

# Appeal Decision

Site visit made on 5 September 2024

**by L J O'Brien BA (Hons) MA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 13<sup>th</sup> September 2024**

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**Appeal Ref: APP/V1260/W/24/3338647**

**509A Christchurch Road, BOURNEMOUTH, BH1 4AG**

- 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 Martin Johnson against the decision of Bournemouth Christchurch and Poole Council.
  - The application Ref is 7-2023-6038-J.
  - The development proposed is erection of a three storey building consisting of 3 x 1-bed flats.
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## Decision

1. The appeal is dismissed.

## Preliminary Matter

2. During the course of the application the appellant submitted revised plans to the Council with the aim of overcoming objections which had been raised. The revised plans changed the exterior finish of the second floor from timber cladding to brickwork. The appellant has requested that the plans originally submitted be considered as part of this appeal. However, I have determined the appeal on the basis of the revised plans as these were the plans considered by the Council in determining the application. I will, however, return to this consideration later.

## Main Issues

3. The main issues in this appeal are:
  - whether or not the proposal would contain an adequate mixture of housing units and deliver development of a suitable density with particular regard to local planning policy; and
  - whether or not the proposal would provide adequate living conditions for future occupiers with particular regard to amenity space; and
  - the effect of the proposal on the character and appearance of the area; and
  - the effect of the proposal on the Dorset Heathlands SPA (Special Protection Area), Ramsar Site and Dorset Heaths SAC (Special Area of Conservation).

## Reasons

4. The appeal site is a vacant parcel of land located to the rear of No 509 Christchurch Road. The site occupies a corner plot at the junction of Adeline Road and Roumelia Lane and is currently in use for occasional car parking.
5. The area surrounding the appeal site has a close-knit urban character with a variety of building types and designs with no overriding architectural style or form. Many buildings directly address the street and a consistent palette of materials creates a sense of visual cohesion in the area.

### *Density and Mix*

6. Policy BAP7 of the Boscombe and Pokesdown Neighbourhood Plan, adopted November 2019 (NP) states that the density of development should be in accordance with Policy BAP1. Policy BAP1 of the NP states that residential densities in excess of 100 dwellings per hectare (dph) will not be supported unless it can be demonstrated that it is necessary for viability or to meet an identified housing need. In this instance the proposal would exceed this density.
7. However, there is no dispute between the parties that the Council does not have a five-year housing land supply. In the Bournemouth area there is a 2.3 year housing land supply with a 20% buffer (a shortfall of 4,862 homes) and a 2022 Housing Delivery Test result of 51%.
8. Consequently, I consider that it has been demonstrated that a density in excess of the figure set out in Policy BAP1 would be appropriate in order to meet the identified housing need in the area. The proposal would not, therefore, conflict with Policies BPA1 or BPA7 of the NP in this regard.
9. Turning now to the proposed mix of housing which would be provided by the development. Policy BAP6 of the NP sets out that developments of nine or less dwellings are to include at least one two-bedroom flat with direct access to outside amenity space if available. This policy is supported by data from the Eastern Dorset 2015 Strategic Housing Market Assessment (SHMA) which states that the estimated dwelling requirement by number of bedrooms (2013 – 2033) is 13.7% one bedroom and 40.9% two bedroom within the Bournemouth area.
10. The proposal would provide three one-bedroom flats and would not, therefore, meet the requirements of Policy BAP6 of the NP and would not provide the required mix of housing to meet the identified needs in the area.
11. I accept that the proposed housing mix has been informed by the constraints of the site and the appellant's view that there is a strong market demand within Bournemouth for low-cost, entry-level properties, which are suitable for first time buyers and single persons on lower incomes.
12. Nevertheless, when considering the Council's adopted local plan policies the proposed development would fail to accord with Policy BAP6 of the NP in respect of the mix of housing which would be provided.

