



Appeal Decision

Site visit made on 19 December 2024

by **C Shearing BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 23 January 2025

Appeal Ref: APP/V1260/W/24/3344230

Land adjacent to 86 Iford Lane, Bournemouth BH6 5QZ

- 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 Ms Grace Digby against the decision of Bournemouth Christchurch and Poole Council.
 - The application Ref is 7-2023-27923-B.
 - The development proposed is 1no. new two bedroom house.
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Decision

1. The appeal is allowed and planning permission is granted for 1no. new two bedroom house at Land adjacent to 86 Iford Lane, Bournemouth BH6 5QZ in accordance with the terms of the application, Ref 7-2023-27923-B, subject to the conditions set out in the schedule below.

Preliminary Matters

2. The description of development above is taken from the application form.
3. A Unilateral Undertaking (UU) was submitted with the appeal, dated 9 May 2024, and an amended UU was subsequently submitted dated 13 January 2025. This has been taken into account in the determination of the appeal.
4. During the course of the appeal, a new National Planning Policy Framework has been published (the Framework). The policies which are most relevant to the determination of the appeal have not been subject to substantive changes and I am satisfied that the parties have not been prejudiced by my taking it into account.

Main Issues

5. The main issues are the effects of the proposed development on:
 - the character and appearance of the area,
 - the living conditions of future occupants;
 - highway safety, and;
 - designated habitat sites.

Reasons

Character and Appearance

6. The site lies on the edge of a residential area, adjoining an area of open space and the river Stour to the east. The properties on this part of Iford Lane vary in their character, scale and plot size and include traditional bungalows as well as

more modern housing. The houses are set notably higher than the street level and the treatment of the front garden areas similarly vary, including off street parking areas, raised terraces and landscaped gardens. The extent of gaps between the properties also varies along this stretch of road.

7. The proposed house would be narrower than others along this part of Iford Lane. However, it would otherwise be similar in scale to the neighbouring modern development of nos.86 and 88, including the same eaves and ridge heights and gable roof ends. Given the variation in house scale and width surrounding the appeal site, the width of the proposed house would not amount to harm to the character or appearance of the area. Some space would be maintained between the new house and the neighbouring buildings and this would appear comfortable in this context. The proposed raised front terrace would also be similar to that which exists on the neighbouring site and would not be a visually incongruous feature.
8. The proposed window design to the front elevation and the inclusion of a first floor balcony would be notably different to the more traditional scale of windows in the area. However, overall, given the prevailing varied character I do not consider those features would amount to visual harm when considered in the wider context.
9. In conclusion on this main issue, the proposal would be acceptable in terms of its effects on the character and appearance of the area. It would comply with policies CS21 and CS41 of the Bournemouth Local Plan Core Strategy 2012 (the CS), as well as saved policy 6.8 of the Bournemouth District Wide Local Plan 2002 (the LP) insofar as they require a high standard of design and respect for local character. It would also comply with the design objectives of the Framework and the Council's document Residential Development: A Design Guide 2008.

Living Conditions

10. The appeal site is currently overgrown and the appellant asserts that it is no longer in the same ownership as no.86 and as such could not be used as private outdoor space by its occupants. Nonetheless, no.86 benefits from a sizable raised front terrace which I observed contained some outdoor furniture and play equipment. Taken together with the more private remaining area to the rear of the property, as a whole, the occupants of no.86 would have access to functional and meaningful external space, appropriate to its size.
11. In summary on this main issue, the proposal would maintain acceptable living conditions for the occupants of no.86. It would comply with policy CS21 and CS41 of the CS and the Residential Development Design Guide 2008 insofar as they relate to amenity and quality of outdoor space, and which acknowledge that types of outdoor space will vary. The proposal would also comply with the Framework where it relates to healthy living conditions.

Highway Safety

12. The site lies within Zone D for the purposes of the Parking Standards Supplementary Planning Document 2021 (the SPD), having the lowest level of access to public transport and the highest level of car ownership. The SPD, however, explains that its car parking figures are presented as optimums to encourage smart travel choices and reduce dependency on the private car.

13. I observed that no.86 accommodates one off-street parking space and it does not fall under the scope of this appeal to comment on the lawfulness of alterations to that parking area, particularly as it lies outside the area of the appeal site. If any breaches of the planning permission have occurred there that would be a matter for the Council. In any event, notwithstanding the submitted drawings, the appeal site does not appear capable of providing off street parking for no.86 given its overgrown nature and gradient. The Council refer to a planning permission granted for a detached garage on the appeal site to be used by no.86, however that would appear not to have been implemented. As such, the proposal would not result in the loss of existing parking spaces.
14. The proposal includes two off street parking spaces, which would meet the quantum set out in the SPD. Based on the appellant's figures, each space would be 2.5m wide and 6.15m deep. The width would fall slightly short of the dimension set out in the SPD, however the open space under the external staircase and adjacent parking space of no.86 would be capable of providing extra space for opening doors if necessary. While this is likely to be tight, I observed that there were no parking restrictions on the street outside the site and opportunities for parking existed at the time of my visit. There is not evidence to suggest this would not similarly be the case at other times of day and therefore, even if one vehicle were instead to park on the street, I do not consider this would be harmful to highway safety. Taken together with the optimum parking standard, the level of proposed car parking is acceptable.
15. While pedestrian visibility splays have not been shown, I have no strong reason to believe that appropriate visibility could not be achieved, given the set back of the parking spaces from the northern boundary and open boundary treatment to the south. Similarly, I have no strong reason to doubt the gradients of the parking areas shown, that appropriate vehicular crossover points could be achieved, or that a lighting column would need to be moved. Despite cycle parking being shown to the back of the house, the proposed site layout is such that opportunities would exist to store them closer to the front of the house if required.
16. In conclusion on this main issue, the proposal would be acceptable in terms of its effects on highway safety, including parking. The proposal would comply with policies CS16, CS18 and CS41 of the CS which relate to parking standards, cycle storage and the need for development to meet the needs of future occupants. It would also comply with the Framework insofar as it relates to highway safety.

