

Appeal Decision

Site visit made on 18 June 2024

by Alexander O'Doherty LLB (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 September 2024

Appeal Ref: APP/V1260/W/23/3324506

18 – 20 Dalmeny Road, Bournemouth BH6 4BN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Burry and Knight Ltd against Bournemouth Christchurch and Poole Council.
 - The application Ref is 7-2022-8173-F.
 - The development proposed is demolition of existing buildings and the erection of a flatted development and town house.
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Decision

1. The appeal is dismissed and planning permission for demolition of existing buildings and the erection of a flatted development and town house is refused.

Preliminary Matter

2. Since the appeal responds to the Council not having determined the application, there is no decision notice. Nonetheless, they have stated it would have been refused. The reasons for which have informed the main issues of the appeal.

Main Issues

3. The main issues are the effect of the proposed development on:
 - the character and appearance of the area;
 - the living conditions of the occupiers of neighbouring properties, with particular regard to privacy, sunlight, outlook, and daylight; and
 - highway safety.

Reasons

Character and appearance

4. The appeal site comprises a bungalow (18 Dalmeny Road) and a 2-storey flatted block (20 Dalmeny Road), situated in a residential area near the corner of Dalmeny Road where it meets Cellars Farm Road, and opposite the junction between Dalmeny Road and Stevenson Road.
5. As noted by the Inspector in appeal decision Ref APP/V1260/W/20/3252784 relating to 46 and 48 Dalmeny Road, development within the broader area

chiefly consists of detached dwellings, including a mix of houses, bungalows and a scattering of flats. I observed that this continues to be the case. In that appeal decision, the Inspector drew attention to the variation in character that exists in the area. Similarly, the Inspector in appeal decision Ref APP/V1260/W/23/3334352, relating to the same site, mentioned that there is no uniform style with properties varying in terms of their form, scale, mass, ridge heights, detailing and materials.

6. I observed examples in the area of contemporary architecture adjacent to traditional architecture, including on Church Road. I also observed the example cited by the appellant on Warren Edge Road of a 3-storey flat roof building adjacent to traditional pitch roof bungalow.
7. I observed that the lack of uniformity in these respects in the vicinity of the site, whilst present, is not considerable, and that major disparities between properties in terms of their scale and massing is the exception, rather than the rule, in the local area. In particular, the mainly 2-storey dwellings on the north-eastern side of Dalmeny Road (where the appeal site is located) and on Cellars Farm Road, are broadly consistent in terms of their overall heights, scale, and plot sizes, as are the bungalows which are commonly found on the southern side of Dalmeny Road and on parts of Stevenson Road.
8. The proposed development involves the demolition of the existing buildings and associated outbuildings on site, and the erection of a 3-storey detached building containing 12 flats and one townhouse. The new building as a whole would be significantly wider than the majority of buildings in the locality. It would consist of a wide mass of built form with minimal variation in the depth of the main body of the building, and although it would respect the predominant building lines along Dalmeny Road and Cellars Farm Road, it would be sited closer to the footway than the existing buildings on site.
9. As a 3-storey building situated amongst mostly modestly-sized buildings in a prominent corner location, although the proposed materials would be acceptable in its context and the scale and style of the individual town house element would reflect the western corner of Meraki¹, the bulk and scale of the building as a whole would appear as an unduly dominant and visually intrusive feature in the street scene.
10. In this regard, although Meraki, adjacent to the site, is a sizeable development, it incorporates an almost modular-like design with multiple clearly-articulated set-backs on its front elevation which has somewhat reduced the perception of its overall scale in the street scene, whereas the variation in the form of the proposed building, particularly on its front elevation, would not be as noticeable.
11. Due to the amount of glazing and the presence of balconies proposed on the uppermost floor, it would still be perceived as a full floor in the street scene, despite the design choices including aluminium cladding and the balconies not being enclosed by the main built form of the building. Although some nearby buildings incorporate a substantial amount of glazing, including Meraki and 1 Cellars Farm Road, in this case the sheer amount of glazing across a

¹ 2 Cellars Farm Road

significant proportion of the proposed building's front elevation would clash with the typically more restrained fenestration present on nearby buildings.

