



Appeal Decision

Site visit made on 10 December 2024

by C Rose BA (Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 January 2025

Appeal Ref: APP/V1260/W/24/3342194

64 Portchester Road, Bournemouth BH8 8LA

- 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 PLD Syndicate 1764 Limited against the decision of Bournemouth Christchurch and Poole Council.
 - The application Ref is 7-2022-11839-G.
 - The development proposed is change of use of existing dwelling to form 7no. flats, involving demolition of existing garage, erection of single storey rear extension and two storey side and rear extensions with new roofs over; insertion of new dormer roof extensions to front, side and rear following removal of existing; insertion of new and replacement windows to side elevations; external alterations; erection of a detached single storey dwelling to the rear of the plot (pedestrian access only); with revised vehicular access and associated parking, waste storage and cycle parking stores to the frontage.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. During the course of the appeal an updated version of The National Planning Policy Framework (the Framework) was published on the 12 December 2024. In light of this, the main parties were given the opportunity to comment on any implications for the appeal. I have taken the responses into account.
3. The appeal is accompanied by an Arboricultural Impact Assessment and Method Statement from GTREE Ltd, Tree protection plan, revised plans and drawings¹ including a new proposed SUDS plan². The report and plans relate to the majority of the refusal reasons. Although the report and plans have not been subject to formal public consultation, the Council and interested parties were given an opportunity to comment on them as part of this appeal. In light of this, and given my findings below, I am satisfied that no party would be prejudiced by my acceptance of the information. Therefore, having regard to the principles of Holborn³, acceptance of the further information would not be procedurally unfair and as a result I have considered it in determining this appeal.
4. The Council accept the submission of the SUDS plan as this complies with the informative note on the Notice of Decision. It is clear from the Council's

¹ 131.GA01d Site Plan, 131.GA.06.02 Rev E Proposed floor plans and elevations, 131.GA.03 Rev d Proposed floor plans and elevations pavilion, 131.06 2b Proposed bin store, 131GA.06.03b proposed bike store

² 131.GA.06.07

³ Holborn Studios Ltd v The Council of the London Borough of Hackney [2017] EWHC 2823 (Admin)

Statement that they have no objection to the SUDS plan, and I have no reason to disagree. In light of this, there is no need for me to consider matters of drainage in relation to Reason for Refusal number 7 further.

5. The Council's Statement confirms that the submitted cycle store generally accords with the spatial parameters detailed within the Parking Standards Supplementary Planning Document January 2021 (SPD). I have no reason to disagree.
6. During the course of the appeal a signed legal agreement under S.106 of the Town and Country Planning Act 1990 (as amended) was submitted to mitigate any effects from the proposal on the Dorset Heathlands Special Protection Area, Ramsar Site, and Dorset Heath Special Area of Conservation. I will return to this below.
7. As the proposal is in a conservation area, I have had special regard to section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Main Issues

8. The main issues are:
 - the effect of the proposal on the character and appearance of the host dwelling and the wider area and whether the proposal would preserve or enhance the character or appearance of the Portchester Road Conservation Area (CA);
 - whether the living conditions of future occupiers of the proposed development would be acceptable;
 - the effect of the proposal on highway safety, with particular regard to the provision of car parking, cycle parking and refuse storage;
 - the effect of the proposal on the living conditions of neighbouring occupiers with particular regard to noise and disturbance; and,
 - the effect of the proposal on biodiversity on the site.

Reasons

Character and appearance

9. The immediate area surrounding the site is characterised by large, detached suburban buildings predominately in sizable verdant plots fronting roads. While there are some attached garages and extensions, generally the plots have not been severed or sub-divided with any garages and extensions appearing complementary and subservient to the main dwellings due to their significantly smaller size and scale.
10. The appeal property comprises a fine two-storey detached villa on a sizable verdant plot. The site lies within the CA.
11. The Portchester Road Conservation Area Appraisal February 2007 (the Appraisal) identifies the CA as being of historic and architectural interest representing an important phase in the development of Bournemouth. The Appraisal states that the CA is characterised by its fine collection of two-storey detached villas predominately constructed during the Edwardian period. The buildings are architecturally well designed and set in spacious verdant plots

with an abundance of mature trees and shrubs contributing to the leafy suburban character of the area and providing an attractive setting to the buildings. The Appraisal further identifies that the plots are relatively uniform with the villas regularly spaced, with the gaps around properties contributing to the spacious character and appearance of the area allowing significant views from the street of the front and side elevations. Furthermore, the Appraisal identifies that the high quality of the buildings derives from their well detailed design, including generous roof overhangs and identifies the appeal building as making a Positive Contribution to the CA along with the substantial rear gardens. These features, in part, form the significance of the CA.

