



Appeal Decision

Site visit made on 1 October 2024

by E Worley BA (Hons) Dip EP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 November 2024

Appeal Ref: APP/V1260/W/23/3329106

55 Gloucester Road, Bournemouth, Dorset BH7 6JA

- 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 B Acworth on behalf of Longham 140 Limited against the decision of Bournemouth Christchurch and Poole Council.
 - The application Ref is 7-2023-6632-C.
 - The development proposed is the erection of 2no. semi-detached, houses on land to rear of 55 Gloucester Road.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description in the banner heading above is taken from the planning application form, however, I have omitted the superfluous words that refer to the proposal being a revised scheme, as these do not describe acts of development.
3. The Council's refusal reason relates to the lack of mitigation in relation to the Dorset Heathlands Special Protection Area, Ramsar site and Dorset Heaths Special Area of Conservation. However, a unilateral undertaking (UU) pursuant to Section 106 of the Town and Country Planning Act 1990 has been submitted as part of the appeal to secure a financial contribution towards the relevant mitigation scheme. I shall return to this matter later in my decision.

Main Issues

4. The main issues are:
 - the effect of the proposed development on the character and appearance of the area;
 - whether the proposed development would provide satisfactory living conditions for future occupiers; and
 - the effect of the proposed development on the living conditions of the occupiers of neighbouring properties.

Reasons

Character and appearance

5. The appeal site comprises an area of land to the rear of an existing block of flats that front Gloucester Road. The surrounding area is predominantly residential in character, including terraced, semi-detached, and detached dwellings of various architectural styles and ages. There is a degree of consistency in the layout of the residential development in the immediate area, with the properties generally arranged in a linear form, orientated to front the highway, with gardens extending to the rear. This arrangement contributes positively to a pleasant sense of uniformity to the layout of the existing residential development.
6. The appeal proposal seeks the erection of a pair of semi-detached 2 storey dwellings of a traditional pitched roof design, on land between the existing building and the rear boundary of the site.
7. I appreciate the building would be of a domestic scale and would not be dissimilar in size to some of those nearby. Nonetheless, the proposed dwellings would sit on plots smaller in size and of a different shape to those in the vicinity of the site, set back from the highway behind the existing building. Moreover, while the dwellings may appear subservient in scale to the existing flatted development on the site, the proposal would introduce a built form of considerable scale and bulk in an otherwise open area, free of built development. Consequently, it would appear as an intrusion into the space behind the frontage building, which would deviate from the open character of the surrounding rear garden areas which generally contain only small-scale ancillary structures.
8. In addition, the limited space between the proposed dwellings and their boundaries, would give the dwellings a cramped appearance which would be readily discernible when viewed from the immediate surroundings. For these reasons the dwellings would be an incongruous addition that would be at odds with the established layout and prevailing character of the area.
9. My attention is drawn by the appellant to other developments nearby which it is suggested are like the appeal proposal in terms of the siting of built form in a rearward position. The building to the south of the appeal site is an extension to the existing building, which is not in domestic use, and is therefore not directly comparable to the appeal proposal. Moreover, I do not have full details in respect of the other sites so I cannot be sure of the circumstances of the cases so as to draw me to a different conclusion. In any case, I have determined the appeal on its own merits, based on the evidence before me.
10. For the foregoing reasons, I find that the proposal would harm the character and appearance of the area. In that regard it would fail to accord with Policy CS21 of the Bournemouth Local Plan: Core Strategy adopted October 2012 (BLP), which requires new development, among other things, to be of good design and contribute positively to the character of the neighbourhood, saved Policy 6.8 of the Bournemouth District Wide Local Plan adopted February 2002, in so far as it expects development to complement and respect the character and amenity of neighbouring development, Policy BAP1 of the Boscombe and Pokesdown Neighbourhood Plan, adopted November 2019, which sets out that

proposals should reflect the character of the area, and the aims of the National Planning Policy Framework (the Framework) with regard to the creation of high quality places.

