



Appeal Decision

Site visit made on 28 August 2024

by **Alexander O'Doherty LLB (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 22 January 2025

Appeal Ref: APP/V1260/W/23/3332936

15-17 Tregonwell Road, Bournemouth BH2 5NR

- 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 JDM Homes against the decision of Bournemouth Christchurch and Poole Council.
- The application Ref is 7-2023-12567-I.
- The development proposed is described on the application form as, "Erection of a dwelling".

Decision

1. The appeal is dismissed.

Preliminary Matters

2. During the course of the appeal the Council published the Housing Land Supply Statement: Position at 1 April 2024 (October 2024) (Housing Land Supply Statement), and in December 2024 a revised National Planning Policy Framework (the Framework) was published. The main parties were provided with an opportunity to comment, and I have taken the comments received into account. I have had regard to the Housing Land Supply Statement and the revised Framework in my decision.

Main Issues

3. The main issues are the effect of the proposed development on:
 - the character and appearance of the area; and
 - the settings and significance of the West Cliff and Poole Hill Conservation Area and the Grade II listed building, 1-9 Upper Terrace Road.

Reasons

Character and appearance

4. The appeal site comprises a narrow strip of land situated in-between 15 and 17 Tregonwell Road (Nos 15 and 17). The site falls within the West Hill character area referred to in the Bournemouth Local Plan: Town Centre Area Action Plan (adopted 2013), which states that the majority of buildings in this area are attractive compact terraces or semi-detached villas which date from the late Victorian period, and that the area contains a mix of uses with commercial and light industrial uses focused around Poole Hill and residential, language school and tourist accommodation scattered across the rest of the area.

5. In this regard, No 15 is a late Victorian property, which is distinctive in part due to its aesthetically-pleasing materials and period details, and accordingly has the potential to be considered as a non-designated heritage asset. As per paragraph 216 of the Framework, in weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. A terrace of listed buildings, 1-9 Upper Terrace Road, lies slightly beyond the site to the east.
6. The proposed new dwelling would accord with aspects of the Bournemouth Town Centre Development Design Guide quoted by the appellant, including with respect to its roof form and materials. The proposed development would completely infill the existing gap between Nos 15 and 17. This would create a terrace, in effect linking the 2 buildings either side of the site, which are of a very different character in comparison with each other. Furthermore, due to its height, the proposed building would appear rather squat in relation to the buildings either side of it, and this, in combination with the especially narrow width of the central portion of the proposed building, would result in a cramped appearance. Additionally, the position of the windows would not be well-aligned with those at No 15, nor those at No 17 (which are an attractive feature in the street scene).
7. Consequently, whilst other relatively narrow properties are present in the vicinity and the proposed new dwelling would appear subservient to Nos 15 and 17, the newly-formed terrace would lack visual cohesion, and the visual appeal of both Nos 15 and 17 would be unduly compromised. This would adversely affect the appearance of the street scene and would undermine the pleasant character of the West Hill character area described above.
8. I therefore find that the proposed development would have an unacceptable and harmful effect on the character and appearance of the area. It would conflict with the 2nd bullet point of Policy CS6 of the Bournemouth Local Plan: Core Strategy (adopted 2012) (Core Strategy) which provides that, amongst other things, the Council will ensure that local neighbourhoods are improved and enhanced to reinforce local identity, access to services and functionality through retaining and enhancing the features that contribute to each place's heritage, character and local distinctiveness.
9. The proposed development would conflict with the 2nd bullet point of Policy CS20 of the Core Strategy which provides that, amongst other things, there will be a presumption in favour of the redevelopment of sites for small family dwellinghouses as opposed to other forms of residential accommodation where the resulting development will not be out of character with the local area. It would conflict with the 4th bullet point of the 3rd paragraph of Policy CS21 of the Core Strategy which provides that, amongst other things, proposals for residential development will be expected to maintain and enhance the quality of the street scene.
10. The proposed development would conflict with Policy CS41 of the Core Strategy which provides that, amongst other things, development should, through its character and appearance be designed to respect the site and its surroundings, and contribute positively to the appearance of the public realm. It would conflict with part i) of Policy 6.8 of the Bournemouth District Wide Local Plan (adopted

2002) (Local Plan) which provides that, amongst other things, development will be expected to complement and respect the character of neighbouring development.

