



Appeal Decision

Site visit made on 4 March 2025

by Nick Davies BSc(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 March 2025

Appeal Ref: APP/V1260/W/24/3348709

20 Hankinson Road, Bournemouth BH9 1HJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by P & K Electrical (Southern) Limited against the decision of Bournemouth Christchurch and Poole Council.
 - The application Ref is 7-2024-5853-H.
 - The development proposed is to demolish the existing buildings and erect a pair of semi-detached houses with a block of 2no. flats with on site car parking, bin and bicycle store.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The proposal has been made in outline, with details of landscaping reserved for future consideration. Plans that accompanied the application show some landscaping proposals. However, as landscaping is a reserved matter, I have considered these elements of the drawings solely on the basis that they have been submitted for illustrative purposes.
3. The third paragraph of the Council's reasons for refusal was based on harm to the Dorset Heathlands Special Protection Area and the Dorset Heaths Special Area of Conservation. The Council's decision notice indicates that this part of the refusal could have been overcome by entering into an Agreement under Section 106 of the Town and Country Planning Act 1990. During the appeal, the appellant submitted a Unilateral Undertaking dated 20 March 2025, under Section 106 of the Act (the UU), which secures financial contributions towards heathland mitigation measures. The Council has approved the UU, so I am satisfied that this part of the reasons for refusal has been overcome.

Main Issues

4. The main issues are, therefore:
 - a) Whether the site is suitable for the proposed use, bearing in mind development plan policies relating to employment land;
 - b) The effect of the development on the character and appearance of the area;
 - c) The effect of the development on the living conditions of the occupants of neighbouring properties with regard to outlook and privacy; and,
 - d) Whether the development would provide suitable living conditions for future occupants.

Reasons

Employment land

5. The appeal site lies between the residential properties that front Hankinson Road and Markham Road. Access is gained via a driveway between Nos 20 and 22 Hankinson Road, which gives rise to an area of land that accommodates a building of one and two storeys behind an area of hardstanding. It is a matter of dispute whether the building is currently in commercial use. From what I saw, it did not appear to be used for any ongoing business, but accommodated the storage of goods relating to a former business, together with some personal items. However, there is no dispute that it has previously been in light industrial use, and that its most recent use was as an electrical installation company.
6. Policy CS27 of the Bournemouth Local Plan: Core Strategy (October 2012) (the Core Strategy) seeks to retain existing commercial sites to allow for a diverse range of local sustainable employment opportunities. The Policy only permits the development of such sites for other purposes if the current use causes environmental problems, or the location of the premises is no longer suitable for employment use. Where development is permitted, other employment generating uses are favoured and, prior to non-employment uses being considered, it must be demonstrated that an employment use is not forthcoming, and the site has been marketed for a minimum of 12 months.
7. The appellant contends that, as the site is closely associated with residential properties, and there are no restrictions on the hours of use of the premises, its use for commercial purposes could cause environmental problems. Furthermore, it is argued that the constrained access to the site and the limited on-site car-parking mean that it is no longer suitable for employment use. It is claimed that the building has been vacant for a period of time for these reasons. The appellant acknowledges that no market research has been undertaken, but asserts that, for the foregoing reasons, such an exercise would be unlikely to generate any interest.
8. I saw that the buildings are in fair condition, and provide a range of spaces, including workshops and offices. Access by small goods vehicles is easily achieved and, whilst car-parking is limited, there is space for a number of small vehicles in front of the building. The site is, in any event, in an accessible location where employees would not be dependent on private vehicles to travel to work. There is no evidence that the premises were unsuitable for their former use, or that use as an electrical installation company gave rise to any environmental problems. Whilst the site would not be suitable for a distribution use requiring large vehicles, I see no reason why it would be inherently unsuitable for a range of commercial, business or service uses.
9. The Council's evidence, which has not been challenged, indicates that demand for industrial units in Eastern Dorset is strong, and supply is perceived as generally poor. Consequently, in the absence of any marketing, I cannot safely conclude that the site is unsuitable for employment use, or that any potential occupants would cause environmental problems. The redevelopment of the premises for residential purposes would, therefore, result in the loss of an employment site in conflict with Policy CS27 of the Core Strategy. The Council's reason for refusal on this issue also refers to Policies CS21 and CS41 of the Core Strategy, as well as saved

Policy 6.8 of the Bournemouth District Wide Local Plan (February 2002) (the Local Plan). However, none of these Policies are relevant to this issue.

