Notice of Planning Board Meeting

Monday 16 April 2018 at 2.30pm

HMS Phoebe Committee Room, Town Hall, Bournemouth

Board Members:

Councillor David Kelsey – Chairman
Councillor Malcolm Davies – Vice Chairman
Councillor Sue Anderson
Councillor Stephen Bartlett
Councillor Mark Battistini
Councillor Simon Bull
Councillor Laurence Fear
Councillor Gina Mackin
Councillor Lynda Price
Councillor Philip Stanley-Watts
Councillor Chris Wakefield

All Members of the Board are summoned to attend this meeting to consider the items of business set out on the agenda below.

The public, press and any Councillor are welcome to attend this meeting.

For further information please contact: Jill Holyoake, Senior Democratic and Overview and Scrutiny Officer, Legal and Democratic, Town Hall, Bourne Avenue, Bournemouth BH2 6DY. Tel: 01202 454715 E-Mail: democratic.services@bournemouth.gov.uk

Note for Members of the Planning Board:

Members are asked to bring their copies of the Bournemouth Local Plan: Core Strategy and the District Wide Local Plan to the meeting for reference purposes.
Public involvement

The Board welcomes members of the public to contribute to the meeting

1 by asking to speak on an agenda item or a community planning issue as a ‘Deputation’; or
2 by asking a ‘Public Question’ - any member of the public whose name appears on the Electoral Roll for Bournemouth - which includes a person under the age of 16 years living in Bournemouth and who is escorted by a qualifying adult.

Please note that deputations may not be permitted in relation to

1 planning application appeals as these appeals have a separate consultation process;
2 planning applications which an officer is going to determine under the Council’s scheme of delegation to officers

Public questions may not be permitted in relation to individual planning applications as these applications have a separate consultation process.

A request to speak as a deputation or ask a question must be sent in writing or email to Democratic Services at the address shown on page 1 by no later than 10.00 am on Friday 13 April 2018.

A loop system for hearing impairment is provided in the meeting room. There is disabled access to the building. Councillors and visitors with particular needs should inform the Council before arriving at the meeting.

This agenda together with records of decisions and reports are available on the Council’s web site at: http://www.bournemouth.gov.uk/CouncilDemocratic/CouncilMeetings/CommitteesPanels/PlanningBoard.aspx

A copy of this document may be available on request in alternative formats.

Audio recording and filming

This meeting may be audio recorded by the Council for subsequent publication on the Council’s Website. Anyone may audio record, film, take photographs and/or use social media such as tweeting and blogging when this meeting is open to the public. Anyone wishing to record this meeting in anyway must do so in accordance with Council Procedure Rule 108 and the Council’s protocol for filming and audio
recording at public meetings and the Public Notice on Filming and Recording Meetings which can be found using the following link: 

If you have any queries regarding this please contact the Democratic Services Officer at the meeting.

Agenda

Items to be considered when the meeting is open to the public

1 Apologies

2 Substitute Members

The Democratic Services Officer will report on any changes in the membership of the Board, under Procedure Rule 89.

3 Declarations of interest

Members are asked to declare in accordance with Procedure Rule 5:

a. any disclosable pecuniary interests in any item under consideration at the meeting as required by the Localism Act 2011;

b. any memberships of outside bodies where such membership involves a position of control or significant influence on the organisation concerned;

Members are also asked to state fully the nature of the interest(s). If any member has a query regarding possible interests, please contact the Democratic and Overview and Scrutiny Officer in advance of the meeting.

4 Confirmation of minutes

To confirm the minutes of the meetings held on 19 March 2018: https://www.bournemouth.gov.uk/councildemocratic/CouncilMeetings/CommitteeMeetings/PlanningBoard/2018/03/19/Minutes/planning-board-minutes.pdf
5 Public items

a Public Questions
The Democratic Services Officer will report on any public questions received by the notice deadline.

b Deputations
The Democratic Services Officer will report on any deputation requests received by the notice deadline.

6 Pre-application presentation – The Echo Building, Richmond Hill
To receive a pre-application presentation from the applicants on proposals for this site.

7 Schedule of Planning Applications

For information on the order and timing of planning applications please contact Democratic Services

To consider the Schedule of Planning Applications dated 6 April 2018 and previously circulated, and any updates by the Head of Planning, Transport and Regulation to be circulated on 13 April 2018.

See planning application reports circulated at ‘7a – 7b’.