11. The proposed development would conflict with the 4th bullet point of the 2nd paragraph of Policy D4 of the Town Centre Area Action Plan (adopted 2013) which provides that proposals should be of an appropriate scale, height, mass and built form.

Settings of the conservation area and 1-9 Upper Terrace Road

12. The site is within the setting of 1-9 Upper Terrace Road (a Grade II listed building). The Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) provides at s66(1) that in considering whether to grant planning permission for development which affects a listed building or its setting, special regard shall be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
13. In this regard, the significance of 1-9 Upper Terrace Road derives in part from its architectural and historic interest stemming from being a fine example of mid-19th century architecture with numerous attractive details, including cornices and pediments. The setting of 1-9 Upper Terrace Road includes a number of period properties comprising part of the early development of Bournemouth, and also a large contemporary mixed-use development opposite the terrace which is prominent in the street scene. The gap represented by the site contributes to the rhythm of the street scene, which also contains other narrow gaps to the sides of No 17 and No 19 Tregonwell Road. These gaps break up the mass of built form in the vicinity. Consequently, although the gap, which forms part of the setting of 1-9 Upper Terrace Road, does not offer a key view or vista, it nevertheless allows the significance of the listed building to be better revealed.
14. I observed that although intervening buildings are present between the site and the listed terrace, the site can be seen in conjunction with 1-9 Upper Terrace Road from near the roundabout which connects Tregonwell Road with Upper Terrace Road. As explained above, the proposed new building would not be well-integrated in visual terms with the newly-formed terrace of which it would form a part. As an incongruous feature in the street scene, the proposed new building would compromise the appreciation of the aesthetic of 1-9 Upper Terrace Road. As significance derives not only from a heritage asset's physical presence, but also from its setting, its significance would be harmed. The harm caused to the significance of the listed building would be localised and therefore less than substantial. This harm must be weighed against the public benefits of the proposed development, which is a matter to which I return to below.
15. The site is in the setting of the West Cliff and Poole Hill Conservation Area (conservation area). As noted in the West Cliff and Poole Hill Conservation Area Appraisal & Management Plan (the appraisal) its significance derives in part from a variety of high quality architectural styles and roofscapes, and memorable areas of townscape. The gap between Nos 15 and 17 is shown on the map at page 89 of the appraisal as an enclosed view. The appraisal states that enclosed views are defined by building façades where the interrelationship between public realm and buildings should be carefully managed.
16. It is evident from my reasoning above that the proposed development would not achieve such careful management. As the newly-formed terrace would not appear

as a visually cohesive unit, with the proposed new building appearing cramped within it, the proposed development would compromise the contribution which the setting makes to the presence of high quality architecture within the conservation area. Due to the limited scale of the proposed development, the harm caused to the significance of the conservation area as a designated heritage asset would be less than substantial. This harm must be weighed against the public benefits of the proposed development.

17. In this regard, the proposed development would deliver public benefits by way of contributing an additional dwelling to local housing supply. This would provide limited social and economic benefits arising from the future occupiers of the proposed dwelling residing and spending in the locality, and from work being created for construction professionals.
18. 1-9 Upper Terrace Road and the conservation area are of considerable importance as designated heritage assets, and I have given great weight to their conservation. As the impact of the public benefits would be minimal (even in light of the fact that the Council is currently unable to demonstrate the necessary forward supply of housing sites as required by the Framework), these have been given limited weight. The potential of securing of an optimum viable use, referred to at paragraph 215 of the Framework, is in relation to a designated heritage asset itself, which is not applicable to the proposed development. These public benefits do not therefore amount to public benefits which would outweigh the harm caused to the significance of 1-9 Upper Terrace Road and the significance of the conservation area.
19. I therefore find that the proposed development would harm the setting and significance of the conservation area and would harm, and therefore fail to preserve, the setting and significance of 1-9 Upper Terrace Road. It would conflict with Policy CS39 of the Core Strategy which provides that, amongst other things, the Local Planning Authority will seek to protect designated heritage assets from demolition, inappropriate alterations, extensions or other proposals that would adversely affect their significance.