12. The proposed development would accordingly undermine the established character of the area, where developments of a similar bulk and scale are not common. The harmful impacts caused to the character and appearance of the area would be compounded by the fact that the proposed building would span the majority of the site, leaving little room for soft landscaping to its sides, which would result in the building appearing hemmed-in within the site.
13. The proposed soft landscaping to the front of the building and the proposed boundary wall abutting the footpath would be quite insubstantial features in the context of the development as a whole, and accordingly would not adequately off-set the totality of the adverse impacts identified above.
14. It appears from the plans provided and the Inspector's reasoning in appeal decision Ref APP/V1260/W/20/3252784 that the scheme under consideration in that appeal was not significantly different to the existing buildings in terms of their scale and massing, with the existing site comprising two 2-storey buildings, rather than a bungalow and a 2-storey flatted block as in this appeal. Appeal decision Ref APP/V1260/W/23/3334352 involved modest changes to an existing approval that acted as a fall-back position, which is not the case here. As the circumstances involved with respect to those appeal decisions are not directly comparable with the proposed development, they do not change my findings on this main issue.
15. 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 the first paragraph of Policy CS41 of the Bournemouth Local Plan: Core Strategy (adopted 2012) (Core Strategy) which provides that, amongst other things, development should, through its scale, layout, character and appearance be designed to respect the site and its surroundings.
16. The proposed development would conflict with part i) of the second paragraph of Policy 6.8 of the Bournemouth District Wide Local Plan (adopted 2002) (Local Plan), which provides that, amongst other things, development will be expected to complement and respect the character of neighbouring development, and with part i) of Policy 6.10 of the Local Plan which provides that, amongst other things, flats will be permitted in the built-up area provided the development respects or enhances the character and appearance of the area.
17. 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).

Living conditions

18. A planning condition could be imposed to require the west-facing windows at units 5 and 9 of the proposed building to be obscure glazed, thereby eliminating any opportunities for overlooking from those windows towards the

plot at 16 Dalmeny Road (No 16). Any overlooking from the remaining windows at units 5 and 9 towards the plot at No 16 would be at oblique angles.

19. Nevertheless, due to its height, width, and close proximity to the side boundary with No 16 (principally separated from that side boundary by an access to the proposed flatted development), the proposed building would likely block a fair amount of sunlight to the rear garden of No 16 during the afternoon and early evenings. It would also appear as an overbearing and dominating structure in views from that garden, thereby undermining the outlook from that space. In combination, these factors would undermine the pleasantness of the use of the rear garden area for the occupiers of No 16. As such, their living conditions would be adversely affected.
20. The rear garden of 8 Malcomb Close (No 8) is presently overlooked by the uppermost rear windows of Meraki. A planning condition could be imposed requiring the rear-facing non-habitable windows of the proposed building to be obscure glazed, which would remove any opportunities for overlooking from those windows towards the plot at No 8.
21. The appellant has calculated that the rear building line of the proposed building to the rear of the site would be approximately 13.5 metres, and this figure has not been disputed by the Council. However, this separation distance is not overly generous when considering that several windows serving habitable rooms are proposed at elevated positions above the proposed brick boundary wall to the rear of the proposed building, which would be visible from the rear garden area at No 8. Consequently, even taking account of the fact that a proportion of the windows on the rear elevation of the proposed building would be obscure glazed, the proposed development would markedly exacerbate the level of perceived overlooking experienced by the users of the rear garden area at No 8.
22. As mentioned on the first main issue above, Meraki is a sizeable development. It serves to block a proportion of the outlook from the rear garden area at No 8. Similarly, due to its height, width, and overall scale, and considering the separation distance of the proposed building to the rear of the site referred to above, the proposed building would considerably reduce the existing remaining outlook from the rear garden of No 8.
23. The perceived loss of privacy and reduction in available outlook from the rear garden of No 8 would make that space much less pleasant to use as a result. This would harm the living conditions of the occupiers of No 8.
24. The 3-storey town house element of the proposed development would be positioned very close to the side boundary with Meraki. Due to its siting in close proximity to the side-facing ground floor bedroom windows serving Flat 1, Meraki, the proposed building would likely block a substantial amount of daylight received to those windows. This would likely make that bedroom unpleasant to occupy, resulting in harm to the living conditions of the occupiers of Flat 1, Meraki.
25. I therefore find that the proposed development would have unacceptable and harmful effects on the living conditions of the occupiers of No 16, with particular regard to sunlight and outlook, on the living conditions of the

occupiers of No 8, with particular regard to privacy and outlook, and on the living conditions of the occupiers of Flat 1, Meraki, with particular regard to daylight.