12. The Appraisal also identifies intrusion and damage to the CA from unsympathetic alterations and extensions, from the loss of landscaping to hard surfaces and from pressure to sub-divide plots that does not reflect the historic pattern of development resulting in a serious erosion of the spaciousness of the CA.
13. At my site visit I observed that the appeal property contains the features identified above that contribute to the significance of the CA, particularly with regard to the detailed design of the building including large eaves overhangs, the large generally undeveloped plot size and its verdant and spacious setting.
14. While the proposed two-storey side extension would result in a suitable subservient appearance from Portchester Road, and I acknowledge the hipped roof form and retention of the existing building line, by reason of its position and two-storey form it would significantly close the existing visual gap between No's 64 and 66 Portchester Road at first floor level contrary to the wider character of the CA. Furthermore, it would result in the loss of existing boundary landscaping between No's 64 and 66 that forms part of the verdant character of the plots and wider area. This would be the case even acknowledging the findings of the AIA that the planting is in a poor condition.
15. Although the proposal would introduce a number of new dormer windows at odds with the Arts and Crafts movement's desire to move away from attic living, there are already a number of dormer windows to the existing and neighbouring buildings. However, by reason of the flat unrelieved nature of the side elevation to the proposed two-storey side extension, coupled with the introduction of a blank dormer window in contrast with the existing and proposed dormer windows of considerable design detail and interest, the proposal would dilute the contribution that the building makes to the area and significance of the CA. Moreover, the provision of the flat profiled two-storey rear extension and loss of sizable existing eaves overhang, would diminish the appearance of the dwelling and the contribution that the dwelling makes to the significance of the CA, particularly when viewed from Milton Road.
16. By reason of the proposed detached dwelling being set back within the plot close to the side and rear boundaries, alone and in combination with the sub-divided outdoor areas serving the proposed flats, it would appear cramped and would be contrary to the prevailing pattern of development comprising sizable buildings set further forward within their associated spacious plots. Moreover, it would result in the reduction of existing landscaping, and space for replacement planting, harmful to the verdant character of the area. This would be the case even acknowledging the findings of the AIA that landscaping to the rear of the site is in a poor condition and acknowledging the green sedum roof.

Due to its position and detached form, it would have a greater impact than the rear extension previously granted on the site⁴.

17. The modern contemporary design of the proposed detached building, light buff facing materials and flat roof design would not reflect the architectural form or detailing of the main dwelling or that of the wider area. Although I acknowledge that the detached dwelling would not be visible from Portchester Road or Milton Road, it would be visible from the surrounding properties and from the rear of the appeal building.
18. Due to the position and layout of the parking spaces, refuse and cycle stores at the front of the site up to the side boundaries, coupled with the reduction in associated frontage landscaping, the parking spaces and refuse and cycle stores would be overly prominent, alien to, and harmful to the character of the area. At my site visit I noted that the wider area generally retains the appearance of large single dwellings with verdant frontages and planted side boundaries surrounding hard surfaces. As space for suitable replacement planting would be lacking, the proposal would be harmful despite the findings of the AIA that the trees to the front of the site are in a poor condition. From the information before me, a previous consent referred to on the site⁵ provided more space for landscaping and as such is not directly comparable.
19. While the previous consents on the site also proposed alterations to the building, the appeal proposal includes a detached building and two-storey extensions such that it is not directly comparable. Furthermore, any benefits from the removal of existing single-storey extensions do not justify the extent of harm from the two-storey extensions that would be more visible within the CA and from adjoining properties.
20. The proposal would therefore result in a development incongruous in its setting and would appear out of character with the prevailing pattern of dwellings immediately surrounding the site.
21. When taking account of all of the above, I find that the harmful impact on the building and character and appearance of the area would fail to preserve or enhance the significance of the CA as a whole. Given that the harmful effect would be localised, the proposal would cause less than substantial harm to the significance of the designated asset. In such circumstances, the Framework requires that less than substantial harm be weighed against any public benefits.
22. In this regard, the proposal would add additional dwellings to the supply of housing, widen the choice of housing, make an effective use of land, could be built out quickly and provide some economic benefits during and post construction. However, these benefits would be modest given the scale of the proposal. Taking such matters into account, individually or together, the public benefits are not sufficient to outweigh the less than substantial harm to the significance of the CA that I have identified, and the great weight afforded to the asset's conservation.
23. In conclusion on this matter, the development would have a significant harmful effect on the character and appearance of the host dwelling and the wider area and fail to preserve or enhance the character or appearance of the Portchester

⁴ 7-2019-11839-F

⁵ 7-2017-11839-D

Road Conservation Area. As such, it would conflict with Policies CS21, CS39 and CS41 of the Bournemouth Local Plan: Core Strategy October 2012 (LP). Amongst other things, these expect residential development to be of a good design, protect designated heritage assets from proposals that would adversely affect their significance and respect the site and its surroundings and contribute positively to the appearance of the public realm.

