
Appeal Decision

Site visit made on 27 February 2025

by **Lewis Condé BSc, MSc, MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 08 April 2025

Appeal Ref: APP/V1260/W/24/3342455

7 Borthwick Road, Bournemouth, BH1 4ER

- 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 Mr Khalid Toure, 12 Doors Ltd, against the decision of Bournemouth Christchurch and Poole Council.
 - The application Ref is 7-2023-19579-B.
 - The development proposed is internal alteration and ground floor extension to House of Multiple Occupancy (Sui Generis).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. A revised version of the National Planning Policy Framework was published on 12 December 2024. Main parties have been given the opportunity to comment on the implications of the revised Framework. Where received, comments have been taken into account.
3. During my site visit, I was unable to gain access into the individual bedrooms within the existing HMO. However, I am satisfied that I have been able to make a fair and accurate assessment of the proposed development based upon the submitted plans and those areas of the site that I was able to view.

Main Issues

4. The main issues are the effect of the proposal on: i) the character and appearance of the host property and the Churchill Gardens Conservation Area; ii) the living conditions of future occupiers; and iii) the integrity of European Designated Sites

Reasons

Character and Appearance

5. The appeal property is located within the Churchill Gardens Conservation Area (the CA). The CA encompasses a relatively small area, and consists of residential properties laid out in a town square arrangement fronting onto Churchill Gardens, an attractive greenspace that is the focal point of the CA.
6. The properties within the CA contain examples of late Victorian and Edwardian architecture, including a wealth of architectural features and original materials. Despite some past unsympathetic works, and a significant number of the properties having been converted to houses in multiple occupation, the built form

has a strong sense of cohesion. This largely stems from the layout of the built form and also the buildings' rich detailing and use of materials.

7. Indeed, the Churchill Gardens Conservation Area Appraisal (adopted 2013) (the Appraisal) identifies that the significance of the CA is largely derived from its historic and architectural interest, while the endurance of the original properties and features, together with their relationship with the greenspace provides the essence of its special character. Notably, the Appraisal highlights how the original layout of dwellings is still evident, with the area not having been subject to infill development or major changes. From my own observations, the findings of the Appraisal appear accurate.
8. Although the appeal property has previously been subject to alterations, including the conversion to a HMO, it retains many of the period features and architectural form from which it dates, it is therefore representative of the original pattern of development within the CA. As such, I find it makes a positive contribution to the CA, as reflected within the appraisal.
9. The proposal would add a rather bulky, single storey flat roof extension to the rear of the host property. Despite, the use of suitable materials and the proposed parapet detailing, it would appear as an incongruous addition to the host building. This is due to the size and flat roof nature of the proposal, together with the manner that it would encompass and wrap around existing elements of the appeal dwelling. This would be to the detriment of the appeal building but would also detract from the rather consistent layout and arrangement of dwellings along the street.
10. Although linked to the host building, the creation of separate self-contained accommodation within the rear garden of the appeal property would also not reflect or respect the historic pattern of development within the CA.
11. Public views of the proposed rear extension would be highly limited. Nonetheless, the proposal would be an unsympathetic addition, while a lack of prominence is not a suitable justification to accept poor quality design.
12. Consequently, I find the proposed development would cause harm to the character and appearance of the host property and the wider 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.
13. Set against this harm, the appeal scheme would provide public benefits through the creation of additional residential accommodation in a sustainable location and 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.

14. 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 limited.
15. Overall, I do not consider the public benefits of the appeal scheme to outweigh the harm to the designated heritage asset.
16. Accordingly, the proposal conflicts with Policies CS39 and CS41 of the Bournemouth Local Plan Core Strategy (adopted 2012) (the Core Strategy), as well as saved Policy 4.4 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

17. Policy BAP7 of the Boscombe and Pokesdown Neighbourhood Plan (Made 2019) (the Neighbourhood Plan) aims to ensure that new homes are built to a high design quality. Notably, the policy adopts the use of the Technical Housing Standards – Nationally Described Space Standards (the NDSS). The floorspace for the proposed two-bedroom self-contained flat would fall significantly below the standards in the adopted NDSS. Given the extent of shortfall, I consider the two-bedroom unit is likely to result in a highly cramped and unsatisfactory living space for potential future occupiers.
18. Majority of the proposed HMO units would be served by individual kitchenettes within the bedrooms, as well as en-suite bathrooms. For all intents and purposes this would result in several self-contained units, albeit with some access to communal areas.
19. Given the size of the proposed private HMO rooms and their multifunctional nature, they would again result in a highly cramped and rather oppressive living environment. Although some communal living space to serve the proposed development would be available, it is of an inadequate size to comfortably accommodate multiple residents simultaneously. Additionally, due to the proposed siting of the extension for the separate self-contained accommodation, the living room to serve the HMO would have a poor standard of outlook and would likely be gloomy in nature.
20. The proposal would also involve the provision of cycle and bins stores in the rear garden. However, the proposed extension to the property would result in insufficient space being maintained to allow an external side access to these facilities. At the time of my site visit there appeared to be access to the rear of the site from a neighbouring street, but this is outside of the appeal site boundary, while it is unclear whether a right of access exists or if it would necessitate use of private land under another ownership.
21. As such, based on the evidence before me, it would be necessary for residents of the proposal to carry their waste and manoeuvre bicycles back and forth through the building to and from the bin/bike store. Such an arrangement may not be uncommon for terraced properties, but the proposal involves a substantial sized HMO capable of accommodating many residents. As such, it is likely to lead to frequent and sustained access to and from the bin/bike store. This arrangement is

less than satisfactory and adds to the feeling that the proposal is overly cramped and somewhat contrived form of development.

22. The appellant indicates that through investment into the property the standards of accommodation has already been significantly improved, while the appeal proposal would further enhance occupier's living conditions. Notwithstanding that I have limited details of the prior condition of the appeal site, the evidence before me indicates that the proposal will result in a more intensive use of the site and likely lead to crowded and cramped conditions.
23. Bringing the above together, I find the proposed development would not provide suitable living conditions for potential future occupiers. It therefore conflicts with Policies BAP1 and BAP7 of the Neighbourhood Plan, as well as Core Strategy Policies CS16, CS21 and CS41. Amongst other matters, these policies seek to promote a high-standard of design, including through providing appropriate amenity standards for future occupants.

European Designated Sites

24. 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.
25. Accordingly, the Dorset Heathlands are protected habitat sites under the Conservation of Habitats and Species Regulations 2017, as amended (the Habitat Regulations).
26. 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.
27. The Habitat Regulations require that permission may only be granted after having ascertained that it will not affect the integrity of the relevant site. Since I am dismissing the appeal on other grounds it has not though been necessary for me to consider this further.

Other Matters

28. No robust evidence has been provided to demonstrate that the existing use of the property is unviable without the proposed development. Meanwhile, compliance with other development plan policies, for example in respect of the living condition of neighbours or the accessibility of the appeal site, does not overcome my above concerns.
29. The appellant has raised grievances with the manner in which the local planning authority dealt with the original application, but this does not affect my decision which has been made on the merits of the appeal scheme.

Planning Balance and Conclusion

30. The Council is unable to demonstrate a five-year housing land supply, which leads me to paragraph 11d) of the Framework.

31. 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.
32. 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