Character and appearance

10. The appeal site lies in a largely residential area comprising red brick detached and semi-detached houses set in long straight rows behind low brick walls. Many of the buildings have bays, gables, and decorative brick bands. Their formal layout and high-quality period architecture gives the area a cohesive and distinctive character. There are, however, some larger gaps between the frontage houses, which give access to a mixture of residential and commercial buildings behind. These buildings are of an entirely different character, but as they are set back from the road behind the frontage, they are only glimpsed through the gaps and do not detract from the overall cohesion of the street scene.
11. The appeal site is one of these backland plots. The existing buildings on the site are of white rendered construction, and are a combination of two-storey with a pitched roof and single storey with a flat roof. There are two large steel up and over doors in the front elevation, and the area in front of the building is entirely hard surfaced. The site has a somewhat untidy appearance, and does not reflect the distinctive frontage development in any way. However, it is only readily visible through the gap between Nos 20 and 22, so it does not significantly detract from the character and appearance of the area.
12. The proposal involves the demolition of the existing buildings and their replacement with two houses and two flats that would be broadly similar in site coverage, but with a higher proportion at two-storey height. As a result, the buildings would be close to both side boundaries, and also to part of the rear boundary. However, from the limited public viewpoints, the relationship between the buildings and their boundaries would not be evident. Indeed, as the proposed houses would be set further back on the site than the existing two-storey building, there would be a greater sense of openness behind the buildings when viewed down the access drive.
13. Although landscaping is a reserved matter, the relatively high coverage of the site with buildings and car-parking dictates that any planting would be limited in scale. However, this is quite an urban environment, where buildings are not generally well-screened by foliage. There is no landscaping at all on the existing site, so the fact that only small-scale planting could be accommodated would not result in the development looking incongruous or unduly cramped in the street scene.
14. The flat-roofed section would be a departure from the prevailing character of the frontage houses. However, the presence of contrasting buildings set behind the road-facing development is an existing feature of the locality that does not harm its overall cohesiveness. The flat roof would reduce the height of this part of the building, and would break the overall development down into visually discreet parts, which would reduce its apparent scale, and would preserve the visual dominance of the frontage buildings. Furthermore, the west side elevation of this part of the building would align with the side wall and boundary fence of No 22, so would appear as an orderly continuation of built development into the site, rather than a contrived addition.
15. Whilst the general design of the proposed development is not particularly innovative or distinctive, it would not be a prominent feature in the street scene. It

would be set well back from the road behind a two-storey frontage, so would only be glimpsed between buildings. Furthermore, it would replace an existing building that does not make a positive contribution to the visual amenity of the locality. Overall, the development would result in a moderate improvement in the appearance of the site without harming the distinctive and cohesive character of the surrounding area. The proposal would, therefore, accord with Policies CS21 and CS41 of the Core Strategy and saved Policy 6.8 of the Local Plan, which together seek to ensure that residential development is designed to respect the site and its surroundings, and to maintain and enhance the quality of the street scene.