Living conditions of future occupiers

24. The proposal would result in accommodation arranged over three floors and within a separate outbuilding. Over the three floors each dwelling would benefit from a separate kitchen/living area, one or two bedrooms and a bathroom. This would provide adequate facilities for likely occupiers. In addition, the proposed plans demonstrate that adequate space would be provided to meet basic furniture needs and provide suitable internal circulation space.
25. While the outlook from the windows in the side elevation of the main building would be restricted by reason of their close relationship to the site boundary, particularly at ground floor, all of the proposed flats would benefit from suitable unrestricted outlook to the front and rear of the building.
26. The pedestrian access to the detached dwelling would necessitate passing the windows to flat numbers 2 and 3 in close proximity. However, given that some of these windows already face onto the shared parking area, access past the side windows would be by those accessing the detached dwelling only, and with such relationships not uncommon for a new flatted development, the proposal would be acceptable in this regard.
27. The proposed dwelling in the rear garden would be located in close proximity to the rear of No.64 Portchester Road. Nonetheless, given that there are limited openings proposed in the front elevation of the proposed detached dwelling, no windows in this elevation serving habitable rooms, and it would be positioned behind fencing with parts of its garden area also screened by a high wall, there would be limited overlooking between the proposed dwelling and the rear windows to Portchester Road.
28. The appellant states that the amended plans demonstrate that the proposal meets The Nationally Described Space Standards (NDSS) prescribed minimum gross internal floor areas. Even if this is not the case, and while I have had regard to the Council's concerns regarding the amendment of the detached dwelling to a 3-person unit, and to the restricted headroom to the upper floor flats, a failure to meet the technical requirements does not necessarily mean that living accommodation would be unacceptable or sub-standard. Moreover, in the absence of a development plan policy securing these standards, they carry limited weight.
29. The proposed plans show that the ground floor units would benefit from some rear outdoor space. Whilst it would be enclosed by fencing, the areas would be usable for sitting out to adequately serve those units. In addition, in the absence of a specific development plan policy to provide outdoor space of a certain size or standard, and with a park and recreation ground in fairly close proximity, I find that the outdoor space would be adequate for future occupiers.
30. The amended plans detail the adequate size of refuse and cycle stores.

31. I have had regard to the concerns raised by the Council relating to the inter-floor stacking. However, should I allow the appeal, I see no reason why a condition could not be imposed to ensure the provision of adequate noise insulation between floors to ensure that noise transfer between the floors does not harm the living conditions of the occupiers.
32. In conclusion, the effect of the proposal on the living conditions of future occupiers of the proposed development would be acceptable. As such, the proposal complies with LP Policies CS21 and CS41 and Policy 6.8 of the Bournemouth District Wide Local Plan February 2002 (DWLP). Amongst other things, these seek proposals of a good design, that respect residents' amenities, provide a high standard of amenity to meet day to day requirements of future occupants and ensures adequate privacy for the occupants of the building.
33. The proposal would also comply with the Framework by ensuring a high standard of amenity for existing and future users.

Highway safety

34. With regard to car parking, while I note that a very small part of the site falls within Parking Zone B, the majority of the site and proposed dwellings fall within Parking Zone D.
35. Within Parking Zone B the SPD requirement would be for 1 off-street car parking space. Within Parking Zone D the SPD requirement would be 8 off-street car parking spaces.
36. While the vast majority of the site falls within Parking Zone D, and I note that the Council's records place the site within Zone D, I also note that the site is located within walking distance of shops and services in Charminster, Bournemouth Railway Station and is served by bus routes. Furthermore, I have had regard to the current building comprising 10 bedrooms that could generate significant demand for car parking and to paragraph 4.17 of the SPD acknowledging that zonal boundaries may not represent the accessibility of each location. In light of this and given that part of the site falls within Parking Zone B on the Council's public mapping system, I find the provision of 5 off-street car parking spaces acceptable to serve the development.
37. I have had regard to the interested party advising that there is limited on-street parking, and to section 4.3 of the SPD that advises that a departure from the standards should be fully justified. In light of the above I find that adequate car parking is proposed, and that further justification is not required.
38. I therefore conclude that the proposal would not result in overspill parking on the highway to an extent that would lead to additional nuisance for surrounding residents and/or lead to inconsiderate and illegal parking.
39. The amended plans provide a dedicated pedestrian path from the car park to the front door, refuse and cycle stores. This would be a similar arrangement to other dwellings in the vicinity of the appeal site. Furthermore, the appellant has stated that waste from the site would be collected by a private waste collection service that could be conditioned. Subject to such a condition and given the amended plans detailing a safe pedestrian access and revised refuse and cycle store positions, I find that the proposal would provide suitable refuse provision and safe access for pedestrians.

