



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: 11 October 2024

Appeal Ref: APP/V1260/W/23/3324599

6 Grosvenor Road, Bournemouth BH4 8BL

- 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 B.46 Developments Limited against the decision of Bournemouth Christchurch and Poole Council.
 - The application Ref is 7-2022-15225-C.
 - The development proposed is demolition of existing dwellinghouse and erection of 4 dwellings including formation of new vehicular and pedestrian access.
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Decision

1. The appeal is dismissed.

Application for costs

2. The appellant made an application for costs. This application for costs has been dealt with in a separate decision.

Preliminary Matters

3. The description of development in the banner heading above has been taken from the planning application form. For the avoidance of doubt, I have determined this appeal on the basis of the revised plans upon which the Council made its decision.

Main Issues

4. The main issues are:
 - the effect of the proposed development on the character and appearance of the area, including its effect on soft landscaping; and
 - whether the proposed development would provide satisfactory living conditions for the future occupiers of the proposed dwellings, with particular regard to private amenity space.

Reasons

Character and appearance

5. The appeal site comprises 6 Grosvenor Road (No 6) a detached 2-storey dwelling located on Grosvenor Road near to the junction with West Cliff Road. No 6 is set-back from the footway, with hardstanding in front. No 6 benefits from a side garden. Mature hedgerow surrounds much of the boundaries of the site. Several trees are present to the rear of the site.

6. Much of the local area consists of 3-storey blocks of flats. 4-storey blocks of flats and 2-storey detached dwellings are also present. These buildings are often set-back from the footway. The submitted contextual analysis shows that semi-detached properties are also present in the locality.
7. However, the map provided within the contextual analysis only offers a partial view of the local area in that much of the area to the south and to the east of the site is not shown. In this regard, whilst semi-detached properties form part of the character of the locality, I observed that buildings in spacious plots are commonplace and that this is a key defining feature of the area. This is particularly the case for plots on the site's side of Grosvenor Road (where no semi-detached properties are highlighted on the contextual analysis), and on nearby roads to the south and to the east of the site.
8. Although exceptions exist (including the plot opposite the site shown in photograph 4 in the contextual analysis, and the buildings highlighted by the appellant at 62 to 66 Robert Louis Stevenson Avenue and on Alum Chine Road), often nearby plots have well-maintained areas of soft landscaping to their frontages. Clearly-defined garden areas, many containing mature trees, are common within plots in the local area.
9. The proposed demolition of the existing dwelling and the erection of 4 dwellings would involve a marked increase in the residential density of the site. The proposed dwellings would cover a substantial portion of the site. Due to this factor, and the large scale of the proposed dwellings, and the limited gaps between them and to the side boundaries of the site, although they would not be sited especially close to the existing buildings present on neighbouring plots, the proposed dwellings would appear noticeably cramped within the site when seen from public vantage points.
10. As such, the proposed development would be out-of-keeping with the predominantly spacious character of the locality. It would also not reinforce the existing predominantly spacious grain of development on the site's side of Grosvenor Road, meaning that the cramped nature of the proposed development would be especially noticeable in the street scene.
11. The mature hedgerow on site facing the footway could potentially be removed at any time, but it has not been demonstrated that this would be a likely prospect in the foreseeable future, particularly considering its valuable contribution to the appearance of the street scene. In any event, this appeal must be determined on the basis of the currently-prevailing circumstances.
12. The proposed removal of much of the hedgerow facing the footway would be harmful to the appearance of the area. The proposed replacement planting would be minimal in scope. The Council have asserted that the proposed new trees would not provide a significant visual improvement to the site due to their types, and evidence has not been provided to refute this claim. As such, although planning conditions could be imposed to secure the proposed replacement planting and new trees on site, this would not adequately mitigate the harm identified to the appearance of the area. This harmful effect would be compounded by the large amount of hardstanding proposed to the front of the site, which is evident on the CGI of the proposed street view submitted by the appellant.

13. The examples provided in photographs 1 to 3 in the contextual analysis show large expanses of hard surfaced areas with limited soft landscaping within each of their respective plots. These are isolated examples in the context of the local area as a whole. The extent of the hard surfaced areas depicted are not representative of features which contribute towards high quality and attractive places, as required by the National Design Guide. As a result, none of these examples change my findings on this main issue.
14. I therefore find that the proposed development would have an unacceptable and harmful effect on the character and appearance of the area, including its effect on soft landscaping. It would conflict with the third bullet point of the third paragraph of Policy CS21 of the Bournemouth Local Plan: Core Strategy (adopted 2012) (Core Strategy) which provides that, amongst other things, proposals for residential development will be expected to contribute positively to the character and function of the neighbourhood, and with the second paragraph of Policy CS41 of the Core Strategy which provides that, amongst other things, the Council will seek to ensure that new developments enhance character and local distinctiveness.
15. 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 Policy 4.25 of the Local Plan which provides that, amongst other things, development proposals should include sufficient land for planting and landscaping.
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).

