within elongated plots with long rear gardens. This pattern of development gives a strong sense of spaciousness to the area.

7. Although an approved development for the construction of 269 houses, retail units, office units, and a Community Hub Building¹ appeared to be under construction to the north of the site at the time of my site visit, this development would not alter the pattern of development within which the site itself sits along Magna Road.
8. In contrast to the established pattern of development described above, the proposed development would introduce 3 detached dwellings into a backland location behind the existing buildings on the northern side of Magna Road, where built development is not common. The proposed new dwellings would only be seen in glimpsed views from Magna Road, which was a factor recognised in the Council's pre-application advice relating to an alternative scheme². This would be similar to the situation described by the Inspector in appeal decision Refs APP/Q1255/A/01/1074535 & 6 in relation to the approved development to the rear of 121 Magna Road (No 121).
9. Even so, the incongruity of the proposed development of 3 new dwellings in comparison with the row of largely undeveloped residential gardens along the northern side Magna Road would be evident in views from the first floor rear windows of nearby dwellings. Similarly, the considerable erosion of much of the sense of spaciousness referred to above, which would be caused by the size of the 3 new dwellings and their siting in close proximity to each other, would be apparent from these viewpoints. It would also be clear from these viewpoints that the proposed subdivision of this small site and the erection 3 dwellings only would not be of a sufficient quantum of development or scale to create a development with its own distinctive sense of place and identity.
10. Whilst it has been stated that the overall density of development on site would be markedly lower than that of the adjacent permission to the north of the site referred to above, and that the dwellings on the southern side of Magna Road and at Wheelers Lane have comparable plot sizes to the proposed development, the primary relationship of the site is with the linear row of plots of which it forms a part on the northern side of Magna Road. In this regard, the sizes of each of the individual plots for the proposed 3 dwellings would not be reflective of that which is common on the northern side of Magna Road. As a result, the newly-formed plots would appear cramped when viewed from nearby dwellings.
11. The combination of the above-mentioned factors would result in a development which would not harmonise well with its context in terms of its appearance, and which would undermine the established character of the area.
12. I observed the detached bungalow to the rear of 125 Magna Road (No 125), which was under construction at the time of my site visit. Its siting clearly mirrors the existing bungalow opposite it (1A King John Avenue), which is also situated adjacent to the road to the rear of an existing dwelling (No 121) which similarly fronts Magna Road as No 125 does. It accordingly appears congruent with its context, in contrast to the proposed development which would be in a backland location where similar development in rear garden areas is not commonplace. As this example is not directly comparable with the proposed development, it does not change my findings above.

¹ Local Planning Authority References: APP/19/00237/P; APP/22/00092/R

² Local Planning Authority Reference: PREA/21/00082

13. The imposition of planning conditions to secure appropriate materials for the external surfaces of the proposed dwellings and to provide a scheme for soft landscaping would not alleviate the adverse impacts identified above, as these concerns stem from the inappropriate layout and siting of the proposed development which would not preserve the area's residential character.
14. I therefore find that the proposed development would have an unacceptable and harmful effect on the character and appearance of the area. It would conflict with part (1)(a)(i) of Policy PP27 of the Poole Local Plan (adopted 2018) (Local Plan) which provides that, amongst other things, development will be permitted provided that it reflects or enhances local patterns of development and neighbouring buildings in terms of layout and siting.
15. The proposed development would conflict with part (2) of Policy PP28 of the Local Plan which provides that, amongst other things, residential proposals involving plot severances or plot sub-divisions will only be permitted where there is sufficient land to enable a type, scale and layout of development including parking and usable amenity space to be accommodated in a manner which would preserve or enhance the area's residential character.
16. The proposed development would also conflict with paragraph 135 c) of the National Planning Policy Framework (the Framework) which provides that, amongst other things, planning decisions should ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities).