26. The proposed development would conflict with the second paragraph of Policy CS41 of Core Strategy which provides that, amongst other things, the Council will seek to ensure that new developments enhance the amenities of neighbouring residents, and with part iv) of Policy 6.10 of the Local Plan which provides that, amongst other things, flats will be permitted in the built-up area provided the development respects the living conditions of the occupiers of buildings in the vicinity.
27. The proposed development would also conflict with paragraph 135 f) of the Framework which provides that, amongst other things, planning decisions should ensure that developments create places with a high standard of amenity for existing and future users.

Highway safety

28. Planning conditions could be imposed to ensure that sheltered visitor cycle spaces are provided to the front of the site, to require that all car parking bays incorporate electric vehicle charging points, and to require that a physical feature is provided to ensure that the eastern visibility splay of the town house access is protected.
29. Figured dimensions have not been provided on the submitted plans to demonstrate that each car parking space proposed would meet the minimum dimensions, nor that adequate clearance for comfortable manoeuvres would be provided, as set out in the Parking Standards: Supplementary Planning Document (adopted 2021) (SPD). Nevertheless, based on my observations on site, it appears likely that adequate space is available within the site for the proposed car parking layout to be achieved in accordance with the relevant requirements of the SPD.
30. The proposed development would suffer from a shortfall of one car parking space, based on the requirements of the SPD. Notwithstanding this, the site is located in an established residential area which benefits from good public transport links to other parts of the Bournemouth, Christchurch and Poole area. Cycle routes are also located near to the site. Considering this, and taking account of the limited extent of the shortfall, the reduction in the proposed parking provision based on the requirements of the SPD has been justified.
31. However, the appellant has not contested the Council's assertion that the accessway to the proposed cycle store to the rear of the building would not meet the width requirements set out in the SPD. This would likely create difficulties for the future occupiers of the proposed development in accessing the cycle store.
32. The access to the proposed town house would replace an existing access. This particular access would potentially be used on a less intensive basis than at present. The proposed development would close 2 of the existing accesses and the new access serving the proposed flatted development would be further away from the nearest bend in the road than the existing accesses.

33. Even so, the proposed development would create what would be tantamount to a mini car park at the rear of the site. In this regard, the appellant's claims that the vehicle movements from the proposed development would be very low have not been substantiated. The appellant's claim that vehicle movements along Dalmeny Road and at its junction with Stevenson Road would be low have also not been substantiated.
34. Given the total uplift in the amount of parking spaces on site compared with the present situation, in all likelihood the proposed development would result in an intensification of vehicles accessing the site, with the majority of vehicles using the access to the proposed flatted development.
35. The access serving the proposed flatted development would be situated almost directly opposite the junction between Stevenson Road and Dalmeny Road, in effect creating a crossroad. This would potentially result in vehicles attempting multiple turning movements within a constrained area, including vehicles turning right from Stevenson Road onto Dalmeny Road in close proximity to the proposed new access.
36. The submitted plans show 2 metres x 2 metres visibility splays, as required by paragraph 3.2.20 of the SPD in relation to visibility splays either side of an access. However, the Council have asserted that the access serving the proposed flatted development would have a substandard forward visibility splay. The plans do not show any visibility splays in relation to this matter, and technical evidence has not been provided to illustrate these. Therefore, it has not been demonstrated that the access serving the proposed flatted development would meet the relevant requirements of the SPD with respect to visibility at accesses.
37. Considering the concerns raised above in relation to the location of the access serving the proposed flatted development, the lack of forward visibility splays means that it has not been shown that the proposed development would not increase the risk of collision between vehicles on this part of Dalmeny Road.
38. I therefore find that it has not been demonstrated that the access serving the proposed flatted development would not cause unacceptable impacts on highway safety, which is the standard set out at paragraph 115 of the Framework.

