



Appeal Decision

Site visit made on 14 February 2025

by **Lewis Condé BSc, MSc, MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 14 March 2025

Appeal Ref: APP/V1260/W/24/3346783

23 Milton Road, Bournemouth BH8 8LP

- 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 Bournemouth Building & Cons Ltd against the decision of Bournemouth Christchurch and Poole Council.
 - The application Ref is 7-2023-2904-F.
 - The development proposed is demolish garage and side extensions, add new extension to west elevation and convert building to 6 apartments with parking and car ports.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. A revised National Planning Policy Framework (the Framework) was published on 12 December 2024. Main parties have had the opportunity to comment on the implications of the revised Framework, where received comments have been taken into account.

Main Issues

3. The main issues are:
 - i) The effect of the proposed development on the character and appearance of the host property and the Portchester Road Conservation Area;
 - ii) Whether the proposed development would provide suitable living conditions for future residents with respect to internal accommodation and external garden space; and
 - iii) The effect of the proposed development on the integrity of designated European Sites.

Reasons

Conservation Area

4. No. 23 Milton Road is an attractive, sizeable, detached building located within the Portchester Road Conservation Area (the CA). It is positioned on a relatively open and spacious corner plot and therefore is a prominent feature within the CA.
5. The Portchester Road Conservation Area Appraisal (adopted 2007) (the Appraisal) identifies that the significance of the CA is largely derived from its historic and architectural interest that represents an important phase in the development of

Bournemouth. It further notes that its special interest is derived primarily from its fine collection of two-storey detached villas which were constructed predominantly during the Edwardian period.

6. From my own observations, the findings of the Appraisal appear accurate, with the generally high quality of built form being integral to the significance of the CA. Meanwhile, the appeal building appears to be a fine example of a grand, Edwardian, detached villa. Although it has been subject to previous alterations, the appeal property remains well proportioned. Its architectural style and detailing also displays typical features of the Arts and Crafts movement, that was prevalent in the Edwardian period and can be found throughout the CA. It therefore makes a positive contribution to the CA, as reflected within the Appraisal.
7. The proposed extensions would together add excessive scale and bulk, thereby significantly detracting from the well-proportioned and architecturally pleasing dwelling. Additionally, the removal of the existing chimney would result in the loss of a notable characteristic feature of the building.
8. Although the existing single storey extensions to the appeal building and detached garage are not of special architectural merit, they have a rather innocuous presence. In contrast the proposed works would drastically, and unsympathetically, alter the scale and appearance of the host building. The appeal site's prominent corner position would also ensure that the proposed works would be highly visible from public vantage points.
9. The proposed development may somewhat restrict views of a neighbouring property's altered roof form. Still, I do not consider this would provide any meaningful benefit to the character and appearance of the area. This is because the proposed development would be of an unsympathetic form, whilst also far more prominent.
10. Despite their largely open nature, the proposed car ports are sizeable structures, whilst the proposal also includes the provision of cycle and bins stores. The extent of this associated paraphernalia, together with their proposed positioning forward of the principle elevations of the appeal property, would add clutter to the site and visually compete with the appeal building. The appellant highlights that the relevant paraphernalia could be screened by landscaping (secured via a condition). However, I do not consider such an approach to be satisfactory in this instance. As the long-term effectiveness or retention of landscaping cannot be suitably guaranteed.
11. Consequently, the proposed development would cause harm to the character and appearance of the host property and the CA. In the context of the Framework, I consider it would cause less than substantial harm to the character and appearance of the CA. Still, the Framework requires that great weight be given to the conservation of a designated heritage asset. The proposal therefore requires clear and convincing justification.
12. Set against this harm, the appeal scheme would provide public benefits through the creation of additional residential units in an area with a substantial shortfall in housing land supply. The proposal would not greatly increase the total supply of housing in the area, but any additional provision is likely to be beneficial given the Council's highlighted housing land supply position. Additionally, the Framework indicates that the development of small and medium sites can make an important

contribution to meeting the housing requirements of an area. As such, I have given moderate weight to this public benefit.

13. There would also be socio-economic benefits associated with the construction/delivery and subsequent occupation of the proposed development, but given the scale and nature of the proposal such benefits are likely to be rather limited.
14. Overall, I do not consider the public benefits of the appeal scheme to outweigh the harm to the designated heritage asset, particularly as somewhat similar levels of benefits may potentially be derived through a more sympathetic conversion of the existing building.
15. Accordingly, the proposal conflicts with Policies CS39 and CS41 of the Bournemouth Local Plan Core Strategy (adopted 2012) (the Core Strategy), as well as Policies 4.4, 6.10 and 6.13 of the Bournemouth District Wide Local Plan (adopted 2002) (the Local Plan). Together, amongst other matters, these policies seek to promote development that is of a high-standard of design, that respects its surrounding context, and protects designated heritage assets.

