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## Appeal Decision

Site visit made on 17 December 2024

by **M Aqbal BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 11 February 2025

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**Appeal Ref: APP/V1260/W/23/3335646**

**Land to the rear of 1091 Christchurch Road, Bournemouth**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against the failure of the local planning authority to give notice within the prescribed period of a decision on an application for planning permission.
  - The appeal is made by Mr R Harle against the decision of Bournemouth Christchurch and Poole Council.
  - The application Ref is 7-2023-18590-G.
  - The development proposed is described as: Demolish existing storage building, sever land, and erect a detached bungalow with off street car parking.
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### Decision

1. The appeal is dismissed.

### Applications for costs

2. An application for costs was made by Mr R Harle against Bournemouth Christchurch and Poole Council. This application is the subject of a separate Decision.

### Preliminary Matters

3. The appellant advises that the proposed floor plan was changed to address a concern raised by the highway officer in respect of car parking. This changes the proposed internal layout from the originally proposed 2-bedroom unit to a 1-bedroom bungalow, as shown on drawing 23-853/002 G.
4. The amended plan does not alter the overall scale and nature of the proposal. Consequently, I have accepted this in determining this appeal and do not consider that the interests of any party have been prejudiced by my having done so.
5. In reaching my decision, I have considered the revised version of the National Planning Policy Framework (as amended) ('the Framework') that was published in December 2024.

### Main Issues

6. Although there is no formal decision from the Council, it has offered putative reasons for refusal. Based on these, the main issues are:
  - i) The effect of the proposal on the character and appearance of the area;
  - ii) The quality of the proposed accommodation;
  - iii) The effect of the proposal on neighbours;
  - iv) The effect of the proposal on parking;
  - v) Whether the proposal makes adequate provision for drainage; and

vi) the effect of the proposal on the integrity of the Dorset Heathlands Special Protection Area ('SPA') and Ramsar Site, and the Dorset Heaths Special Area of Conservation ('SAC').

## Reasons

### *Character and appearance*

7. The appeal site comprises land to the rear of a building at 1091 Christchurch Road. This building is also in the appellant's ownership and is occupied by commercial and residential uses.
8. At present, the appeal site is occupied by a single storey-storage building, a garage and parking area. There is also an outdoor amenity space, which based on the submissions before me, serves the existing residential units at 1091 Christchurch Road. This incorporates a seating area, some garden paraphernalia and bin storage.
9. The existing garage on the site is to be largely retained and reused. The storage building is to be demolished and would be replaced by a single storey building with a larger footprint. This, combined with the garage would form the 1 bedroom bungalow. This bungalow would be accessed and largely viewed in the context of Hebron Road.
10. Hebron Road is a public right of way but not adopted highway. This is reflected in its, in part, unmade surface. On both sides of Hebron Road there is development. This generally comprises garages and other ancillary outbuildings which serve commercial and residential properties along Christchurch Road and mainly residential properties along Corhampton Road.
11. There are also some larger buildings occupied for residential uses and to a lesser extent commercial uses. Therefore, in the main, the built development along Hebron Road comprises mainly single storey ancillary buildings. The buildings on the appeal site and those either side of this reflect this arrangement.
12. However, the buildings in residential use along Hebron Road are generally arranged together and incorporate active frontages which face this road.
13. In contrast, the proposed bungalow would retain the existing frontage and the façade of the garage and its principal entrance would be side facing and accessed via a narrow access. Also, this bungalow would be adjacent to garage buildings.
14. For the above reasons and based on my findings on the other main issues, the layout of the proposed bungalow is contrived and would not reflect the general arrangement of the limited dwellings along Hebron Road. Therefore, the proposal would fail to reflect or enhance the character and appearance of the area. This would be contrary to the design aims of saved policy 6.8 of the Bournemouth District Wide Local Plan (February 2002) ('LP'), and policies CS21 and CS41 of the Bournemouth Local Plan: Core Strategy (October 2012) ('CS'). Amongst other things, these seek to secure high quality developments which respect existing layouts and street patterns, provide a pleasant and safe residential environment, and preserve and enhance the character and appearance of the area, including the quality of the street scene.

15. The aims of the above policies also align with the Framework which says that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve.