### *Living conditions*

13. The occupiers of the proposed flats would have access to a small rear yard with bin and bicycle storage. However, residents of the proposed flats would have no access to any private or communal outdoor amenity space for sitting out, drying clothes or other day to day activities associated with residential living. For this reason, I consider that the proposed development would fail to provide a high standard of amenity for future occupiers.
14. Carnarvon Crescent Gardens, an area of public open space, is located a short distance from the proposed flats and several other areas of public open space are also nearby. The presence of this space would go some way towards ensuring that the future residents of the proposed flats would have some access to outdoor space. However, though close, the nearest space is still a short walk away across a regularly trafficked road and lacks the convenience and privacy of on-site facilities. It would also not provide a space for activities associated with residential living such as drying laundry.
15. I note that due to the size of the proposed units the demand on outdoor space is not likely to be as high as it would be were the properties tailored towards families. However, access to outdoor space is important in the promotion of health and wellbeing for everyone and is not specific only to families.
16. I acknowledge that on occasion other flatted developments in urban areas do not provide outdoor space. However, I have not been provided with detailed information regarding other developments and, in any event, each case must be determined on its own merits based on the specific circumstances at each site. These circumstances will rarely, if ever, be identical. Moreover, the existence of other examples is not sufficient reason to permit development which I find would fail to provide a high standard of amenity.
17. The proposed development would not provide satisfactory living conditions for future occupiers, with regard to outdoor amenity space. It would therefore conflict with Policy CS41 of the Bournemouth Local Plan Core Strategy, adopted October 2012 (CS) which requires new development to provide a high standard of amenity to meet the day to day requirements of future occupants.
18. The proposal would also not accord with Section 3.7 of the Council's Supplementary Design Guide document entitled 'Residential Development: A Design Guide' (Adopted September 2008) (SPD) which states that new residential development should provide, or enable good access to community, as well as private outdoor space, such as gardens, patios or balconies.

#### *Character and appearance*

19. The proposed development would be a three storey, flat roofed building comprising three flats. The building would be of a contemporary design with a subtle and muted palette of materials so as to help the building assimilate well within its context.
20. The proposed building would undoubtedly be large and would cover a significant proportion of the plot with built form. However, the prevailing pattern of development appears to be one of close-knit buildings which

similarly cover large percentages of their plots. The surrounding buildings are close together with very limited gaps or visual breaks between buildings. Properties in the area directly address the street. The proposed building would reflect these characteristics. Furthermore, the proposed building would be lower in height than neighbouring buildings and would respect the established building line.

21. Though the building would be of a simple design, the large windows, the detailing surrounding them and the pattern of fenestration would add visual interest and would serve to break up the visual bulk of the building. The generous proportions of the glazing would suggest a sense of spaciousness. Similarly, the detailing within the brick work would provide relief. Whilst the side elevation of the building would be deep, the design elements outlined above would ensure that it would not appear overly visually dominant or incongruous within the street scene.
22. For these reasons I consider that the proposed development would not cause harm to the character and appearance of the area but would, instead, assimilate well with other buildings within the area. The proposal would, therefore, accord with Policy CS41 of the CS and Policies 6.8 and 6.10 of the Bournemouth District Wide Local Plan, adopted February 2002 (LP). Amongst other things these policies seek to ensure that developments are well designed, of a high quality and respect the character and appearance of the site and its surroundings.
23. The proposal would also meet the aims of Policies BAP1 and BAP2 of the NP. In part, these policies seek to secure a high quality of design which reflects the character of the area. The proposal would also accord with the broad aims of the SPD which promotes high quality design which integrates well with its surroundings.
24. Additionally, the development would meet the expectations of The National Planning Policy Framework (The Framework) which promotes high standards of design and states that developments should be visually attractive and sympathetic to the character of the area.