Living conditions of future occupiers

11. There is no dispute between the parties that the proposed dwellings would meet the Technical housing standards – nationally described space standard (March 2015). The first floor bedrooms to the rear of each of the dwellings would be provided with a high-level window to the side elevation, and a further window to the front elevations of the buildings. The high-level window to the side would be obscure glazed and so would not provide an outlook. In addition, the limited size of this opening would allow only a minimal amount of light into the room.
12. The window to the front elevation would therefore provide the only external outlook from the bedroom for future occupiers of the properties. While the window would be just short of a full height floor to ceiling window, it would be modest in width. The window would be set in a recessed position, under a roof overhang, a side wall which would project 1.2m forward of the window, and the side wall of the main dwelling which extends a considerable distance forward from the window on the opposite side. Consequently, this arrangement would prevent any meaningful outlook from the first-floor bedroom window in the dwellings.
13. Despite the screen wall immediately to the side of the dwelling comprising a section of hit and miss brickwork, which would allow some light to reach the window at specific times of the day, this would be somewhat limited due to the presence of the other built form immediately to the sides and above the window.
14. Having regard to the above considerations, the amount of daylight to the first-floor bedrooms to the rear of the dwellings would be limited. In addition, in respect of outlook the development would fail to provide adequate living conditions for future occupiers by virtue of the outlook from the bedrooms, which would be severely restricted.
15. I note the appellant's suggestion that the bedrooms would be predominantly for nocturnal use. However, a bedroom is nevertheless a habitable room, and its use overnight would not undermine the need to provide an acceptable standard of outlook and light to the space during other times.
16. The private amenity space to serve the proposed dwellings would comprise land to the side and rear of the buildings. While the space may be smaller than other gardens in the vicinity, it would nonetheless be of a sufficient size, commensurate with the size of the 2 bedroom dwellings, to enable future occupiers to dry washing outdoors or have a table and chairs, and store bikes.
17. However, the limited separation distance between the rear and flank walls of the dwellings and the boundaries of the site, mean the outdoor space would be limited in depth. This, together with the height of the boundary treatment, particularly to the rear boundary of the site, would lead to a feeling of confinement and enclosure. In addition, the appellants shadow analysis shows that due to the layout of the outdoor space it would be overshadowed by the boundary treatment or the building for large parts of the day, thus further

reducing the overall quality of the outdoor space, which would not be a pleasant area for future occupiers to spend time in.

18. My attention is drawn to the proximity of the site to the public open space at Kings Park. While this may meet some recreational needs of future occupants of the dwelling, it would not compensate for the inadequate nature of the private amenity space to serve the dwellings. The appellant asserts that the amount of amenity space available would be a lifestyle choice of future occupiers. However, it is necessary to ensure that future occupants are provided with adequate living conditions, including usable amenity space, which would not be achieved in this case.
19. In light of the above considerations, I therefore conclude that the proposed development would not provide satisfactory living conditions for future occupiers, with particular regard to light and outlook and the quality of outdoor amenity space. In that regard, it would conflict with the aims of Policy CS41 of the BLP, which, while it does not set out specific thresholds regarding the level of amenity space or design of the internal layout, requires development to provide a high standard of amenity to meet the day-to-day requirements of future occupants, and advice in the Bournemouth Borough Council's Residential Development: A Design Guide (adopted September 2008) which requires new development to provide a suitable standard of amenity for future occupiers. The proposal would also be contrary to the aims of the Framework, specifically paragraph 135 which, amongst other matters, seeks to create places with a high standard of living conditions for future occupiers.

Living conditions of occupiers of neighbouring properties

20. The proposal would result in the construction of a building a short distance from the rear boundaries of the neighbouring properties in Wolverton Road which adjoin the appeal site. The proposed dwellings would be 2 storey in scale, which would reflect that of the surrounding residential development, and in a location within an urban environment, where neighbouring buildings are visible in views from the surrounding residential properties.
21. Given the orientation of the neighbouring dwelling at 62 Wolverton Road (No 62) and width of its rear garden, the siting of the proposed development, which would be off set to the side, is such that it would not appear as an unduly imposing feature when viewed from No 62.
22. However, the proposed rear elevation of the proposed dwellings would extend almost the full width of the rear boundaries of the adjoining dwellings at 58 and 60 Wolverton Road (No 58 and 60). Consequently, due to the proximity of the proposed dwellings to the rear boundary of the site, combined with the overall height, width and scale of the buildings, the development would be a significant presence in views from the rear of Nos 58 and 60, where it would be seen as an overbearing and dominating structure.
23. Even if there were no direct facing ground floor windows in the neighbouring properties, the proposed development would be a highly imposing and dominant feature when seen from the rear gardens of Nos 58 and 60. As such it would diminish the outlook from these properties to the detriment of the living conditions of the occupiers.

