



Appeal Decision

Site visit made on 30 September 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/23/3328858

4a-4d West Cliff Road & 93-93b St Michael's Road, Bournemouth BH2 5EY

- 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 R Dag on behalf of West Edessa Ltd against the decision of Bournemouth Christchurch and Poole Council.
 - The application Ref is 7-2023-4270-M.
 - The development proposed is the proposed demolition and redevelopment of 4a - 4d West Cliff Road and 93 - 93b St Michaels Road to ground floor shop and 8 flats on first and second floors, with bins and cycle stores.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether the proposed development would preserve or enhance the character or appearance of the West Cliff and Poole Hill Conservation Area;
 - whether the proposed development would provide satisfactory living conditions for the future occupiers;
 - the effect of the development on the living conditions of the occupiers of 95 St Michaels Road, having particular regard to light and outlook; and
 - whether the proposal would include appropriate provision for the parking of bicycles in order to encourage sustainable travel choices.

Reasons

Character and appearance

3. The appeal site comprises a 2 storey traditional Victorian villa with commercial uses at ground floor and residential uses on the floor above which occupies a prominent corner plot at the junction of West Cliff Road and St Michaels Road. The surrounding area comprises a mix of commercial and residential uses.
4. The site lies within the West Cliff and Poole Hill Conservation Area (the CA). The significance of the CA is derived from the variety of townscape, which includes high quality architectural styles, roofscapes and historic layout. The prevailing Victorian character and appearance of the buildings depicts the development of the area during the latter part of the 19th Century. By virtue of its age and architectural detailing, including original materials and features,

such as ornately decorated barge boards, and historic association with the evolution of the area, the appeal property, together with other similar period villas nearby, makes a positive contribution to the character and appearance of the CA.

5. The appeal proposal would see the existing villa demolished and the erection of a 4 storey building, including a mansard roof with dormers. The proposed building would be considerably greater in scale and bulk than the existing building, particularly to the upper sections. Furthermore, while the footprint of the existing building projects beyond that of the adjoining properties immediately to either side, the additional bulk to the upper floors of the proposed building would appear unduly prominent in views towards the site along St Michaels Road and West Cliff Road, in which it would stand considerably forward of the neighbouring properties. This would exacerbate the overall bulk and prominence of the building, which would appear as an unduly imposing feature in a prominent position at the junction.
6. There are buildings in the area that are not dissimilar in terms of overall height, scale, and massing to the appeal proposal, including some close by. However, they differ from the appeal site in terms of their immediate context and siting in relation to the highway. Moreover, the existing buildings at the junction on the opposite side of West Cliff Road, are more akin to the existing building in terms of height, scale, bulk and appearance. Furthermore, while bay windows and mansard roofs are a feature of the area, the notable absence of architectural detailing would detract from the overall appearance of the proposed building, and would give rise to a bland façade, which would be architecturally at odds with the prevailing character of the area.
7. In addition, given the open nature of the site frontage, and visually conspicuous location close to a junction, the siting and scale of the proposed bin store and cycle storage facilities, would be visually incongruous in the street scape. The presence of which would be harmful to the character and appearance of the area.
8. In light of the above considerations, I conclude that the proposal would fail to preserve or enhance the character and appearance of the CA and would undermine its significance as a designated heritage asset. However, the harm that would arise would be localised and therefore the impact on the CA would be less than substantial in terms of the National Planning Policy Framework (the Framework). In accordance with advice in the Framework, where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, I will consider this matter later.
9. For the foregoing reasons, the development would conflict with Policies CS21, CS39 and CS41 of the Bournemouth Local Plan: Core Strategy adopted October 2012 (BLP) in so far as they expect proposals for residential development to be of a high quality, contribute positively to the character and the quality of the street scene and protect designated heritage assets from proposals that would adversely affect their significance. It would also fail to accord with the combined aims of Policies 4.4 and 6.10 of the Bournemouth District Wide Local Plan adopted February 2002 (BDWLP) which require development in conservation areas to preserve or enhance the character or appearance of the area. It would also fail to accord with the high quality

design aims of Policy D4 of the Bournemouth Local Plan: Town Centre Area Action Plan adopted March 2013 (AAP) which sets out that proposals should, among other things, respect the context and setting of the site and be of an appropriate scale, height, mass and built form and the aims and objectives of the Framework in respect of the historic environment.

Living conditions of future occupiers

10. The Council has made vague assertions about the size of flats 7 and 8 and the size and haphazard layout of the bedrooms in a number of the flats that do not appear to be based on development plan policy or objective analysis. Moreover, it has not indicated as to how harm to the living conditions of future occupiers of the development would arise as a consequence.
11. Policy SC41 of the BLP seeks high quality design that provides a high standard of amenity to meet the day to day requirements of future occupants. In addition, Policy U2 of the AAP sets out that proposals for residential development should seek to provide suitable outdoor amenity space for everyday activities. In terms of outdoor space, the proposed development would include a small, paved area between the building and St Michaels Road. Given the modest size and prominent siting of the space, it is unlikely that it would be used by future residents for outdoor uses such as relaxing, socialising or the drying of clothes. As such, there is no compelling evidence that the space would meet the needs of future occupants having regard to the amount or quality.
12. Overall, while the proposal would not harm the living conditions of future occupiers in relation to the internal layout of the units, it would fail to provide satisfactory living conditions with regard to the provision of external amenity space. Accordingly, it would conflict with the aims of Policy CS41 of the BLP, Policy U2 of the AAP and the Framework which requires that spaces are designed with a high standard of amenity for future users.

