



Appeal Decision

Site visit made on 23 January 2025

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

an Inspector appointed by the Secretary of State

Decision date: 28 March 2025

Appeal Ref: APP/V1260/W/24/3345624

63 Leybourne Avenue, Bournemouth BH10 6ET

- 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 Pure Town Planning against the decision of Bournemouth Christchurch and Poole Council.
- The application Ref is 7-2023-24913-A.
- The development proposed is sever land and erect a detached house with associated access and car parking arrangements.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. Amended plans were submitted at the appeal stage¹, which provide a minor alteration to the proposed parking layout, and alter the siting and size of the proposed cycle store, with a consequent re-siting of the proposed bin storage area and a reduction in soft landscaping. These plans do not substantially alter the nature of the proposed development, and I am satisfied that the parties' interests, including those of interested parties, would not be prejudiced by the amended plans being considered in this appeal. Therefore, I have considered these plans as part of this appeal.
3. At the appeal stage, the Local Highway Authority confirmed that the amended plans overcome the Council's 2nd and 3rd reasons for refusal given in the Council's decision notice. This has been reflected in the main issues, below.

Main Issues

4. The main issues are the effect of the proposed development on:
 - the character and appearance of the area; and
 - the living conditions of the future occupiers of the proposed new dwelling, with particular regard to private amenity space.

Reasons

Character and appearance

5. The appeal site comprises 63 Leybourne Avenue (No 63), an attractive 2-storey semi-detached dwelling which is located on a generously-sized corner plot in a residential area. The other 3 corner plots at the crossroads of Leybourne Avenue

¹ Site and Block Plans (Drawing No. 4385-00-001 (Rev. B)), Bike Storage Box (Drawing No. 4385-00-901 (Rev. B)).

and Saxonhurst Road have a similar layout to the semi-detached pair of which No 63 forms a part, except that infill development has occurred in the form of 116A Saxonhurst Road (No 116A) and 70A Leybourne Avenue (No 70A), which are each 2-storey detached dwellings.

6. The local area consists of medium-density housing, often consisting of rows of detached and semi-detached early-to-mid 20th century 2-storey dwellings. As the Inspector noted in appeal decision Ref APP/G1250/W/16/3159447 (which granted planning permission for the dwelling now known as 70B Broughton Avenue (No 70B)), whilst the regular arrangement of properties results in an orderly rhythm to the character of the area, the spaces between properties are not uniform.
7. The proposed development would sub-divide the plot. It would introduce a new 3-bedroom detached dwelling situated in-between No 63 and 65 Leybourne Avenue (No 65). The resulting polygonal layout would find both No 63 and the proposed new dwelling being sited in plots of a constrained width, with each dwelling having a small and irregularly-sized rear garden area. Nevertheless, this layout would be reflective of that at No 116A, No 70A, and No 70B. Moreover, given the variance in spacing between dwellings referred to above, and having observed other dwellings in constrained plots in the locality², such an arrangement would not be wholly out-of-character in the area.
8. No 63 is a 1930's dwelling with clearly-articulated and distinctive art deco influences. Whilst a mix of designs exists in the local area, many nearby dwellings exhibit traditional styles. Much of the western side of Leybourne Avenue consists of period dwellings with red brick and rendered walls, and prominent projecting bay windows. The proposed new dwelling would incorporate a predominantly uniform principal elevation with little variation or interest in its design, with window proportions which would not complement nearby dwellings. Its southern side elevation comprising the kitchen and a bedroom would present a largely featureless façade. All-in-all, the proposed new dwelling would have a bland appearance, which would undermine and detract from the attractiveness of the nearby period dwellings near it on Leybourne Avenue.
9. Although the frontages of plots are mixed in appearance in the area, and occasionally include parking areas, the area has a verdant feel and I observed that both No 65 and 67 Leybourne Avenue have grassed areas on substantial parts of their frontages. The latter arrangement is not uncommon in the vicinity. The proposed development would, in contrast, contain a large area of porous paving to the frontage of the plot, with minimal areas proposed for soft landscaping.
10. Consequently, the proposed development would not accord with paragraph 3.12.2 of the Residential Development: A design guide (adopted 2008), which provides that, amongst other things, car parking provision should be broken up with soft landscaping, nor with paragraph 86 of the National Design Guide which provides that, amongst other things, well-designed parking is attractive, well-landscaped and sensitively integrated into the built form so that it does not dominate the development or the street scene.
11. 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

² Including 1A Deanscroft Road, 2A Deanscroft Road, 15A Deanscroft Road, and the plot at 73 Saxonhurst Road which was sub-divided to make way for 73A Saxonhurst Road.

part 1. of Policy CS22 of the Bournemouth Local Plan: Core Strategy (adopted 2012) (Core Strategy) which provides that, amongst other things, proposed development outside the preferred housing areas will only be permitted where the appearance of the development is in keeping with the surrounding area, and 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. The proposed development 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.