Living Conditions of Future Residents

16. The Council has referred to the Technical Housing Standards – Nationally Described Space Standards (the NDSS) to support its views that the proposal would provide inadequate living conditions for future residents. The Council, however, has not formally adopted the NDSS and its application is not mandatory.
17. In any case, the Framework expects new developments to be of a high standard of design, including through providing high standards of amenity for existing and future users, which is also echoed by Core Strategy Policy CS41. Accordingly, I find that the NDSS remains useful as a guide for considering the type and level of internal floorspace to be provided as part of the appeal proposal. I have therefore treated the NDSS as a material consideration in my determination of the appeal, albeit one to which I have prescribed only limited weight.
18. Majority of the proposed units would exceed the overall minimum floorspace standards established under the NDSS, except proposed Unit 2 which falls marginally below the relevant standard. Additionally, both proposed Units 2 and 5 would not contain at least one double bedroom measuring a minimum of 11.5sqm, as promoted under the NDSS. Still from the evidence before me, it appears that the shortfall compared to the NDSS would be very small. The relevant units would also be served by purposeful areas of built in storage. Whilst not strictly complying with the NDSS criteria, I find the size, layout and storage space available in the proposed units would still provide practical, comfortable, and suitable levels of accommodation to meet day-to-day living.
19. Proposed unit 6 would be located within the roof-space of the appeal property. It would therefore entail areas of restricted head height associated with the eaves and roof-slope of the building. A sizeable proportion of the internal space within Unit 6 would though exceed 2.3m in ceiling height. However, due to its position within the roofs-space it would not achieve a minimum floor to ceiling height of 2.3m across at least 75% of its Gross Internal Area and therefore would not comply with the NDSS. Nonetheless, as indicated these are guidelines as opposed to mandatory requirements. Additionally, from the submitted plans, the potential

arrangement of the living space, including positioning of furniture and storage areas beneath the roof-slopes, leads me to believe that the internal space would not be cramped or confined. Consequently, I consider that suitable internal accommodation would be provided for future occupants, of the proposed development.

20. Turning to the provision of outdoor space, the proposed units would have access to a shared communal garden area. This would mainly consist of small, ad hoc pieces of space, which would predominantly be located alongside significant areas of vehicle parking. The communal garden space is therefore unlikely to serve any real practical purpose or be an inviting area for future residents to spend time.
21. In this instance, I do not find the availability of nearby public open space to negate the need to provide residents' with an appropriate quality of on-site outdoor space. The appellant also alludes to other developments in the area being served by similar garden arrangements, however, no specific details have been provided. My view therefore does not turn on this matter.
22. Accordingly, whilst I am satisfied with the scheme's internal arrangements, the proposed development would not provide suitable living conditions for future occupiers due to its inadequate provision of outdoor garden space. The appeal scheme therefore conflicts with Core Strategy Policies CS1, CS6, and CS41. Together, amongst other matters, these policies seek to promote development that is of a high-design standard, including with respect to the amenities of future occupiers.

Designated European Sites

23. The appeal site is located within the zone of influence for the Dorset Heathlands, Special Protection Area (SPA), Ramsar Site, and Special Area of Conservation (SAC) (collectively referred to as the 'Dorset Heathlands'). The Dorset Heathlands host a range of priority habitat species including birds, lizards, and snakes, as well as other species that can be found in lowland, heathland, wetlands and dunes. Accordingly, the Dorset Heathlands are protected habitat sites under the Conservation of Habitats and Species Regulations 2017, as amended (the Habitat Regulations).
24. The Dorset Heathlands are under significant pressure from increased public access and recreational use, resulting in disturbance to the habitat sites and threatening their integrity. Additional residential development in the vicinity of the Dorset Heathlands has the potential to exacerbate the situation.
25. The Habitat Regulations require that permission may only be granted after having ascertained that it will not affect the integrity of the relevant site. However, as I am dismissing the appeal on other grounds it has not been necessary for me to consider this further, including whether the appellant's submitted unilateral undertaking would secure any appropriate mitigation measures.

Other Matters

26. Compliance with other development plan policies, for example in respect of highway safety or the location of residential development, does not provide suitable justification for the appeal proposal.

Planning Balance and Conclusion

27. The appeal scheme would conflict with the development plan as a whole, for reasons previously identified.
28. The Council acknowledges that it cannot demonstrate a five-year housing land supply, which leads me to paragraph 11d) of the Framework. This states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, permission should be granted unless one of the two limbs of paragraph 11d), (i) or (ii), indicates otherwise.
29. In this instance, I have found the harm to designated heritage assets would outweigh the public benefits of the scheme. Accordingly, the application of policies in the Framework that protect designated heritage assets provide a strong reason for refusing the proposed development in accordance with paragraph 11(d)(i). As such, the presumption in favour of sustainable development does not apply.
30. The proposal conflicts with the development plan as a whole and there are no other considerations, including the provisions of the Framework, that indicate a decision other than in accordance with it. The appeal is therefore dismissed.

Lewis Condé

INSPECTOR