40. In conclusion on this matter, the proposal would not harm highway safety, with particular regard to the provision of car parking, cycle parking and refuse storage. As such, the proposal would comply with LP Policies CS16, CS18, CS38, CS41 and the SPD. Amongst other things, these require parking provision in accordance with the Council's adopted parking standards and ensure that all development and spaces are well designed and of a high quality and contribute positively to the appearance and safety of the public realm, provide adequate cycle storage and minimise potential pollution.

Living conditions of neighbouring occupiers

41. I have found above that the proposal would provide sufficient internal space, habitability, and amenity space for future occupiers.
42. I acknowledge that the proposal would result in 8 dwellings with a total of 13 bedrooms, including provision of a new dwelling in the rear garden. However, the existing dwelling comprises 10 bedrooms that in itself could generate a considerable level of noise and activity.
43. Furthermore, I have been advised that two planning permissions have been previously granted to convert the dwelling to 5 flats with 9 bedrooms or to a House in Multiple Occupation with 12 bedrooms.
44. In light of the above, given the detached nature of the building and residential character of the area, I do not find that the proposal would result in a level of noise and disturbance that would be incompatible with surrounding uses or the living conditions of neighbouring occupiers.
45. It follows that the proposal would not harm the living conditions of neighbouring occupiers with particular regard to noise and disturbance. As such, it complies with LP Policies CS21 and CS41, DWLP Policy 6.10 and the Residential Development A Design Guide September 2008. Amongst other things, these seek proposals of a good design, that respect residents' amenities, enhance the amenities of neighbouring residents, and respects the living conditions of occupiers of buildings in the vicinity.

On-site biodiversity

46. The Council's Ecology Officer raised no objection to the application subject to an informative regarding bats and the securing of at least one swift box by way of a condition.
47. The Council do not put forward any substantive evidence advising of any other on-site biodiversity effects from the proposal, and I have no reason to find otherwise. The appellant is aware of the comments regarding effects on bats.
48. As a result, and subject to a condition to secure at least one swift box, the proposal would not harm biodiversity on the site. As such, the proposal would not conflict with LP Policies CS30 and CS41. Amongst other things, these seek to connect and enrich biodiversity and wildlife habitats and aim to conserve and improve biodiversity.

Other Considerations

49. It is clear from the Council's reason for refusal that the principle of additional dwellings in this location is acceptable. I also acknowledge that the proposal would add additional dwellings to the supply of housing, widen the choice of

housing types, make an effective use of land, could be built out quickly and provide some economic benefits during and post construction. Whilst these benefits weigh in favour of the proposal, given its scale, they would be modest.

50. Both parties agree that the Council cannot currently demonstrate a five-year supply of deliverable housing sites. I have no reason to disagree.
51. In light of the submission of the legal agreement referenced above, I have no reason to conclude that this would not adequately address the fifth reason for refusal. As a result, matters related to habitats sites do not provide a strong reason for refusing the development proposed under paragraph 11d) i. of the Framework.
52. However, I have found above that the proposal would cause harm to the significance of the CA with no public benefits outweighing this harm. This is contrary to the provisions in Chapter 16 of The Framework that protect such heritage assets. Given footnote 7 to Paragraph 11 d) 1. of The Framework, and the harm I have identified to assets of particular importance, this provides a strong reason for refusing the development proposed. As such, there is no need for me to carry out the assessment in Paragraph 11. d) ii. in relation to assessing whether any adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.

Conclusion

53. Although I have found no harm from cycle and refuse storage, on European, nationally and internationally protected sites and biodiversity, flood risk, highway safety, living conditions of neighbouring occupiers and future occupiers, I have found significant harm to the character and appearance of the area and significance of the CA. In my view, this is the prevailing consideration, and the proposal should be regarded as being in conflict with the development plan, when read as a whole.
54. Material considerations, including the Framework do not indicate that the proposal should be determined other than in accordance with the development plan. Having considered all other matters raised, I therefore conclude the appeal should be dismissed.

C Rose

INSPECTOR