



Appeal Decision

Site visit made on 5 December 2024

by Jonathan Edwards BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 January 2025

Appeal Ref: APP/V1260/W/24/3344119

Richmond Court, 122 Richmond Park Road, Bournemouth BH8 8TH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) (the Act) against a refusal to grant planning permission.
 - The appeal is made by Prime Space Properties Holdings Ltd against the decision of Bournemouth Christchurch and Poole Council.
 - The application Ref is 7-2023-8211-G.
 - The development proposed is erection of 3 x two storey, 2-bed dwellings with associated access, parking, bin and cycle storage, involving demolition of existing garages.
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Decision

1. The appeal is allowed and planning permission is granted for erection of 3 x two storey, 2-bed dwellings with associated access, parking, bin and cycle storage, involving demolition of existing garages at Richmond Court, 122 Richmond Park Road, Bournemouth BH8 8TH in accordance with the terms of the application, Ref 7-2023-8211-G and subject to the conditions in the attached schedule.

Preliminary Matters

2. The description of the proposed development in the header and my decision above is taken from the Council's decision notice and the appeal form. It is different to that given on the planning application form but it has been agreed between the Council and the appellant. No injustice would be caused by basing my assessment on the agreed description.
3. On my visit I saw the garages have already been demolished. However, it is unclear from the submissions whether the demolition works constitute a commencement of the appeal development. Therefore, my assessment is made on the basis the development has not started.
4. The appellant has asked me to consider plans showing landscaping and planting proposals as well as details of fencing. These were not before the Council at the time it determined the planning application leading to this appeal. The drawings do not fundamentally change the proposed development but they have not been the subject of any publicity or consultation. To consider the plans may cause injustice to interested parties who may not be aware of the landscaping proposals. As such, I have not considered the additional drawings in my assessment.
5. The Council's appeal statement indicates the appeal site lies within the Old Christchurch Road Conservation Area. However, subsequent correspondence

confirms that this is incorrect. My decision is made on the basis the site is not within a conservation area.

6. Natural England (NE) as the relevant statutory nature conservation body has been consulted in light of the Council's concerns over the effect of the development on the Dorset Heathlands Special Protection Area and Ramsar site and the Dorset Heaths Special Area of Conservation (hereafter referred to as the protected sites). The main parties have had the opportunity to comment on NE's response.
7. The appellant has submitted a completed and signed unilateral undertaking under section 106 of the Act (the UU). This requires the payment of a contribution towards avoidance or mitigation measures to offset the adverse effects of the development on the protected sites. I have considered the UU in my assessment.
8. A revised version of the National Planning Policy Framework (the Framework) was published on 12 December 2024. However, the parts of the Framework most relevant to my assessment remain largely unaltered. As such, I find no need to invite the views of the main parties on this matter.

Main Issues

9. The main issues are (i) the effect of the development on the character and appearance of the area, including its effect on trees and vegetation, (ii) whether the development would provide acceptable living conditions for future occupants, (iii) the effect of the development and associated collection of waste on highway safety and traffic movement, and (iv) its effect on the integrity of the protected sites.

Reasons

Effect on the character and appearance of the area.

10. The appeal site includes a 5 storey high residential apartment building and an associated car park and landscaped garden area including trees. The proposed dwellings and parking area would be positioned towards the rear of the site, which I saw was fenced off and vacant of buildings. A line of trees is on the rear boundary, beyond which is the back garden of residences facing onto Richmond Wood Road.
11. Richmond Park Road is a busy urban street. The properties on the appeal site side of the road tend to be residences and set back within landscaped plots so buildings are only noticed through the accesses. The appeal site as it stands is sympathetic to the prevalent character of the locality.
12. The proposed dwellings would not be seen from Richmond Park Road as they would be screened by the existing apartment building. They would be viewed from the apartments and from the grounds on the appeal site as well as from the adjoining properties to either side and to the rear. They may also be glimpsed from Richmond Wood Road through a gap in between residences. Overall, the development would have only a localised and limited visual effect.
13. The row of dwellings would be positioned towards a corner of the plot, close to the rear and one of the side boundaries. The proposed car park to the front of the houses would provide a sense of space to the development. The proposal

would lead to no significant increase in building coverage on the site compared to the situation when the garages existed. Where they are visible, the houses would be seen alongside or in front of the existing apartment building and they would not obstruct any significant views through the site. Moreover, the houses would be lower and they would appear subservient to the apartment block. Therefore, the development would not appear unduly cramped or shoehorned.