Living conditions of neighbouring occupants

16. The appeal premises lie behind the line of buildings in Hankinson Road, and are bordered on all four sides by residential gardens. Its lawful use therefore results in commercial activity within an otherwise relatively tranquil residential environment. The buildings are close to the site boundaries and there are first floor windows in three of its elevations, so they have some impact on the outlook and privacy of surrounding occupants.
17. Units 1 and 2 would have first floor bedroom windows that would look directly towards the rear elevations of 18, 20 and 22 Hankinson Road. The Council's Residential Development: A Design Guide (September 2008) (the Design Guide) recognises that, in most urban areas, a degree of overlooking is inevitable. Nevertheless, it advises that, to avoid harmful overlooking, a distance of 21 metres should be maintained between parallel two storey dwellings. The evidence indicates that, in this case, the distance would be a little less than that. However, the bedroom windows would be further away than the current first floor office windows, so the separation distance would be greater than existing. It is contended that a residential use would increase the intensity of overlooking, but, unlike bedrooms, the offices would be likely to be occupied for long periods of the day. In these circumstances, the net impact on the privacy of neighbouring occupants would be similar.
18. There would also be first floor windows in the south and east elevations of Unit 4, which would face the rear elevations of 22 Hankinson Road and 22/24 Somerley Road at considerably less than 21 metres. However, all of these windows are marked on the submitted drawings as being obscure glazed. These windows would either be secondary, or would serve a bathroom and stairwell, so a condition requiring the installation and retention of obscure glazing would not be an unreasonable imposition, and would prevent any harmful overlooking. The flat-roofed nature of Unit 4, and its distance from the windows of these properties, means that there would be no harm to the outlook enjoyed by the neighbouring occupants.
19. There would be first floor bedroom windows in Units 1, 2, and 4 looking north, towards the rear of the houses that front Markham Road. In this case, it is not disputed that the Design Guide advice on a 21-metre separation distance between parallel buildings would be achieved. However, the buildings would be close to the rear garden boundaries of the properties in Markham Road. In the case of Units 1 and 2, a rear garden would be provided, and the first floor of the building is set back, so that the bedroom windows would be about nine metres from the

boundary. In these circumstances, suitable boundary treatment and landscaping, could prevent harmful overlooking of the garden of 21 Markham Road.

20. However, the first-floor bedroom windows in Unit 4 would be within about a metre of the boundary. As a result, there would be no space for suitable landscaping within the appeal site to prevent close overlooking of the rear garden of No 23 Markham Road. I appreciate that there is an existing line of conifers that currently provides a screen, but these are so close to the boundary that significant pruning would likely be needed to facilitate the development, which may result in considerable gaps. Furthermore, excavations so close to their base may affect their future viability. I cannot therefore safely conclude that the existing planting would effectively screen the windows either in the short or longer term. Notwithstanding that No 23 has a large rear garden, the presence of two first floor windows so close to the boundary would result in very close overlooking and a significant loss of privacy for occupants of the garden.
21. This aspect of the proposal would, therefore, result in harm to the living conditions of neighbouring residents. Consequently, the development would be contrary to Policies CS21 and CS41 of the Core Strategy and saved Policy 6.8 of the Local Plan, which seek to ensure that new development provides adequate privacy for the occupants of adjacent residential properties.

Living conditions for future occupants

22. There is no dispute that Units 1 and 2 would meet the minimum internal floor areas identified in the Technical housing standards – nationally described space standard (the NDSS)¹. The Design Guide advises that private gardens should be of a useful size for the proposed occupants enabling flexibility of use and personalisation over time. However, no minimum space standards are given. In the case of Units 1 and 2, each dwelling would have a level private rear garden of about six metres in depth and width. Although the gardens would be shaded for much of the day, particularly in winter, they would provide sufficient space for sitting out, drying washing, and other normal day-to-day activities. In the absence of any adopted standards, I find that they would provide sufficient outdoor amenity space for occupants. Overall, therefore, Units 1 and 2 would provide suitable living conditions, including privacy, for future occupants.
23. It is contended that Unit 3 does not meet the NDSS floorspace requirements for a 2 bed, 4-person dwelling. However, one of the bedrooms is below 11.5m², so is only suitable for single occupancy. Consequently, the dwelling should properly be considered as a 2 bed 3-person dwelling, which should be at least 61m². The evidence indicates that the proposed floorspace would be marginally below this. However, there is no development plan policy that requires the space standards of the NDSS to be applied. Consequently, and in view of the limited deviation from the NDSS minimum, I find that Unit 3 would provide suitable living space for proposed occupants. Its outdoor space would be restricted in size and shaded for much of the day, but it would be a private area that would allow for sitting out and drying washing. Overall, the dwelling would provide satisfactory living conditions.
24. Unit 4 would meet the internal space requirements of the NDSS. However, it would not have access to any external outdoor space, either private or shared. Consequently, occupants would have nowhere to sit in the open air, dry washing,

¹ Department for Communities and Local Government - March 2015

grow plants, or any of the other activities that occupants should reasonably be able to enjoy in the open air close to their dwelling. Whilst I recognise that there is no development plan policy or adopted guidance specifying a minimum standard for outdoor amenity space provision, there is a requirement to provide a high standard of amenity to meet the day-to-day requirements of future occupants. The lack of provision of any external space for relaxation means that this requirement would not be achieved.