Other Matters

20. The Council's decision notice makes reference to the Dorset Heathlands Special Protection Area, Ramsar Site and Dorset Heaths Special Area of Conservation. As, following my conclusion below, the appeal is being dismissed for other reasons, there is no need to consider the potential implications of the proposed development in these respects, nor is it necessary to consider the submitted planning obligation in any further detail. I therefore make no further comments on these matters.

Other Considerations and Planning Balance

21. The proposed development would utilise a presently unused parcel of land, which is encouraged by Policy 6.9 of the Local Plan. The site is in an accessible location, close to a wide range of services and facilities and bus routes. The location of the delivered housing would reflect the requirements of Core Policies CS7 and CS21 of the Core Strategy and Policy U2 of the Town Centre Area Action Plan. The proposed development would also contribute towards housing choice and mix in the local area, by way of the provision of a small family-sized dwelling, which is positively encouraged by Core Policy CS20 of the Core Strategy.

22. This is in the context of the Council currently being unable to demonstrate the necessary forward supply of housing sites as required by the Framework, with the Housing Land Supply Statement showing a supply of 1.6 years against a 4 year requirement, which is an undoubtedly significant shortfall. The appellant has stated that this figure could be even less, and that under the Framework the Council will be expected to work on a new plan. However, as no documents have been provided to support these claims, I have considered the proposed development in the context of the 1.6 years figure found in the Housing Land Supply Statement.
23. In this case, the proposed development on this small site would provide a very limited contribution towards addressing the notable shortfall in housing land supply identified above. The consequential benefits of the proposed development to the locality in economic and social terms would accordingly be limited in scale. Although a planning condition could be imposed to secure measures to enhance biodiversity on site, it has not been demonstrated that the amount of any biodiversity net gain would be significant. Therefore, whilst the Housing Land Supply Statement mentions that the Council will give planning applications for the provision of new homes significant weight, the circumstances of this particular case are such that no more than moderate weight has been given to the totality of the benefits of the proposed development.
24. Due to the identified harm to the character and appearance of the area, the settings and significance of the conservation area and the Grade II listed building, the proposed development would be at odds with Objective 1 of the Core Strategy, which is to ensure that the quality of the built, natural and historic environment is high and that the necessary physical, social and green infrastructure are provided to support current needs and future growth and development. It would thereby undermine the delivery of the Core Strategy's Vision to accommodate sustainable growth without compromising the quality of the built, natural and historic environment.
25. Hence, the benefits of the proposed development would not outweigh the great weight which has been given to the proposed development's conflict with the relevant policies of the development plan. The proposed development would conflict with the development plan when considered as a whole.
26. The proposed development would constructively use under-utilised land, which is supported by paragraph 125 d) of the Framework, in circumstances where housing land supply is constrained. Even so, given my findings on the main issues above, it would not comply with paragraph 129 e) of the Framework, which also relates to making effective use of land, and which provides that, amongst other things, planning decisions should support development that makes efficient use of land, taking into account the importance of securing well-designed and attractive places. Moreover, planning law requires that each individual incidence of harm to a designated heritage asset must be given considerable importance and weight, and as the harm to the significance of both the conservation area and 1-9 Upper Terrace Road would in combination be substantial, paragraph 125 c) of the Framework does not provide support for the proposed development.
27. Paragraph 11 d) i. of the Framework provides that permission should not be granted if the application of policies in the Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed. As explained above, the public benefits of the proposed development

would not be sufficient to outweigh the harms identified to both the conservation area and 1-9 Upper Terrace Road. This provides a strong reason for refusing the proposed development. The proposed development would not benefit from the presumption in favour of sustainable development, found at paragraph 11 of the Framework.

28. Overall, none of the other considerations in this case indicate that this appeal decision should be taken otherwise than in accordance with the development plan.

Conclusion

29. For the reasons given above, having considered the development plan as a whole, the approach in the Framework, and all other relevant material considerations, I conclude that the appeal should be dismissed.

Alexander O'Doherty

INSPECTOR