Living conditions

17. Each of the proposed dwellings would be served by rear garden areas. The Council has raised concerns arising from 3 trees to the rear of the site (T1, T3, and T4), which would lie in close proximity to the proposed rear garden areas of plots 1 and 4.
18. The submitted Arboricultural Impact Assessment & Method Statement recommends significant pruning management for these trees. Whilst the Council has queried whether the owner's consent has been obtained to facilitate these works, if the proposed development were acceptable in all other respects a planning condition could be imposed to require that the proposed tree works are carried out prior to the occupation of the proposed dwellings.
19. The figures provided by the appellant in relation to the sizes of the proposed rear garden areas for plots 1 and 4 indicates that these areas would be small, particularly considering that families could potentially occupy the proposed dwellings. These areas would offer limited opportunities for entertaining, relaxing, and for children's play. These areas would not comply with the second bullet point of paragraph 3.7.5 of the Residential Development: A

Design Guide (adopted 2008) which provides that private gardens should be of a useful size for the proposed occupants enabling flexibility of use and personalisation over time.

20. I note that T1 is situated to the north of the site and accordingly would have a limited impact on sunlight. The proposed tree works to T3 and T4 would reduce their shading impact. However, even after the completion of the proposed tree works (which could be secured via planning conditions), due to the constrained size of these rear garden areas, their restricted depths, their siting in corner locations where outlook would likely be somewhat inhibited due to their position adjacent to both the side and rear boundaries of the site, and their close proximity to the nearest relevant tree(s) mentioned above, these areas would feel oppressive, with an undue sense of enclosure for their users. As these spaces would not be pleasant to use, harm to the living conditions of the future occupiers of plots 1 and 4 would result.
21. With regards to Cornwall Council's Climate Change DPD, the principle of maintaining trees on site for the purposes of climate change mitigation is acknowledged, but this does not change the fact that the proposed development would not provide satisfactory living conditions for the future occupiers of plots 1 and 4. It is common ground between the main parties that the living conditions of the future occupiers of the proposed development would not be harmed with respect to the quality of the internal areas within the proposed dwellings. Nevertheless, this is a neutral factor, which does not off-set the harms identified. None of these matters change my findings on this main issue.
22. I therefore find that the proposed development would not provide satisfactory living conditions for the future occupiers of plots 1 and 4, with particular regard to private amenity space. It would conflict with the first paragraph of Policy CS41 of the Core Strategy which provides that, amongst other things, development should through its layout be designed to provide a high standard of amenity to meet the day-to-day requirements of future occupants.
23. 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 future users.

Other Matters

24. Reference has been made in the Council's reasons for refusal in their decision notice to highway improvements and to 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 planning obligation (deed dated 11 June 2024) in any further detail. I therefore make no further comments on these matters.

Planning Balance

25. The proposed development would contribute towards the Government's objective of significantly boosting the supply of homes. This is of heightened importance bearing in mind that in the Bournemouth area there is a 2.3 year

housing land supply with a 20% buffer, and that the latest Housing Delivery Test results place Bournemouth in the 'presumption' category.

26. The residential units provided would be sited in an accessible location, with easy access to services and facilities and to public transport. The proposed development would contribute towards housing choice and mix, by way of providing housing suitable for families. The proposed development would provide work for construction professionals, thereby supporting the local economy.
27. The benefits summarised above would be in compliance with a number of policies in both the development plan and the Framework. The proposed development would support Objectives 2 and 6 of the Core Strategy, which aim to, amongst other things, ensure that local people have access to a range of housing types and tenures that meet their needs, and encourage sustainable development by the use of sustainable construction and drainage methods and the increased use of renewable and low carbon energy sources.
28. However, the collective benefits of the proposed development would be constrained by the limited quantum of development proposed. These amount to no more than moderate weight in support of the proposed development. These positive considerations do not outweigh the great weight which has been given to the proposed development's conflict with the relevant policies of the development plan. The proposed development would conflict with the development plan when considered as a whole.
29. Paragraph 11 d) ii. of the Framework is engaged. Given the limited quantum of development proposed and the lack of any meaningful uplift in biodiversity on site, the positive impacts of the proposed development would not be significant in economic, social, and environmental terms.
30. Moreover, although the proposed development would make an effective use of previously developed land in principle, thereby avoiding homes being built at low densities as required by paragraph 129 of the Framework, 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. In this regard, the Framework makes clear at paragraph 131 that the creation of high quality places is fundamental to what the planning and development process should achieve.
31. From this, it is clear 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.
32. The proposed development would conflict with the development plan when considered as a whole. 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

33. 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