



Appeal Decision

Site visit made on 14 January 2025

by **K Reeves BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 10 June 2025

Appeal Ref: APP/V1260/W/24/3343326

21-23 Talbot Avenue, Bournemouth BH3 7HS

- The appeal is made under Section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for outline planning permission.
 - The appeal is made by Off Plan Property Group Limited against Bournemouth, Christchurch and Poole Council.
 - The application Ref is 7-2023-11564-J.
 - The development proposed is demolition of 2 existing dwellings and erection of thirty flats across three buildings with associated access, car parking, cycle and bin storage.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Off Plan Property Group Limited against Bournemouth, Christchurch and Poole Council. This application is the subject of a separate Decision.

Preliminary Matters

3. The application has been submitted in outline with the only matters reserved for future consideration being landscaping. I have dealt with the proposal on that basis, treating landscaping details such as those on the plans for illustrative purposes only.
4. The Council did not determine the application. However, it has indicated that had it been able to issue a decision it would have refused permission on the grounds that the proposed development would have a detrimental impact on the character or appearance of the Meyrick and Talbot Woods Conservation Area, and it would provide poor living conditions for the future occupiers of the proposed development.
5. The appellant has provided amended plans that show the proposed brick wall on the front boundary being changed to metal railings and internal changes to two flats to facilitate internal cycle parking. The other amendments relate to trees, including removing a parking space, reducing the size of the external cycle stores associated hard standing and bin store locations being changed. Additional information is also shown on the amended plans, including a retained tree being added to the plans that had been omitted from the original plans and a service plan showing below ground infrastructure.

6. The *'Procedural Guide – Planning Appeals – England'* advises that if an appeal is made, the appeal process should not be used to evolve a scheme. The *Holborn Studios Ltd*¹ judgement established that there are two tests that must be considered before deciding whether to accept amendments to a proposal, namely a substantive test and a procedural test.
7. The amendments to the scheme are small scale and would not result in a substantive change to the proposal. Furthermore, there was an opportunity within the appeal timetable for the Council and interested parties to comment on the proposed amendments. I am therefore satisfied that no party has been prejudiced by the acceptance of the amended scheme.
8. A revised National Planning Policy Framework (the Framework) was published on 12 December 2024. The main parties were given the opportunity to comment on these changes and any further representations made on this have been taken into account.
9. A Unilateral Undertaking (UU) was submitted by the appellant during the appeal. The UU is to secure the necessary financial obligations towards the Council's heathland mitigation measures through a financial contribution. This is not a matter of dispute between the main parties. I have not considered the matter any further as I am dismissing the appeal on other grounds.

Main Issues

10. The main issues are:
 - whether the proposed development would preserve or enhance the character or appearance of the Meyrick and Talbot Woods Conservation Area; and
 - whether satisfactory living conditions would be provided for future occupiers of the proposed development, having regard to outlook, light and outdoor space.

Reasons

Conservation Area

11. The appeal site is located within the Meyrick and Talbot Woods Conservation Area (CA), which encapsulates a residential suburb of Bournemouth that includes two areas of parkland, Victorian Meyrick Park with mature wooded slopes and the heavily wooded area at Pug's Hole running between Glenferness Avenue and Rothesay Road. The predominant use of the buildings and land is residential or recreational. The residential properties comprise mostly of single family detached houses with some examples of flats. The significance of the part of the CA where the appeal site is located is derived from the consistent sizes of the plots and dwellings and their layout, the variety of building styles and the verdant and spacious sense of place.
12. The proposal includes the demolition of two existing dwellings, 21 and 23 Talbot Avenue (Nos 21 and 23). No 21 is a detached Edwardian building and No 23 is a bungalow that was constructed in the 1930s. The Council has advised that the

¹ *Holborn Studios Ltd v The Council of the London Borough of Hackney* [2017] EWHC 2823 (Admin)

form, features and characteristics of No 21, which define the period from which it dates, mean that it is identified as a positive contributor to the CA. The Council therefore asserts that the loss of that property would harm the significance of the CA.