*Quality of the proposed accommodation*

16. The proposed bungalow includes windows along its side elevations. One of the side elevations would be adjacent to the existing access off Hebron Road which serves the flats at 1091 Christchurch Road. Because of this arrangement nearly the entire accommodation within the bungalow would be overlooked by those using this access. Also, the main window serving the proposed bedroom faces this access and a boundary fence along here. Consequently, this arrangement would result in a bleak outlook from this room.
17. The proposed bungalow and its garden would extend close to the rear elevation of 1091 Christchurch Road and because of this arrangement, the glazed doors serving the main habitable area for the bungalow and its garden would be directly overlooked from the first floor windows associated with one of the flats at 1091 Christchurch Road.
18. The proposed layout arrangement may also necessitate the use of window coverings to safeguard privacy, which in turn would potentially compromise daylight and outlook from the bungalow.
19. Although the Council states that the proposed garden is inadequately small, I have not been referred to any specific size requirements and in my view, this is of a sufficient size to cater for the needs of the occupiers of a 1 bedroom dwelling. Nevertheless, because this garden appears to be open along the boundary adjacent to the existing side access, this would not be a particularly secure space.
20. Therefore, due to the overlooking and loss of privacy associated with the proposed bungalow and its amenity space and the latter not being an enclosed and secure space, the proposed development would result in an unacceptable living environment for its occupiers. This would be contrary to the aims and objectives of policies 6.8 of the LP, and policies CS21 & CS41 of the CS. Together, these policies require new developments through siting and layout to provide a high standard of amenity to meet the day to day requirements of future occupants.
21. The aims of the above policies are consistent with the Framework, which amongst other things seeks to create places which promote health and well-being, with a high standard of amenity for existing and future users.

*Living conditions of neighbours*

22. The proposal would result in the loss of a substantial part of the existing external amenity space serving flats 1091 A&B Christchurch Road. Although a smaller area is retained, it is unclear whether this would serve both or only one of the existing flats. Therefore, I cannot be certain whether this amenity space would be adequate to serve the existing flats.
23. As a consequence of the proposal a new bungalow and its amenity space would be located close to the rear of the existing ground floor accommodation at 1091 Christchurch Road. Even so, given that this would serve a single dwelling, I am not persuaded that the activities and noise arising from this would result in any unnecessary disturbance given the urban and mixed use context of the area.

24. Nevertheless, due to the loss of part of the amenity space for the existing flats, the proposal would harm the living conditions of neighbours. This would be contrary to the aims and objectives of policies 6.8 of the LP and CS21 & CS41 of the CS. Together these policies require new developments through siting and layout to enhance the amenities of future occupants and neighbouring residents. As already stated, the aims of the above policies are consistent with the Framework.

### *Parking*

25. The appeal site is in parking zone B and in accordance with the Council's adopted Parking Supplementary Planning Document, the proposed 1-bedroom dwelling does not require any on-site parking.
26. Nevertheless, the application form identifies one existing parking space. One of the submitted drawings identifies the area of hardstanding to the rear of the existing garage as parking for an office. Subsequently, the appellant has advised that this parking space is for one of the existing flats at 1091 Christchurch Road.
27. On the other hand, the Council's evidence suggests that the existing hardstanding is intended to provide parking for two vehicles, a space each for the two flats at 1091 Christchurch Road.
28. Irrespective, the proposed drawing 23-853/002 G, does not show any retained parking or identify the purpose of the land to the rear of the retained garage other than showing the part use of this for bin storage. Even if the area to the rear of the garage would be used for parking it is unclear how this would be used with regard to access to the bin and cycle storage areas.
29. As such, it has not been clearly shown that the proposal would not displace existing on-site parking onto the public highway. Thereby resulting in the exacerbation of existing parking stress on roads within the vicinity of the site. In turn, this would likely lead to increased instances of inconsiderate parking and interference with the free flow of traffic on the public highway and the obstruction of visibility at accesses and junctions, all of which give rise to conditions prejudicial to highway safety and local amenity.
30. Some cycle parking is proposed and if required an electric vehicle charging point could be secured by a condition if the appeal succeeds. Therefore, the proposal would not conflict with CS Policy CS17 which encourages the provision of infrastructure and facilities in new developments and at appropriate locations across the Borough to enable the use of greener, low carbon, vehicle technologies.
31. Nonetheless, due to the uncertainty in respect of the displacement of existing parking, I cannot be certain that the proposal would accord with the aims of CS Policy CS41, which amongst other things requires developments to contribute positively to the safety of the public realm and enhance the amenities of future occupants and neighbouring residents.

### *Drainage*

32. As already stated, as a consequence of the proposal the footprint of the extant development would be extended. This would also result in a reduction in the on-site area which is free of development.