#### *Protected sites*

25. The appeal site is within 5Km of the designated Dorset Heathlands SPA (Special Protection Area) and is also part of the Dorset Heaths SAC (Special Area of Conservation).
26. These areas host protected priority habitats and species including Dartford warblers, nightjars, woodlark, hen harrier, merlin, sand lizards and smooth snakes as well as other typical species of lowland heathland, wetlands and dunes. The Dorset Heathlands cover an extensive area of South East Dorset and are fragmented by urban development, forestry, agriculture and other land uses.
27. The Conservation of Habitats and Species Regulations 2017 (the Habitats Regulations) requires the decision maker to undertake an Appropriate Assessment (AA) where there are likely significant effects from the proposal, either alone or in combination with other plans or projects. This responsibility falls to me in the context of this appeal.

28. The proposed development would introduce additional residential units to the area. In my view, the additional residential units which would be provided would indeed be likely to lead to additional recreational visits and an intensification of the use of the protected sites. For this reason, the proposal would be likely, alone and in combination with other plans and projects in the area, to have a significant effect on the protected sites.
29. This assessment is supported by The Dorset Heathlands Planning Framework 2020 – 2025 Supplementary Planning Document (Heathlands SPD) which states that various studies have found that public access to lowland heathland, from nearby development, has led to an increase in wildfires, damaging recreational uses, the introduction of incompatible plants and animals, loss of vegetation and soil erosion and disturbance by humans and their pets amongst other factors have an adverse effect on the heathland ecology and the special qualities.
30. However, the Heathlands SPD sets out that such developments can be made acceptable in planning terms through the use of suitable mitigation measures. In this case, mitigation measures have been identified and the appellant has provided an executed Unilateral Undertaking (UU) which would secure a contribution towards their implementation.
31. It would appear that it is a matter of agreement between the parties that, subject to appropriate mitigation, there would be no harm in this respect. I have had regard to the Council's approach and the UU in reaching my decision.

### **Other Matters and planning balance**

32. I note that planning permission for the erection of a dwelling with associated parking has previously been granted. However, this permission now appears to have lapsed. In any event, the previously approved scheme is substantially different from that which is proposed as part of this appeal and would not cause harm in the same ways I have identified. The fallback position, in this instance, therefore attracts very limited weight in my consideration of the appeal.
33. I have considered the original plans submitted by the appellant which include dark timber cladding to the upper floor. However, in my view, the proposed cladding would not sit comfortably with the palette of materials which is present in the area and would add unnecessary visual clutter to the proposed building. These plans do not, consequently, add weight in favour of the appeal.
34. As set out above, the parties agree that the Council does not currently have a five year housing land supply. A presumption therefore exists in favour of granting planning permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. The addition of new dwellings which would contribute towards the housing supply in the area would be a benefit of the scheme. I also acknowledge the economic benefits of engaging local professionals, trades and suppliers and the ongoing benefit of the occupiers of the proposed dwellings utilising local facilities. These benefits are, however, limited by the small scale of the proposal and must be considered in that context.

35. Though I have found that circumstances are such that a higher density development would be appropriate and have not identified any harm to the character and appearance of the area, these factors are neutral and do not add weight in favour of allowing the scheme before me.
36. On the other side of the balance, I have found that the proposal would fail to provide an appropriate mix of housing types and would not provide satisfactory living conditions for future residents. I give this harm substantial weight. Consequently, the adverse impacts would significantly and demonstrably outweigh the limited benefits of the scheme.
37. If I had come to a different conclusion, it would have been necessary for me to undertake an AA and give further consideration to the likely effectiveness of mitigation measures associated with the Dorset Heathlands. In so doing I would also have had regard to the provisions of the UU in order to be certain that the integrity of the protected site would not be adversely affected. However, as I am dismissing the appeal for other reasons, this has not been necessary.

### **Conclusion**

38. The proposal would not accord with the development plan when it is considered as a whole. For the reasons given above I conclude that the appeal should be dismissed.

*L J O'Brien*

INSPECTOR