14. The Council suggests most of the land behind properties on Richmond Park Road is used as open gardens. However, this is not readily evident from walking along the street. Indeed, the limited views from the pavement through accesses to the rear of plots tend to allow sight of either garages to the back of properties or of buildings facing onto Richmond Wood Road. Also, vegetation on the boundaries of the appeal site prevent clear views from ground level onto the adjoining properties on either side. As such, there is already a sense of enclosure to the land where the proposed houses would be positioned. The scheme would not stand out as being at odds with any obvious pattern of development, particularly given its close relationship to the apartment building.
15. Trees towards the rear of the site would need to be removed to allow construction of the proposal. These are not protected and they do not make any contribution to the street scene due to their set back position. The trees make no significant contribution to the natural qualities of the area, particularly when compared to the taller, protected trees towards the front of the appeal site, which are to be retained. The loss of the trees would not unduly erode the landscaped appearance of the appeal property.
16. The Council claims the proposal would create an unwelcome precedent to the area. However, for the reasons given above, I conclude the development would avoid harm to the visual qualities of the locality. It would not harm the character and appearance of the area and in these regards it would accord with policies CS21 and CS41 of the Bournemouth Local Plan: Core Strategy 2012 (the CS) and policy 6.8 of the Bournemouth District Wide Local Plan 2022 (the LP). Amongst other things, these look to ensure development is of high quality design that respects its surroundings.

Living conditions of future occupants.

17. Each of the proposed dwellings would have a back garden. These would be fairly modest in size but I am taken to no planning policy or guidance that stipulates a minimum garden area. They would provide occupants of each of the units with a private space for gardening, outdoor relaxation and drying of laundry. The gardens would feel enclosed due to their limited depth and the overbearing effects of the rear walls of the dwellings and boundary vegetation. However, residents would also have access to the more open communal gardens to the apartment building. As such, future occupiers would have access to appropriate functional and attractive outdoor space.
18. While not a reason for refusal, the Council through its appeal submissions raises concern over the proximity of parking spaces to the ground floor windows of the proposed dwellings. However, the plans indicate the provision of a planting strip that would clearly distinguish the parking area and the private space to the front of the dwellings. The ground floor windows would be

set back away from the parking spaces so as to avoid any unacceptable intrusion of privacy.

19. For these reasons, I conclude the development would provide appropriate living conditions for future occupants. In these regards, it would accord with CS policies CS21 and CS41 and LP policy 6.8. These look to ensure development provides acceptable privacy and levels of amenity to meet the needs of occupiers of properties.

Waste collection.

20. I am advised the appeal site currently allows for the on-site collection of waste. The Council claims the development would lead to insufficient space for a refuse collection vehicle to enter and exit in a forward gear and so it would lead to reversing out onto Richmond Park Road. This could prejudice highway safety and prevent the free flow of traffic on a County Distributor Road.
21. However, the part of the site where the proposed houses would be located is already fenced off and apparently unavailable for refuse vehicles to turn around. Therefore, it is fair to assume refuse collection vehicles that currently enter the site rely on the tarmacked space to the front of the appeal site to turn. No tracking information has been submitted to illustrate the size of any vehicle that can already enter the site or that could turn in the event of the appeal scheme being constructed. However, I fail to see how the development would lead to any significant obstruction to refuse vehicles compared to the existing situation. Indeed, I consider it likely the development would lead to more space being left free for turning towards the front of the site as it would increase the parking area towards the rear.
22. The development would lead to bins being stored in 2 separate locations, one towards the front and the other towards the rear of the site. A planning condition could be imposed to ensure that waste is properly stored and managed to ensure it is collected appropriately and safely.
23. As such, I conclude that waste collection from the development and the appeal property would not have an unacceptable effect on highway safety or the free flow of traffic. In these regards the proposal would accord with CS policy CS41 and LP policy 8.1. Amongst other things, these look to ensure development contributes towards safety of the public realm and does not adversely affect the function of County Distributor routes.

The protected sites.

24. The protected sites consist of a network of lowland heath that host priority habitats and species including birds, sand lizards and smooth snakes. Residential development in the surrounding area has resulted in additional public access to the heathland and damage associated with its recreational use. The Dorset Heathlands Planning Framework 2020-2025 Supplementary Planning Document (the SPD) explains NE's concerns over the harmful effects of additional residential development within 5km of the protected sites.
25. The appeal development would lie within the 5km buffer zone and so it is fair to assume it would lead to an increase in visits to the heathlands. As such, it is likely the development, either alone or in combination with other projects would have significant effects on the integrity of the protected sites. Therefore, it is necessary for me to conduct an appropriate assessment under

the Conservation of Habitats and Species Regulations 2017 (as amended) (the Regulations).

26. The planning obligations as set out in the UU require payment of a contribution towards the Dorset Heathlands Strategic Access Management and Monitoring. The SPD explains how such contributions help secure the day-to-day costs of wardens, raising public awareness and monitoring the effectiveness of the strategy. NE advise the payment would ensure appropriate mitigation is in place against the harmful effects of the development on the protected sites. The Council has not sought to dispute the NE's advice.
27. As part of an appropriate assessment, the Regulations require me to consider measures that could be delivered so as to avoid adverse effects on the integrity of the protected sites. I am satisfied the UU secures appropriate contributions towards key components of the avoidance strategy. Consequently, I conclude the development would not adversely affect the integrity of the protected sites. In these respects, it would accord with the SPG and CS policy CS33. This policy seeks to ensure residential development includes necessary steps to mitigate adverse effects on the heathlands.

