



Appeal Decision

Site visit made on 29 July 2024

by S D Castle BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 August 2024

Appeal Ref: APP/V1260/W/23/3335875

Land adjacent to 46 Saxonhurst Road, Bournemouth, Dorset BH10 6JH

- 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 Miss Lucy Frampton against the decision of Bournemouth, Christchurch and Poole Council.
 - The application Ref 7-2023-11887-B, dated 30 March 2023, was refused by notice dated 23 November 2023.
 - The development proposed is to erect 1 no. detached dwelling on land adjacent to no. 46 Saxonhurst Road.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development in the banner above is taken from the application form.
3. During the appeal, the appellant submitted a signed unilateral undertaking (UU) under section 106 of the Town and Country Planning Act 1990 (as amended), dated 7 June 2024. This makes provision for financial contributions towards mitigation against adverse effects on the designated Dorset Heathlands Special Protection Area (SPA), Ramsar site and Dorset Heaths Special Area of Conservation (SAC). I deal with this later in my decision.

Main Issues

4. 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 neighbouring occupiers, with particular regard to noise and disturbance.

Reasons

Character and appearance

5. The proposed 2-storey dwelling would be located to the rear (west) of 50 Saxonhurst Road, adjacent to the northern flank elevation of 17 Forton Close. Access to the dwelling from the western side of Saxonhurst Road would be provided utilising the existing driveway to no 48, adjacent to the southern boundary of no 46. That driveway would be extended

to the rear of no 48, and a turning / parking area would be located to the rear of no 50, adjacent to the rear garden of 17 Forton Close.

6. The surrounding area is residential in character, comprising a mix of dwelling styles including 2-storey dwellings, bungalows, and dormer bungalows. The wider pattern of development is of street facing dwellings arranged with back-to-back gardens. The extensive rear garden area between Saxonhurst Road and Brierley Road to the west has been developed with a number of cul-de-sac infill developments, including Forton Close and Stour Gardens.
7. Whilst these cul-de-sac developments have inevitably increased the area's density of housing development, they provide cohesive groupings of dwellings that are predominantly orientated with frontages onto a highway, reflective of the overriding character of the surrounding area. The infill developments at 73 Saxonhurst Road and 116 Saxonhurst Road drawn to my attention by the appellant also maintain the predominant orientation of dwellings facing onto the highway.
8. Unlike the surrounding context, the backland position of the proposed dwelling would be accessed via a relatively lengthy private drive. This lack of direct road frontage would not be characteristic of the existing dwellings in the surrounding area. The development would be disconnected, isolated, and not part of a cohesive street scene. Furthermore, although the position of the dwelling aligns with 17 Forton Close, it faces in the opposite direction, with a large hard surfaced parking / turning area to the front intruding into an established rear garden area. The dwelling would not appear to be connected into the neighbourhood. It would be poorly integrated with its context and would be experienced as a harmfully discordant backland development when viewed from Forton Close and surrounding dwellings.
9. The layout of the proposed development, therefore, fails to respond to its surroundings and the arrangement of nearby dwellings. It would be harmful to the overall character and appearance of the area contrary to the provisions of Policies CS6, CS20, CS21 and CS41 of the Bournemouth Local Plan Core Strategy 2012 (the CS), Policy 6.8 of the Bournemouth District Wide Local Plan 2002 (the LP), Residential Development: A Design Guide 2008 (the Design Guide) and the Framework. Together these policies and guidance seek well designed development that contributes positively and is sympathetic to local character.

Living conditions

10. As set out above, the appeal proposal would intrude significantly into an existing area of private rear gardens. The proposed access arrangements would introduce additional vehicular movements adjacent to the side elevations and rear elevations of nos 48 and 46 Saxonhurst Road. Vehicles would then pass adjacent to the rear gardens of nos 46, 48, and 50 Saxonhurst Road, before parking adjacent to the rear garden and elevation of 17 Forton Close.
11. Whilst the proposal is only for a single dwelling, the resultant vehicular movements would inevitably result in increased noise and light disturbance to the occupiers of the above identified dwellings. Of particular concern is the passing of vehicles adjacent to no 48 as these would pass close to the window of a habitable room contrary to the guidance within para 3.7.3 of the Council's

Design Guide. The effect of introducing front of house activities, such as cars, delivery vans, and visitors arriving and manoeuvring, with doors slamming, and engines running, would lead to a harmful increase in disturbance within an area of private rear garden where it is reasonable for neighbouring occupiers to expect a higher degree of tranquillity.

12. The development would, by virtue of the above identified disturbances, be harmful to the living conditions of surrounding occupiers. It would, therefore, be contrary to Policy 6.8 of the LP, Policies CS21 and CS41 of the CS, the Design Guide and the Framework. Together these require new development to respect the amenity and living conditions of neighbouring occupiers.

Other Matters

13. The appeal site lies within the 400m to 5 kilometre buffer for the Dorset Heathlands SPA, Ramsar Site and Dorset Heaths SAC. These are European sites of nature conservation importance and subject to statutory protection under the Conservation of Habitats and Species Regulations 2017 (the Regulations). It has been identified that additional residential development within this buffer area would give rise to adverse effects on the European sites.
14. The UU makes provision for financial contributions towards measures intended to avoid or mitigate adverse effects on the European sites in accordance with Dorset Heathlands Planning Framework 2020-2025 Supplementary Planning Document. As the competent authority for this appeal, I would need to undertake an appropriate assessment (AA) in accordance with the Regulations to confirm that the integrity of the European sites would not be adversely affected. However, it has not been necessary for me to pursue this further because the scheme is unacceptable for other reasons.
15. I have had regard to the Council's concern that the proposal would fail to ensure an efficient use of land. The proposal would, however, result in a higher density of housing development. Whilst it may be beneficial for neighbouring sites to be brought forward together to achieve a coherent development, I have not been presented with any evidence to suggest such proposals are likely to be forthcoming. As such, I am not persuaded that the proposed development would fail to ensure an efficient use of land.

Planning Balance

16. The Council cannot currently demonstrate a five year supply of deliverable housing sites. The submissions indicate a supply of 2.3 years which is a significant shortfall. 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. Paragraph 11 d) i) sets out that this does not apply where the application of policies in the Framework that protect areas or assets of particular importance provide a clear reason for refusing the development proposed. Footnote 7 explains that these assets include European sites.
17. The proposal would make a limited contribution to the Government's objective of significantly boosting the supply of homes in a sustainable location with good access to services. There would also be some limited economic benefits

associated with the provision of an additional house. However, in light of the small scale of the proposal, the benefits identified attract limited weight.

18. Weighing against these benefits would be the above identified harms to the character and appearance of the area, and to the living conditions of neighbouring occupiers. 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.
19. 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 limited scale of the benefits identified, even if I were to find the effects of the proposal on the European sites were to be acceptable, the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework taken as a whole.
20. 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

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

S D Castle

INSPECTOR