25. So, whilst the proposal would provide satisfactory internal living conditions for future occupants, the lack of outdoor space for Unit 4 means that the development would fail to provide suitable living conditions for the occupants of that dwelling. The proposal would therefore be contrary to Policy CS41 of the Core Strategy and saved Policy 6.8 of the Local Plan, which seek to ensure that new development provides a pleasant residential environment with a high standard of amenity for future occupants.

Planning Balance

26. I have found that the proposal would conflict with development plan policies that seek to prevent the loss of employment sites, protect the living conditions of existing residents, and to ensure suitable living conditions for future occupants. However, it is not disputed that the Council cannot currently demonstrate a five-year supply of deliverable housing sites. The Council's evidence indicates that the supply is 2.3 years (a shortfall of 4,862 homes), whereas the appellant contends that it is now 1.6 years. Either way, the shortfall is substantial. In these circumstances, Paragraph 11d) of the National Planning Policy Framework (the Framework) advises that permission should be granted unless any adverse impacts of doing so 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.
27. Paragraph 232 of the Framework makes it clear that due weight should be given to existing development plan policies according to their degree of consistency with the Framework. Section 12 of the Framework seeks to achieve well-designed places. Paragraph 135 says developments should create places which promote health and well-being, with a high standard of amenity for existing and future users. I see no fundamental conflict between these aims and those of Policies CS21 and CS41 of the Core Strategy, and saved Policy 6.8 of the Local Plan. The conflict between the proposal and these development plan policies should, therefore, be given significant weight in this appeal.
28. Paragraph 125 of the Framework says substantial weight should be given to the value of using suitable brownfield land within settlements for homes and other identified needs, proposals for which should be approved unless substantial harm would be caused. Paragraph 128 says proposals to use retail and employment land for homes in areas of high housing demand should be supported, provided this would not undermine key economic sectors or sites, or the vitality and viability of town centres. Policy CS27 of the Core Strategy places a greater restriction on the use of small commercial sites for housing than the policies of the Framework taken as a whole. Consequently, it is out of date in the context of paragraph 11d).

Accordingly, the conflict between the proposal and this Policy carries little weight in my decision.

29. The proposal would support the Framework's objective of significantly boosting the supply of homes as set out at paragraph 61, and it would make a modest contribution towards addressing the shortfall in housing land supply. The site is in an accessible location, so would be an appropriate site for additional housing. Paragraph 73 of the Framework says great weight should be given to the benefits of using suitable sites within existing settlements for homes.
30. The proposal would also provide economic benefits through employment during the construction phase, and the ongoing spend of residents thereafter. However, the relatively modest scale of the development means that these benefits would be limited.
31. Paragraph 131 of the Framework says that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve, and that good design is a key aspect of sustainable development, and creates better places in which to live and work. Furthermore paragraph 123 advises that the effective use of land in meeting the need for homes should also ensure the safeguarding and improvement of the environment and ensuring safe and healthy living conditions.
32. In the final balance, the loss of this small employment site would not outweigh the Framework's general aims to boost the supply of housing through the efficient use of suitable brownfield land in accessible locations. However, the Framework does not seek to achieve these aims at the expense of a high standard of amenity for existing and future users. Consequently, when assessed against the policies in the Framework, taken as a whole, the benefits of the proposal are significantly and demonstrably outweighed by the harm to the living conditions of existing and future occupants. The advice at paragraph 11d) does not, therefore, indicate that my decision should be otherwise than in accordance with the development plan in this regard.

Conclusion

33. There are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should be dismissed.

Nick Davies

INSPECTOR