33. The application form identifies that the surface water would be disposed of by a soakaway. The Planning Statement says that the scheme will use the existing drainage systems utilised by the building to be partially demolished. The note attached to plan ref: 23/853/003C identifies that rainwater from the new dwelling will discharge to a below ground 100mm UPVC pipework directed to a soakaway.
34. However, the submissions provide no layout details of the existing or proposed surface water drainage arrangement or evidence of a future maintenance schedule. These are necessary to provide sufficient certainty that surface water drainage would be appropriately managed on site and that this would be maintained in perpetuity.
35. As such, the proposal fails to provide sufficient certainty that surface water drainage would be appropriately managed on site. This is contrary to the aims of Policy CS4 of the CS, which says that the design and layout of all new buildings, incorporate appropriate Sustainable Drainage Systems (SUDS) capable of ensuring that the level of surface water leaving the site is no greater than that prior to the development, and ensuring the quality of local water. The use of SUDS is a requirement other than in exceptional circumstances where no technical solution is available. Moreover, this Policy requires that details of the proposed SUDS and suitable provision for maintenance will be submitted as part of any planning application.
36. The Framework also requires that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere and incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate.

*Dorset Heathlands Special Protection Area ('SPA') and Ramsar Site, and the Dorset Heaths Special Area of Conservation ('SAC').*

37. The appeal site is within 5km of the Dorset Heathlands, which are an extensive network of lowland heaths nationally and internationally recognised and protected. These heaths host priority habitats and species, including birds, lizards and snakes as well as other typical species of lowland heathland, wetlands and dunes.
38. The Council has produced the Dorset Heathlands Planning Framework 2020-25 Supplementary Planning Document detailing a strategy for the avoidance and the mitigation of impacts of new residential development upon these important sites. This requires that a contribution is made towards mitigating the impact of additional residents, including measures to control access, monitoring, and mitigation of the sites, thereby reflecting the objectives of CS Policy CS33, which seeks amongst other things to only permit development that would not have an adverse effect upon the integrity of nationally, European and internationally important habitat sites.
39. Given the location of the appeal site, future occupiers would be likely to impact upon the above sites thereby having a significant effect upon their integrity. The Conservation of Habitats and Species Regulations (2017) (as amended) require the decision maker to undertake an Appropriate Assessment ('AA') where there are likely to be significant effects from the proposal, either alone or in combination with other schemes, and this duty falls to me as the competent authority. The appellant has provided a Unilateral Undertaking ('UU') securing a contribution towards the mitigation measures identified in the SPD.

40. However, as I have found harm in relation to other main issues and would be dismissing the appeal for other reasons, it is not necessary for me to undertake an AA and give further consideration to the likely effectiveness of mitigation and avoidance measures. In doing so I would have had regard to the UU.

*Other considerations*

41. Based on the appellant's evidence, the Council cannot demonstrate the supply of deliverable housing sites as required by the Framework. The information before me is that the undersupply is acute, comprising of about 2.3 years supply of deliverable housing land. As such, Paragraph 11 d) of the Framework applies.
42. The development would provide an additional dwelling. This would accord with the aims of the Framework of making use of a small windfall site and boosting significantly the supply of homes. There would also be some benefits as a result of the proposal. Given the Council's acute housing land supply position these considerations are of significant importance in favour of the development. Even so, having regard to the modest scale of the proposal (a single additional dwelling), I afford this limited weight.
43. The Framework, says that decisions should support development that makes efficient use of land, taking into account: the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it; local market conditions and viability. However, this also needs to take in to account the availability and capacity of infrastructure and services – both existing and proposed – as well as their potential for further improvement and the scope to promote sustainable travel modes that limit future car use and the desirability of maintaining an area's prevailing character and setting, along with the importance of securing well-designed, attractive and healthy places. Based on my findings on the main issues, the proposal fails to achieve some of these objectives.

**Planning Balance**

44. The proposal would provide an additional dwelling and associated benefits to which I have attach limited weight.
45. I have found that the proposal would fail to reflect or enhance the character and appearance of the area and that the proposed bungalow would provide unsatisfactory living conditions for its occupants. The living conditions of neighbours would also be prejudiced by the proposal. Also, on the information before me I cannot be certain that the proposal would not result in the displacement of parking to the detriment of safety and the living conditions of neighbours. Furthermore, it has not been shown that a satisfactory surface water drainage system can be secured for the proposed development.
46. I acknowledge that some of the above main issues maybe surmountable with additional information. Nevertheless, on the evidence before me, the proposal would result in harm and is contrary to the development plan. These harms are also contrary to the aims of the Framework and attract substantial weight.
47. As a result, when assessed against the policies in the Framework taken as a whole, the adverse impacts would significantly and demonstrably outweigh the benefits. Therefore, the conflict with the development plan is not outweighed by other considerations including the Framework.

## **Conclusion**

48. For the reasons above, I conclude that the appeal should be dismissed.

*M Aqbal*

INSPECTOR