24. Given the scale of the proposed dwellings, and their siting, set in from the side boundaries and set back from the rear elevations of the adjoining properties to either side of the site, and 55 Gloucester Road (No 55), the proposal would not form a dominant or overbearing feature when viewed from these adjoining properties. Moreover, given the absence of habitable room windows in the rear elevation of No 55, there would be no harm to the outlook from the residential units therein.
25. In terms of overshadowing, the appellant's shadow analysis demonstrates that, while there would be some overshadowing of the garden areas of numbers 57 and 55 Gloucester Road, over and above that of the existing boundary fence, this would be limited mainly to the rear part of the garden during the morning at 57 Gloucester Road and during the late afternoon to the garden of the existing flats at 55 Gloucester Road. Consequently, based on the evidence before me, I find that the proposal would not give rise to significant overshadowing of the adjoining residential properties in Gloucester Road or their gardens.
26. For the reasons set out above, I therefore conclude that, while the proposal would not harm the living conditions of neighbouring properties with regard to overshadowing, it would harm the living conditions of the occupiers of Nos 58 and 60 Wolverton Road, with particular regard to outlook. Accordingly, it would conflict with Policy CS41 of the BLP which seeks to ensure that development is well designed and of a high quality and, among other things, enhances the amenities of neighbouring residents.

Other Matters

27. The proposal may be compliant with various other provisions of the development plan, including energy efficient design, the provision of a sustainable drainage system, and parking provision. However, the absence of harm or conflict with other relevant development plan policies is a neutral factor and does not weigh in favour of the proposal.
28. The proposed development would offer benefits in terms of housing supply, which is a key objective of the Framework, which seeks to significantly boost the supply of housing. If I were to accept the site is brownfield land, there are also policies within the Framework which weigh in favour of the development, including those which encourage the use of underutilised land, recognise the importance of windfall sites, and give substantial weight to the value of using suitable brownfield land within existing settlements for homes.
29. Future occupiers of the development would also benefit from accessibility to services and amenities by means other than the private car. Nonetheless, the contribution in this case would be tempered by the scale of the development. Economic benefits associated with additional housing, including short-term during the construction phase and longer term relating to the contribution that future residents would make to the community, would be similarly limited.
30. The Council is not able to demonstrate a 5 year supply of deliverable housing sites. In such instances paragraph 11 d) of the Framework falls to be considered. In so far as this appeal is concerned, this indicates that 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.

31. The support for the proposal in the Framework set out above is countered by the importance of good design, including developments that are sympathetic to local character and its expectation that there should be a high standard of amenity for existing and future users. In this case, the identified adverse impacts of the development with regard to the harm to the character and appearance of the area and the living conditions of future and neighbouring occupiers would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. Therefore, the proposal would not benefit from the presumption in favour of sustainable development.
32. I also note that a UU providing mitigation in respect of the Dorset Heathlands Special Protection Area and Ramsar Site, and the Dorset Heaths Special Area of Conservation Habitats sites has been provided. However, being mitigation, that would only be a neutral matter.
33. While I acknowledge that the appeal proposal is a resubmission of a previous scheme, in which the appellant has sought to address concerns raised previously by the Council, I can only assess the current proposal based on the information before me.
34. There have been representations about various other matters but, as I am dismissing the appeal, no adverse impacts in that regard would arise from my decision.

Conclusion

35. The harm identified in respect of the main issues means that the proposal would conflict with the development plan as a whole. There are no other considerations, including the provisions of the Framework, which outweigh this finding to justify granting planning permission contrary to the development plan. The appeal should therefore be dismissed.

E Worley

INSPECTOR