13. The application included a Heritage Impact Assessment (HIA) that was prepared by Cotswold Archaeology. The HIA includes an assessment of the two buildings that are proposed to be demolished and concluded that No 21 makes a positive contribution to the significance of the CA, albeit a small contribution. It also concluded that No 23 is a neutral building in the CA. Whilst the HIA also concluded that neither building would constitute a non-designated heritage asset in their own right and that they have negligible individual heritage value, the key consideration is the contribution that they make to the significance of the CA. No 21 being identified in the HIA as making a small positive contribution to the significance of the CA means that its loss would result in some harm to the character or appearance of the CA.
14. Furthermore, it is noted that the Meyrick Park and Talbot Woods Conservation Area Character Appraisal sets out a presumption against the demolition of properties that make a positive contribution to the CA and the proposal would therefore be at odds with that guidance.
15. Turning to the proposed replacement development, the proposal is to erect three detached blocks of flats across the two existing plots. The existing boundary between the two properties would be lost as the development would be built across the entirety of both plots. As a result, the plots would be amalgamated into a single larger plot. This would not be reflective of the relatively consistent layout and width of the residential plots on the road.
16. There would also be a significant increase in the built massing and bulk on the site that would result in the single plot appearing more developed than the surrounding plots that have more of an open and spacious feel to them that is visually appreciated from the street. Furthermore, the proposed blocks of flats would be laid out in a symmetrical pattern with the central block set forward of the flanking blocks, and this would be reinforced by the two flanking blocks having the same form, design and external detailing. This would be at odds with the varied architecture and form of the other properties that line both sides of the street, thereby impacting negatively on a key aspect of the significance of the CA. These factors, in combination, mean that the proposal would harm the character or appearance of the CA.
17. Further to the massing and bulk of the proposed buildings, there would also be an increase in the amount of hardstanding at the front of the site. No 21 currently has a driveway and parking area to the front of the dwelling and No 23 has a semi-circular drive with two entrances. The proposed car parking area for the appeal development would occupy almost the full width and depth of the space in front of the blocks of flats. Whilst trees are being shown on the plans as being retained, there would be a reduction in the vegetation and grassed areas at the front of the site and this would result in a negative effect on the verdant character and appearance of the appeal site. The above identified harm to the CA would therefore be exacerbated by the parking area for the proposed development.

18. The appellant has drawn my attention to other flatted development in the CA. However, I have not been provided with the background to the decision to allow those developments and, in any case, the introduction of flats is not in itself the issue, it is more the effect of the proposed development on the significance of the CA. The presence of other flatted development in the CA therefore does not alter my judgement.
19. I consider that the degree of harm to the CA would be less than substantial in this instance. Under such circumstances the Framework indicates that this harm should be given great weight and weighed against the public benefits of the proposal.
20. The proposal would result in the contribution of 28 additional residential units towards the district's housing stock in a location that is sustainable in respect of its links to services and facilities. The evidence indicates that the Council has a substantial shortfall in housing delivery and that it cannot demonstrate a five-year housing land supply. The proposed development would help to address the district's housing shortage. There would also be associated social and economic benefits, including during the construction phase and through future residents paying into the local economy.
21. Even when taken together, the above stated public benefits are insufficient to outweigh the less than substantial harm to the CA and the considerable and important weight that it carries.
22. For these reasons, the proposed development would fail to preserve or enhance the character or appearance of the Meyrick and Talbot Woods Conservation Area. Consequently, the proposal would conflict with Policies CS40 and CS41 of the Bournemouth Local Plan: Core Strategy (2012) (CS), which collectively seek, in part, to protect local heritage assets by only supporting development that sustains or enhances the significance of the heritage assets and that the scale, density, layout, siting, character and appearance of development respects the site and its surroundings. Furthermore, the proposal would conflict with the historic environment policies of the Framework.

Living conditions

Outlook and light

23. The windows in the side elevations of Block B would overlook the grassed area between the buildings. However, the view beyond that, particularly from some of the windows in the first and second floors, would be of the blank brick side elevations of Blocks A and C. As such, there would be a poor outlook from those rooms.
24. In Blocks A and C, there would be bedrooms that would only be served by a single window that would be located in the corner of the room, such as bedrooms 1 and 2 in flat 1 of Block A. Those rooms would therefore have an unsatisfactory outlook from the majority of the room's internal area and the window would also provide a limited amount of light into the entirety of the room.
25. The ground floor flats at the front of Blocks A and C would have windows overlooking the hardstanding that would be formed at the front of the appeal site. Given that there would be a small area of grass between the front of those

buildings and the parking area, the predominant outlook from the habitable rooms served by those windows would be of a large expanse of hardstanding and parked vehicles. It would not provide future occupiers with a pleasing outlook but rather it would be poor and unsatisfactory.