Other Matter

28. The Council's refusal reasons include a concern that the removal of vegetation from the site would result in a loss of screening and privacy. However, the Council officer's report on the planning application states the proposal would cause no harm in these regards. There would be no windows in the houses that face the apartments or towards Richmond Wood Road properties. Also, the dwellings would be far enough away from 124 Richmond Park Road to prevent intrusive overlooking. It would be reasonable to impose a planning condition that requires the first floor windows in the rear elevations to be obscure glazed as they serve bathrooms, shower rooms and landing areas. As such, the development would avoid an unacceptable loss of privacy.

Conditions

29. I have had regard to the list of conditions as suggested by the Council in light of the advice on conditions as set out in the Framework. Where appropriate I have amended the wording for reasons of precision and to avoid unnecessary pre-commencement requirements. I have also invited comments from the main parties on other conditions and I have taken the responses into account.
30. In the interests of clarity, I attach a condition that requires the development to be carried out in accordance with approved drawings. I have used the list of drawings provided by the appellant as this appears to accurately reflect the numbers on the plans.
31. To safeguard the amenities of nearby residences I include a condition that limits the hours of development works and associated deliveries. To ensure a satisfactory and sympathetic appearance, conditions on external materials and landscaping are required. I attach a condition on obscure glazing to prevent unacceptable overlooking.
32. In the interests of highway safety, a condition is needed to ensure vehicular access, parking and turning space is provided and retained. To promote the use of sustainable modes of transport, conditions are imposed on cycle parking and electric vehicle charging points. There is no need to require the

submission and approval of cycle parking details as the approved plans include sufficient information.

33. A condition on hard surfacing is imposed to ensure the appropriate disposal of surface water. I attach conditions on bin stores and waste management so refuse generated at the development is dealt with appropriately.
34. The Council has suggested conditions that would remove permitted development rights that allow the enlargement of the dwellings and the erection of outbuildings. However, the Framework advises that conditions shall only be imposed where necessary. I find no reason why the Council should retain control over the development of the site and so there is no need for the proposed conditions.

Conclusion

35. The proposal would be acceptable in terms of the main issues. I find it would accord with the development plan when read as a whole. Therefore, I conclude the appeal should be allowed.

Jonathan Edwards

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with drawing nos 20-156 PL08, 20-165 PL100 revision B, 21-100 PL02, 20-165 PL001 revision A, 20-165 PL002 and 20-165 PL003.
- 3) All on-site working, including demolition and deliveries to and from the site associated with the implementation of this planning permission shall only be carried out between the hours of 8am and 6pm on Mondays to Fridays, between 8am and 1pm on Saturdays and not at all on Sundays, Public and Bank Holidays.
- 4) No construction works above ground floor slab level shall commence until details of the materials to be used in the construction of external walls and roofs as well as external doors and windows have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 5) No construction works above ground floor slab level shall commence until a scheme of landscaping has been submitted to and approved in writing by the local planning authority. The scheme shall include details of all existing trees and hedgerows on the land, identify those to be retained and shall set out measures for their protection throughout the course of development. The scheme shall also include details of any new planting as well as a programme of implementation and a management plan. The scheme of landscaping shall be carried out and managed in accordance with the approved details.

- 6) None of the dwellings hereby permitted shall be first occupied until the windows at first floor level in the rear elevations have been fitted with obscured glazing, and no part of those windows that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. Details of the type of obscured glazing shall be submitted to and approved in writing by the local planning authority before the windows are installed and once installed the obscured glazing shall be retained thereafter.
- 7) Prior to the first occupation of the development hereby permitted, the proposed access, parking and turning areas as shown on the approved plans shall be constructed and thereafter, they shall be permanently kept available for parking for residents on the site and visitors. All car parking spaces shown on the approved plans shall remain unallocated to any specific resident or residence.
- 8) Prior to the first occupation of the development hereby permitted, electric vehicle charging points shall be installed to serve the users of the development in accordance with the provisions set out in table 1 and specification in table 2 of section 3.6 of the BCP Council Parking Standards Supplementary Planning Document adopted 5 January 2021. Thereafter, the electric vehicle charging points shall be retained, maintained and kept available for that use.
- 9) Prior to the first occupation of the development hereby permitted, the bike store as shown on the approved plans shall be constructed and provided. Thereafter the bike store shall be retained, maintained and kept available for the storage of cycles.
- 10) Any new or replacement hard surfaced areas provided as part of the development hereby permitted shall either be made of porous materials, or provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the development site.
- 11) The bin stores hereby permitted shall be constructed in accordance with the details as shown on the approved plans prior to the first occupation of the permitted dwellings. Thereafter, the stores shall be retained and maintained for the storage of bins.
- 12) Prior to the first occupation of the development hereby permitted, details on how waste generated by residents of the dwellings will be managed and collected shall be submitted to and approved in writing by the local planning authority. The details shall include information on the size of refuse vehicles and frequency of collections as well as where bins will be located at the times of refuse collection. Waste from the development shall be managed and collected in accordance with the approved details.