Habitat Sites

17. The site is within 5km of the Dorset Heathlands Special Protection Area (SPA) and Ramsar site, and part of the Dorset Heaths candidate Special Area of Conservation (SAC). These host protected priority habitats and their designated features include species of Dartford webblers, nightjars, woodlark, hen harrier, merlin, sand lizards and smooth snakes, as well as other species typical of a lowland heathland, wetland and dunes. The conservation objectives for the SPA include ensuring that the integrity of the site is maintained or restored as appropriate, and ensuring that the site contributes to achieving the aims of the Wild Birds Directive. Those of the SAC also include ensuring the integrity of the site is maintained and restored as appropriate and ensuring that the site contributes to achieving the favourable conservation status of its qualifying features.

18. The Council's Dorset Heathlands SPD 2020 considers these areas. It refers to concerns of Natural England that new residential development across South East Dorset places pressure upon these protected areas as a result of increased damaging recreational uses, incompatible plants and animals, loss of vegetation, wild fires and disturbance, among other things. This is particularly the case from new development within 5km of the Dorset Heathlands. As such, a likely significant effect on the qualifying features of the designated sites, as a result of the proposal, cannot be ruled out.
19. The proposed development would introduce new permanent residents in the area close to the designated sites where they would be likely to visit them for recreational purposes. This could be the case for the duration of the development. As such it could compromise the conservation objectives of the specific qualifying features and lead to an adverse effect on the integrity of the sites.
20. The Dorset Heathlands SPD describes a strategic approach used by two Council's to secure avoidance or mitigation measures required for new development within 5km of the sites. It sets out a strategy for Strategic Access, Management and Monitoring, which helps to secure the day to day costs of helping local people to behave in ways less harmful to the heathlands, including use of wardens, awareness and education. It also covers monitoring. It sets out a tariff per new house in this Council's area to be paid prior to commencement, and the requirement for a monitoring fee. I understand the measures in place have been considered effective by Natural England in preventing adverse impacts on the integrity of the sites and I have no strong reason to conclude otherwise.
21. The amended UU would secure the contribution to be spent towards strategic access, management and monitoring of the Dorset Heathlands, which the appellant describes is an index linked figure, to be paid prior to commencement. The Council have raised no objection or concerns for the agreement and I consider it would adequately secure the required mitigation.
22. In conclusion on this main issue, the proposal would mitigate for its adverse affects and would be compliant with Policy CS33 of the CS which requires that development will not lead to adverse effects upon the integrity, directly or indirectly, of the Dorset Heaths international designations.

Other Matters

23. I have had regard to the other concerns raised by third parties. Given the distance separating the proposed building from those behind on Denmead Road, together with intervening structures and the presence of upper floor windows of other properties on Iford Lane, I do not consider that unacceptable harm would occur to the living conditions of those occupants behind. I note concerns relating to potential development adjacent to no.88, however this is not a matter for consideration under this appeal.
24. The Council accept that it has been unable to identify an appropriate housing land supply and as such the provisions of paragraph 11d) of the Framework apply. In this instance I have not found that the application of policies in the Framework which protect areas or assets of particular importance provide a strong reason for refusing the proposal, nor have any adverse impacts of granting planning permission been found. Accordingly, the proposal also benefits from the presumption in favour of sustainable development set out in the Framework.

Conditions

25. The Council have provided conditions which it considers would be appropriate in the event that planning permission were granted. I have considered these in light of the advice contained in the Planning Practice Guidance (PPG) and have adapted the wording accordingly in some instances to comply with the PPG.
26. In addition to the standard time limit condition, a condition listing the approved drawings is also necessary to provide certainty. To ensure the development sits comfortably within its context, details of the external materials should also be provided. To comply with the development plan requirement, an electric vehicle charging point should also be secured and the parking area should be a bound surface for the reason of highway safety.
27. As boundary treatments already exist and given the character of the area, approval of details of the boundaries would not meet the test of necessity. Given the advice in the PPG relating to removal of permitted development rights, together with the particulars of this development and in the absence of substantive reasons why stricter controls are necessary here for enlargements, outbuildings or windows, such conditions removing those permitted development rights would not be necessary to make the development acceptable. Given the gradient of the parking area, cycle parking area and areas of vehicular access are shown on the approved plans, further details of those areas would not be required.

Conclusion

28. For the reasons given, the proposal would comply with the development plan and the appeal is allowed.

C Shearing

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with drawing nos: TQRQM20300164201805 Rev.A (Location Plan), TQRQM20300164406787 Rev.A (Block Plan), 23-IFO-100 Rev.A, 23-IFO-101 Rev.B.
- 3) Prior to the commencement of development above the damp proof course, details of materials to be used in the external surfaces of the new building shall be submitted to, and approved in writing by, the local planning authority. The development shall be carried out only in accordance with the approved details.
- 4) Prior to the first occupation of the development, the building shall be fitted with an electric vehicle charging point. This shall be maintained and available for use at all times.
- 5) The parking area hereby approved shall be constructed with a bound surface material and shall be so maintained at all times.

End of Schedule