12. The proposed development would also conflict with paragraph 135 b) of the National Planning Policy Framework (the Framework) which provides that, amongst other things, planning decisions should ensure that developments are visually attractive as a result of good architecture, layout and appropriate and effective landscaping, and with paragraph 139 of the Framework which provides that, amongst other things, development that is not well designed should be refused.

Living conditions

13. The proposed new dwelling would be provided with a small rear garden, of an irregular shape. In these respects, it would bear similarities with other 3-bedroom dwellings on constrained plots in this fairly close-knit residential area, including No 116A, No 70A, and 15A Deanscroft Road.
14. Nevertheless, these examples are the exception rather than the rule in the local area, in that dwellings generally benefit from reasonably long rear gardens of a regular shape. In any event, private amenity space of an adequate size and shape is a necessity to promote the health and well-being of the occupiers of the proposed new dwelling. In this case, the private amenity space provided for the proposed new family-sized dwelling would provide minimal opportunities for relaxing and meaningful recreation. Harm to the living conditions of the future occupiers would result.
15. I therefore find that the proposed development would have an unacceptable and harmful effect on the living conditions of the future occupiers of the proposed new dwelling, with particular regard to private amenity space. It would conflict with part 3. of Policy CS22 of the Core Strategy which provides that, amongst other things, proposed development outside the preferred housing areas will only be permitted where it would not harm living conditions, and with Policy CS41 of the Core Strategy which provides that, amongst other things, development should, through its layout be designed to provide a high standard of amenity to meet the day-to-day requirements of future occupants.
16. The proposed development would conflict with part iii) of Policy 6.8 of the Local Plan which provides that, amongst other things, development will be expected to provide a pleasant and safe residential environment.
17. The proposed development would also conflict with paragraph 135 f) of the Framework which provides that, amongst other things, planning decisions should ensure that developments create places with a high standard of amenity for future users.

Other Matters

18. 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

19. The proposed development would provide one new dwelling in an established residential area, near to numerous services and facilities and public transport routes. It would contribute towards housing choice and mix in the local area, via the provision of a new family-sized dwelling.
20. The evidence indicates that in the Bournemouth area there is a 2.3 year housing land supply with a 20% buffer. The latest Housing Delivery Test results provide a measurement of 22%, placing Bournemouth in the 'presumption' category. These figures indicate a significant shortfall in housing delivery. The proposed development would provide a limited contribution towards addressing this shortfall, and the scale of its economic benefits to the local area would not likely be significant.
21. Whilst paragraph 11 d) of the Framework is engaged, it does not automatically follow that the policies which are most important for determining the appeal are out-of-date in substance. The development plan policies mentioned under each main issue above are not inconsistent with the relevant policies in the Framework, meaning that the weight attached to the proposed development's conflict with these policies is not reduced.
22. The harms identified on both main issues would mean that the proposed development would not contribute towards Objective 1 of the Core Strategy which seeks to ensure that the quality of the built environment is high, nor towards Objective 2 of the Core Strategy which seeks to promote healthy and active residents. Given the limited amount of development proposed and its minimal contribution towards economic growth, the benefits of the proposed development would not be sufficient to outweigh 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.
23. The proposed development would conflict with paragraphs 135 and 139 of the Framework, which are key policies for the purposes of paragraph 11 d) ii. of the Framework. Although the proposed development would contribute towards the Government's objective of significantly boosting the supply of homes, it would not contribute towards the creation of high quality places, which the Framework emphasises is fundamental to what the planning and development process should achieve.
24. Given my findings on the first main issue above, the proposed development would not comply with paragraph 129 e) of the Framework 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 places, which is also a key policy for the purposes of paragraph 11 d) ii.

25. The adverse impacts of granting planning permission 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. The proposed development would not benefit from the presumption in favour of sustainable development, found at paragraph 11 of the Framework.
26. Overall, none of the other considerations material to the proposed development indicate that this appeal decision should be taken otherwise than in accordance with the development plan.

Conclusion

27. 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