Living conditions of occupiers of neighbouring properties

13. There are several windows, including those serving habitable rooms, in the side elevation of the adjoining flatted development at 95 St Michaels Road (No 95) at second and third floor level that directly face the appeal site. The proposed 4 storey building would be greater in height and would extend closer to the existing flank wall of No 95 than the existing building on the appeal site. Due to the height, scale and massing of the building, together with its proximity to No 95, it would appear as an imposing and dominant feature when viewed from the windows in the side elevation at No 95 and would result in a significant loss of outlook and would restrict light to the windows.
14. While I note the appellant's contention that the proposal would accord with Right to Light legislation, consideration of the right to light is a separate legal matter and lies outside of the planning system. However, the effect of the development on the living conditions of occupiers is a planning judgement which is relevant to the determination of the appeal. I have therefore considered the proposal having due regard to the issues of light and outlook in respect of living conditions.
15. Accordingly, based on the evidence before, I conclude that the proposal would harm the living conditions of the occupiers of 95 St Michaels Road, having

regard to light and outlook. It would therefore conflict with the aims of Policy CS41 of the BLP that seek to ensure new developments enhance the amenities of neighbouring residents, Policy D4 of the AAP which sets out that proposals should, among other things, respect the amenity of existing residential uses, including outlook and daylight and Policy 6.10 of the BDWLP which permits flats in the built-up area provided the development respects the living conditions of the occupiers of buildings in the vicinity.

Cycle parking

16. The Council's Parking Standards Supplementary Planning Document adopted January 2021 (SPD) sets out a requirement for one secure covered cycle space per bedroom for flatted developments in Zone A. The proposal includes 11 bedrooms and therefore the provision of 8 cycle spaces, comprising 4 Sheffield stands for 8 cycles, would fall below the requirement of 11.
17. While I note concern expressed by the Highway Authority regarding practicalities of the design of the cycle storage, in particular the use of sliding steel mesh doors, there is no substantive evidence before me to demonstrate that the cycle storage facilities would not be fit for purpose.
18. I therefore conclude that, while the design of the cycle store is acceptable, the proposal would fail to make appropriate provision for the parking of bicycles, having regard to the number of spaces, and as such would not encourage sustainable travel choices. Consequently, it would conflict with Policy CS18 of the BLP which requires all new developments to provide adequate cycle storage in accordance with the Council's adopted standards and the aims of the Framework that seek to ensure appropriate opportunities to promote sustainable transport modes have been taken up.

Planning balance

19. The proposal would fail to include suitable outdoor amenity space so as to provide suitable living conditions for future occupiers. It would also harm the living conditions of the occupiers of the neighbouring residential properties through loss of outlook and light and would not encourage sustainable travel choices.
20. In addition, for the reasons set out above I have found that the proposal would fail to preserve or enhance the character and appearance of the CA as a designated heritage asset. In terms of the Framework, the harm would be less than substantial, but would nevertheless be of considerable importance and weight and the Framework indicates that great weight should be given to the conservation of designated heritage assets. In this context, the weight of the public benefits of the proposed development would not be sufficient to outweigh the harm to the significance of the heritage asset I have identified in this case.
21. The proposal 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. The site is also in a location where future occupiers of the proposed development would benefit from accessibility to a range of services and amenities by means other than the private car. This is a clear public benefit which attracts significant weight.

22. The Council is unable to demonstrate a 5 year housing land supply and therefore a presumption in favour of sustainable development applies. However, with reference to paragraph 11 d) of the Framework, an exception is provided where policies in the Framework that protect assets of particular importance provide a clear reason for refusing the proposal. Footnote 7 establishes that this includes designated heritage assets. I have found that the proposal would harm the character and appearance of the CA and would therefore not accord with policies of the Framework. Consequently, those policies provide a clear reason for refusing the development proposed.
23. If I were minded to allow the appeal, I would need to be satisfied that the proposal would not have a significant effect on the integrity of the Dorset Heathlands Special Protection Area, Ramsar Site and Dorset Heaths Special Area of Conservation, either alone or in combination with other plans or projects, including through the undertaking of an Appropriate Assessment. However, given my decision on the appeal overall, there would be no pathways to significant adverse effects on the sites arising from my decision.

Other Matters

24. The appellant contends that the existing property is no longer suitable for its current uses due to the nature of the building and its state of disrepair means it is not economically viable to carry out the required renovation work. However, there is no substantive evidence that the appeal proposal would be the only solution, or that it would not be feasible to upgrade the building, either in practical or financial terms to secure its future, and the contribution it could make to the vibrancy of the town centre. Nor is there any compelling reason a building of the design and scale proposed would be necessary to secure a development that would be energy efficient and low maintenance.

Conclusion

25. The proposal would conflict with the development plan as a whole and there are no other material considerations, including the Framework, that outweigh this conflict. Therefore, the appeal should be dismissed.

E Worley

INSPECTOR