26. The amended layout and fenestration for the ground floor flats at the rear of Blocks A and C would result in better light levels being experienced in those residential units. Given that the rear elevation of Blocks A and C face southwest, I am satisfied that the windows in the first and second floor flats at the rear of those buildings would allow sufficient light into those flats.
27. Despite the amended plans resulting in acceptable elements of the scheme, based on the evidence before me, I am not content that future occupiers of some of the flats would experience suitable living conditions throughout their property in respect of outlook and provision of light.

Outdoor space

28. The Council asserts that the amount of hard standing shown for car parking would leave an inadequate sized area of outdoor space for future residents that would also be irregularly shaped. I have not been provided with the Council's adopted space standards for outdoor space required for residential development, either in the form of a planning policy or a supplementary planning document.
29. The indicative plans indicate that the outdoor area around the buildings would be easily accessible to the future occupiers of the development and there are public parks within acceptable walking distances of the site. The occupiers would therefore have sufficient access to the communal outdoor area within the site and public outdoor space.
30. The outdoor area would have a large space to the rear of the buildings with additional areas between the buildings. Some of the flats would have their own private outdoor space in the form of balconies. The outdoor area between, and to the rear of, the buildings would provide adequately sized and private communal space for the residents of the proposed flats, when having regard to the private areas for some flats and the access to public outdoor space.
31. I have nothing before me that sufficiently demonstrates that the outdoor area would not be useable for the future residents of the development nor that there would be an inadequate amount of communal outdoor space for those residents. I am therefore not convinced that there is a policy conflict in respect of the provision of outdoor space.

Conclusion on living conditions

32. For these reasons, satisfactory living conditions would not be provided for future occupiers of the proposed development, having regard to outlook and light. Consequently, the proposal would conflict with Policy CS41 of the CS, which seeks, in part, to ensure that new developments enhance the amenities of future occupants and neighbouring residents.

Planning Balance

33. The Council accepts it cannot demonstrate a five-year housing land supply. In these circumstances, Paragraph 11(d)(i) of the Framework states that permission

should be granted unless the application of policies in the Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed. Designated heritage assets, which include conservation areas, are an example of such areas/assets.

34. I have already concluded that the proposed development would fail to preserve or enhance the character or appearance of the CA. The harm to the CA, which is not outweighed by the above identified public benefits, means that the heritage policies in the Framework provide a strong reason for refusing the development proposed. Paragraph 11(d)(ii) is therefore not engaged.
35. As previously established, the proposal would make a contribution of 28 additional residential units, and this would help to address the substantial housing delivery shortfall in the district. The Framework supports the boosting of housing supply. The site is also located in an area of the urban conurbation that has good sustainable transport links to services and facilities. Policy CS21 of the CS sets out that urban intensification will take place in areas that are well served by sustainable modes of travel. Additionally, the Framework gives great weight to the benefits of using suitable sites. However, this particular site is not regarded as being suitable for the reasons set out. Having regard to the scale of the development and the above factors, I afford the provision of additional housing on this site notable weight.
36. There would also be associated social and economic benefits, including during the construction phase and through future residents paying into the local economy and using local services and facilities. These types of benefits are also supported by the Framework. Given the scale of the proposal, they are given moderate weight in the planning balance.
37. Weighing against the benefits is the conclusion that the proposed development would fail to preserve or enhance the character or appearance of the CA, and satisfactory living conditions would not be provided for future occupiers of the proposed development. The proposal may comply with certain policies contained in the development plan, but given the harm that I have identified, the proposal would conflict with the development plan when taken as a whole.
38. According to the Framework, when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Moreover, it states that development should be sympathetic to local character and history, including the surrounding built environment, and opportunities should be sought for new development within conservation areas to enhance or better reveal their significance. It is also stated that a high standard of amenity should be provided for future users of development.
39. Given that the development plan policies that I have identified conflict with are consistent with the Framework, I apportion significant weight to the policy conflicts and associated harm that would be caused by the proposed development.
40. Consequently, the benefits identified above would not outweigh the conflict with the development plan and the associated harm that would result from the proposed development.

Conclusion

41. For the reasons given above, the proposed development would conflict with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. Accordingly, the appeal should be dismissed.

K Reeves

INSPECTOR