



Appeal Decision

Site visit made on 22 October 2024

by S Harrington MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 October 2024

Appeal Ref: APP/V1260/W/23/3335926

16 Parkwood Road, Bournemouth BH5 2BH

- 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 Kelvin Medley-Jones against the decision of Bournemouth Christchurch and Poole Council.
 - The application Ref is 7-2023-6318-H.
 - The development proposed is new 1 bedroom single person bungalow to be built in existing sectioned off area of land to the rear of 16 Parkwood Road.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect of the proposal on the character and appearance of the area;
 - whether the proposal would provide acceptable living conditions for future occupiers, with particular regard to internal space and privacy; and
 - the effect of the proposal on the living conditions of occupiers of 16 Parkwood Road, with regards to outlook and external space.

Reasons

Character and appearance

3. The appeal site is in a residential area which features predominantly two storey properties which directly address the highway. Traditional architectural elements including steep pitch roofs, gables and bay windows, along with properties in Parkwood Road being sited in relatively large plots forming a distinct pattern of development, combine to form a spacious suburban character to the area.
4. It is put to me that the design of the proposal and siting to the rear of 16 Parkwood Road would lead to the proposal having the appearance of a large outbuilding. Even if this is the case, I observed that the existing small ancillary garden buildings in the locality do not disrupt the pattern of development and contribution the larger rear gardens of Parkwood Road make to the character of the area.

5. In contrast, the proposal would be significantly and conspicuously larger than other ancillary buildings. Moreover, despite being of simple and traditional design, due to both its scale and lack of highway frontage, the proposal would nevertheless appear as an obvious and incongruous single storey dwelling within a constrained plot, contrary to the prevailing pattern of development. As such, the proposal would appear overly cramped and contrived, significantly and harmfully diminishing the character of the area.
6. Consequently, I find that the proposal would harm the character and appearance of the area. Accordingly, the proposal would be contrary to policies CS6, CS20, CS21, and CS41 of the Bournemouth Local Plan: Core Strategy (October 2012) (CS), Policy 6.8 of the Bournemouth District Wide Local Plan (February 2002) (LP) and policies BAP1 and BAP7 of the Boscombe & Pokesdown Neighbourhood Plan 2019 (NP). Amongst other things, these require development to respect the character and appearance of the surrounding area and neighbourhood. Furthermore, the proposal would also be contrary with the provisions of the National Planning Policy Framework (Framework) which seek to enhance the built environment and achieve well designed and beautiful places as well as guidance within the Council's Residential Development Design Guide (2008) relating to the same.

Future occupiers living conditions

7. Both the proposed floor plan and the appellant's appeal statement indicate that the proposal would provide 38.4m² of internal floor area, and approximately 50m² of external garden space. Although not directly referred to within the Council's officer report, within their appeal statement it has drawn my attention to NP Policy BAP7(I). This encourages new residential units to comply with the 'Technical housing standards – nationally described space standards (March 2015)' (NDSS).
8. Whilst a double bed is shown on the proposed plans, the appellant has clarified that the proposal is in relation to a 1 bedroom, 1 person dwelling (1b1p). In this respect, the NDSS specifies a minimum gross internal floor area for a 1b1p unit to be at least 39m² and this is reflected within NP Policy BAP7. However, the NDSS also outlines that where a 1b1p unit has a shower room instead of a bathroom, as is the case for the proposal as indicated within the floorplans, the floor area may be reduced from 39m² to 37m². Therefore, the proposal complies with spaces standards outlined within the NDSS.
9. With regards to potential overlooking, I observed that occupiers of neighbouring properties in Colville Close would have some views of the proposed garden area from upper floor windows at reasonably close proximity. However, these views are at an oblique angle and in combination with the boundary fencing which provides some screening, would not lead to a significant lack of privacy.
10. Consequently, I conclude that the proposal would provide acceptable living conditions for future occupiers, with particular regard to internal space and privacy. In these respects, it would accord with CS Policy CS41, LP Policy 6.8 and NP Policy BAP7, which amongst other matters requires that new development provides adequate privacy and living conditions for its occupants. The proposal would also accord with the provisions of the Framework which seeks to provide a high standard of amenity for future users.