Other Matters

39. 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.
40. The appellant has referred to contributions generated via the Community Infrastructure Levy. As these contributions would merely assist in the introduction of new cycling infrastructure required to mitigate the transport-related impacts of the proposed development, this is a neutral matter, which does not weigh in favour of the proposed development.
41. As mentioned in the Council's fourth putative reason for refusal, the Council considers that the proposed development has the potential to have a significant effect on designated conservation sites. However, as the appeal is being dismissed for other reasons, there is no need to consider the potential implications of the proposed development in these respects, nor is it

necessary to consider the submitted Unilateral Planning Obligation (deed dated 11 December 2023) in any further detail. I therefore make no further comments on these matters.

Planning Balance

42. The proposed development would retain one dwelling on site in numerical terms, and would provide 12 flats in place of the 4 flats at 20 Dalmeny Road. This is in the context of a housing land supply position stated to be approximately 2.3 years for Bournemouth as at 1 April 2021, a figure which has not been disputed by the Council. Considering the extent of this shortfall, and noting that the latest Housing Delivery Test results place Bournemouth in the 'presumption' category, this is a matter which provides modest support for the proposed development.
43. The 2-bedroom properties proposed would contribute towards meeting the housing type most needed in the former Bournemouth Council area, based on the analysis in the Eastern Dorset SHMA (2015). The accommodation proposed would be provided in an established residential area with adequate access to necessary services, facilities, and public transport.
44. The proposed development would incorporate a small dwelling suitable for a family, thereby preventing any loss of a small family-sized dwellinghouse in the terms of Policy CS19 of the Core Strategy, despite the proposed demolition of 18 Dalmeny Road.
45. The proposed development would provide work for construction professionals, and the future occupiers of the proposed development would likely support local services and facilities.
46. A planning condition could be imposed, requiring at least 10% of the energy to be used in the proposed development to come from decentralised and renewable or low carbon sources, as required by Policy CS2 of the Core Strategy. However, any associated environmental benefits over-and-above the existing buildings, including through the use of sustainable construction methods and soft landscaping on site, have not been quantified. This limits the weight which can be given to these matters in support of the proposed development.
47. It can be seen from the above that the benefits of the proposed development would be in compliance with a number of the Council's development plan policies. Taking account of the quantum of development proposed, which is not significant, in the context of the Council's shortfall of deliverable housing sites, these benefits would not be substantial. Thus, the proposed development's compliance with the relevant policies of the development plan attracts no more than moderate weight in its favour.
48. On all 3 main issues I have found that the proposed development would result in adverse impacts. These adverse impacts would undermine the commitment made in paragraph 4.6.15 of the Core Strategy to achieving good design in all new development and spaces. Great weight has therefore been given to the proposed development's conflict with the relevant policies of the development plan.

49. Consequently, the matters advanced 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. The proposed development would conflict with the development plan when considered as a whole.
50. As the Council is unable to demonstrate a 5-year supply of deliverable housing sites, paragraph 11 d) ii. of the Framework is engaged. The Framework advises that, in these circumstances, 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.
51. In this regard, it is evident that the proposed redevelopment of this previously developed site would support the Government's objective of significantly boosting the supply of homes, referenced at paragraph 60 of the Framework. Of further relevance is paragraph 70 of the Framework, 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.
52. However, although the proposed development would, in principle, make an effective use of previously developed land, taking account of my findings on the first 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. Moreover, the modest quantum of development proposed limits the scale of its potential benefits in economic, social, and environmental terms. These benefits, in total, amount to no more than moderate weight in support of the proposed development.
53. The proposed development would not meet the aspiration set out at paragraph 131 of the Framework with respect to the creation of high quality, beautiful and sustainable buildings and places, which the Framework emphasises is fundamental to what the planning and development process should achieve. Nor would it meet the expected standards set out in the Framework with respect to highway safety. For these reasons, the adverse impacts of the proposed development attract in great weight in opposition to it.
54. It follows that the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. The proposed development would not benefit from the presumption in favour of sustainable development, found at paragraph 11 of the Framework.
55. Taking all of the above into account, the proposed development would conflict with the development plan when considered as a whole, and none of the other considerations in this case indicate that this appeal decision should be taken otherwise than in accordance with the development plan.

Conclusion

56. For the reasons given above, having considered the development plan as a whole, the approach in the Framework, and all other relevant material considerations (including the representations of all interested parties and local residents), I conclude that the appeal should be dismissed.

Alexander O'Doherty

INSPECTOR