Other Matters

17. The conduct of the Council during the processing of the planning application is not a matter that I can assess in the context of a planning appeal.
18. I note the limited number of objections to the proposed development submitted by local residents. This is however a neutral matter, which does not weigh in favour of the proposed development.
19. It is common ground between the main parties that, following the submission of a signed Unilateral Undertaking securing financial contributions to fund Strategic Access Management and Monitoring (SAMM) to mitigate the impact of the proposed development on the Dorset Heathlands and upon Poole Harbour, the application of policies in the Framework that protect areas or assets of particular importance do not provide a clear reason for refusing the proposed development. I have no substantive evidence which indicates otherwise. Hence, paragraph 11 d) i. of the Framework is not applicable in this instance.

Planning Balance

20. The proposed development would provide a modest contribution towards alleviating the Council's acknowledged lack of a 5-year supply of deliverable housing sites, stated to be an approximately 4.1 year housing land supply with a 20% buffer.
21. The proposed development would contribute to housing choice and mix in the local area, specifically by way of providing 3 new dwellings suitable for family occupation, which would accord with the requirements of paragraph 6.16 of the Local Plan and Policy PP8 of the Local Plan which relates to housing type and

- mix. These dwellings would be situated within an existing and accessible residential area, which has access to sustainable transport options.
22. If the proposed development were acceptable in all other respects, potentially planning conditions could be imposed requiring the installation of renewable energy sources on site.
23. I acknowledge the policy support found in the Local Plan with respect to the above-mentioned benefits of the proposed development. Nevertheless, the quantum of development proposed, of 3 new dwellings only, would be modest, which considerably limits the scale of the resulting benefits of the proposed development. Additionally, the Council's housing land supply shortfall, referred to above, is not excessive. The proposed development's compliance with the relevant policies of the development plan therefore attracts no more than moderate weight in its favour.
24. The proposed development would have an unacceptable and harmful effect on the character and appearance of the area. As it would not constitute good design, which is defined in paragraph 9.4 of the Local Plan as development that functions well, fits in with and enhances an area's character within its context, very significant weight has been given to the proposed development's conflict with the relevant policies of the development plan.
25. I therefore find that, as a matter of planning judgement, the considerations put forward in support of the proposed development, do not, either individually or collectively, outweigh the adverse impacts identified, nor the conflict with the development plan identified. It follows that the proposed development would conflict with the development plan when considered as a whole.
26. Due to the Council's lack of a 5-year supply of deliverable housing sites, referred to above, paragraph 11 d) ii. of the Framework is engaged. In this scenario, the Framework advises that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
27. In this regard, the proposed development would support the Government's objective of significantly boosting the supply of homes (mentioned at paragraph 60 of the Framework), via the erection of 3 new dwellings. Paragraph 70 of the Framework is also of relevance, which provides that, amongst other things, small and medium sized sites can make an important contribution to meeting the housing requirement of an area, and are often built-out relatively quickly.
28. Nevertheless, even though the proposed development would, in principle, make an effective use of land, taking account of my findings on the main issue above, it would not comply with paragraph 128 e) of the Framework which provides that, amongst other things, planning decisions should support development that makes efficient use of land, taking into account the importance of securing well-designed places. Furthermore, the overall scale of the economic, social, and environmental benefits of the proposed development would be constrained by the minimal quantum of development proposed, of 3 new dwellings only. The collective benefits of the proposed development therefore amount to no more than moderate weight in its favour.

29. The findings on the main issue above indicates that the proposed development would not assist in the creation of high quality places, which paragraph 131 of the Framework highlights is fundamental to what the planning and development process should achieve. As such, in this case the adverse impacts of the proposed development in terms of its unacceptable and harmful effect on the character and appearance of the area attract very significant weight in opposition to it.
30. Setting the very significant weight of these adverse impacts against the moderate weight arising from the collective benefits of the proposed development, it is clear that the adverse impacts of the proposed development would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. The proposed development would not therefore benefit from the presumption in favour of sustainable development found at paragraph 11 of the Framework.
31. Overall, none of the other considerations, which include the provisions of the Framework, indicate that this appeal decision should be taken otherwise than in accordance with the development plan.

Conclusion

32. For the reasons given above, having considered the development plan as a whole, the approach in the Framework, and all other relevant material considerations, I conclude that the appeal should be dismissed.

Alexander O'Doherty

INSPECTOR