Neighbouring occupiers living conditions

11. At the time of my site visit, a fence separated the proposed plot from the garden associated with 16 Parkwood Road. Despite the subdivision of the garden, a modest area of private garden remains to the rear of 16 Parkwood Road, whilst the front garden area is utilised for vehicular parking and bin storage.
12. Although the remaining garden area may be small in the context of the scale of 16 Parkwood Road as a whole, this property has previously been converted into flats. The appellant's evidence indicates that the garden area is only associated with a single flat at the property. Furthermore, the distance from the rear of 16 Parkwood to the fence is such that it would provide a useable, albeit modest outdoor living space and is sufficient distance away from the rear elevation of 16 Parkwood Road to not result in an oppressive impact on its occupiers.
13. Therefore, I conclude that the proposal would result in acceptable living conditions for occupiers of 16 Parkwood Road, with regards to outlook and external space. In these respects, it would accord with CS Policy CS41 and LP Policy 6.8, which amongst other matters requires that new development provides adequate living conditions for neighbouring occupants. The proposal would also accord with the provisions of the Framework which seeks to provide a high standard of amenity for existing users.

Other Matters

14. The appeal site lies within the vicinity of the designated Dorset Heathlands Special Protection Area, Ramsar Site and Dorset Heaths Special Area of Conservation (the habitats sites). The habitats sites 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.
15. Within the vicinity of the habitats sites, new residential development would lead to increased levels of recreational activity. This would be likely to have a significant effect on the designated features of the habitats sites either on its own or cumulatively with other similar development, without avoidance measures.
16. The appellant has indicated that they would seek to make financial contributions towards mitigations measures, although I have no such planning obligation before me. Notwithstanding, Regulation 63(1) of the Conservation of Habitats and Species Regulations 2017 indicates the requirement for an Appropriate Assessment is only necessary where the competent authority is minded to give consent for the proposal.
17. Given my conclusions on the first main issue above, it is not necessary for me to consider this matter any further as the proposal would not take place and would not affect the habitat sites. Moreover, even if I were to find that suitable mitigation had been appropriately secured, a lack of harm would only be a neutral factor.

Planning Balance

18. The Council have stated that they are only able to demonstrate a 2.3 year housing land supply and a 2021 Housing Delivery Test result of 67%. In these circumstances the Framework states that permission should be granted unless policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development or, any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole.
19. The proposal would achieve an increase in housing supply in a location close to services and facilities in an area with an acknowledged lack of housing. Given the scale of the proposal for a single dwelling, this is a modest benefit. Furthermore, there would be limited short term economic benefits from the construction of the proposal and from the future occupation of the dwelling and associated spending in the locality.
20. I have also found that the development would provide acceptable living conditions for future occupiers and would not result in harm to neighbouring occupiers living conditions. Notwithstanding, these are neutral factors in the planning balance.
21. However, the proposal would harm the character and appearance of the area, contrary to CS policies CS6, CS20, CS21, LP Policy 6.8 and NP policies BAP1 and BAP7, and conflicts with the development plan as a whole. The Framework is clear that new development should add to the overall quality of an area. It highlights that development should be visually attractive and sympathetic to local character and the surrounding built environment. The policies that the scheme conflicts with are broadly consistent with the Framework. As such, and due to the degree of harm I have identified, I give the conflict with these policies substantial weight.
22. While the proposal would align with the objectives of the Framework which seek to significantly boost housing supply and promote the effective use of land, I have found the contribution to housing supply to be a modest benefit alongside other limited benefits. I find in this case the adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. Therefore, the proposal would not represent sustainable development.

Conclusion

23. For the reasons given above, I find that the proposal would conflict with the development plan, read as a whole. No material considerations have been shown to have sufficient weight to indicate that a decision should be taken otherwise than in accordance with it. Therefore, the appeal is dismissed.

S Harrington

INSPECTOR