Members will appreciate that the copy drawings attached to planning application reports are reduced from the applicants original and detail, in some cases, may be difficult to read. The submitted drawings can be viewed on the application file at the planning office or on-line at –
http://www.bournemouth.gov.uk/PlanningBuilding/CurrentPlanningApplications/PlanningApplicationRegister.aspx

8 Town Planning Appeals – report circulated at ‘8’.

9 Any other business of which prior notice has been received and by reason of special circumstances, which shall be specified in the record of decisions - minutes, the Chair is of the opinion that the items should be considered as a matter of urgency.
Human Rights

On making recommendations on those matters before the Planning Board at this meeting, consideration has been given to the rights set out in Article 8 - rights to privacy - and Article 1 of the first protocol - right to peaceful enjoyment of possessions - of the European Convention on Human Rights, as detailed below:

ARTICLE 8: Right to respect for private and family life

1 Everyone has the right to respect for his private and family life, his home and his correspondence.

2 There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.

Site visits

Points for the Planning Board to consider when deciding whether to visit a site before determining a planning application:

1 Site visits can cause delay and additional costs and should only be used where the expected benefit is substantial.

2 Many Councils allow site visits to be triggered by a request from the Ward Councillor. It is acknowledged that this is a proper part of the representative role of the member, and should sometimes be acceded to, but the substantial benefit test should still apply. It is also good practice to keep a record of the reasons why a site visit is called.

3 A site visit is only likely to be necessary if:

a the impact of the proposed development is difficult to visualise from the plans and any supporting material, including photographs taken by the officers - although if that is the case, additional illustrative material should have been requested in advance; or

b there is good reason why the comments of the applicant and objectors cannot be properly appreciated without visiting the site, or the proposal is particularly contentious.
BOROUGH OF BOURNEMOUTH PLANNING BOARD

To: All Members of the Council

SCHEDULE OF PLANNING APPLICATIONS FOR CONSIDERATION

Please find attached the list of Planning Applications for consideration at the Planning Board Meeting to be held on Monday 16th April 2018 at 2.30pm

This is a complete list of applications and members of the Planning Board are asked to bring it to the above meeting. This Schedule is circulated to all Members of the Council prior to the meeting and indicates the recommendation of the Head of Planning and Regulation for the applications that are to be considered for determination at the Board meeting.

Any observations on the recommendations of the Head of Planning and Regulation should be sent to the Service Director, Legal and Democratic by 10am on Monday 16th April 2018 in order that they may be considered by the Planning Board on that day.

PLEASE NOTE:
- Full details of the recommendation including detailed conditions or refusal reasons can be found in the Planning Board Report for each application circulated with the Agenda.
- All representations and application details may be viewed in Planning & Regulation until 1.00pm on Board day.
- The Amendment Sheet which is circulated on the Friday prior to each meeting of the Board will contain updated and additional information in respect of this Schedule and the Planning Board Reports for the applications listed.

Key to recommendation abbreviation:

G  Grant
R  Refuse
SD  Split Decision

Received date is the date on which the planning application was registered as a valid application.

Expiry date is target date for despatch of Decision. Where an application is determined by this date, the performance targets set by central government will have been met.
<table>
<thead>
<tr>
<th>Item</th>
<th>Application</th>
<th>Ward</th>
<th>Location</th>
<th>Proposal</th>
<th>Recommendation</th>
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</thead>
<tbody>
<tr>
<td>01</td>
<td>7-2018-26915</td>
<td>WC</td>
<td>19-21 Branksome Dene Road</td>
<td>Alterations and conversion of existing garages to residential use to extend existing dwelling and form a dwellinghouse for holiday let</td>
<td>G</td>
</tr>
<tr>
<td>02</td>
<td>7-2018-21419-I</td>
<td>MO</td>
<td>6 Valette Road</td>
<td>Alterations, extensions and conversion of premises into 6 flats, erection of new dwelling house, alterations to vehicular access and formation of additional parking spaces</td>
<td>G</td>
</tr>
</tbody>
</table>
### Previous Relevant Planning Applications and Appeals:

1. 1959 – Alterations to garage to form greasing bay - Refused

### Summary of Proposal:

2. Planning consent is sought for alterations and the conversion of existing garages to residential use to extend the existing dwelling and to form a dwellinghouse for holiday let.

<table>
<thead>
<tr>
<th>Report Subject</th>
<th>19-21 Branksome Dene Road</th>
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<tbody>
<tr>
<td>Proposal</td>
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<tr>
<td>Application Number</td>
<td>7-2018-26915</td>
</tr>
<tr>
<td>Applicant</td>
<td>Mr H Short</td>
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<tr>
<td>Agent</td>
<td>Lionel Gregory Limited</td>
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<tr>
<td>Application Valid</td>
<td>16 February 2018</td>
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<td>Service Director</td>
<td>Development Services</td>
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<td>16 April 2018</td>
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<tr>
<td>Report author</td>
<td>Tom Hubbard</td>
</tr>
<tr>
<td></td>
<td>☎ 01202 451323</td>
</tr>
<tr>
<td></td>
<td>✉ <a href="mailto:planning@bournemouth.gov.uk">planning@bournemouth.gov.uk</a></td>
</tr>
<tr>
<td>Recommendation</td>
<td>Grant in accordance with the recommendation within the report</td>
</tr>
<tr>
<td>Reason for Planning Board Decision</td>
<td>10+ letters of objection received, contrary to recommendation</td>
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</tbody>
</table>
Relevant Policies:

3. Applications for planning permission must be considered having regard to the provisions of the Development Plan and any other relevant material considerations. The key document being the Bournemouth Local Plan. Various Development Plan Documents (DPD) make up the Local Plan, the Bournemouth Local Plan: Core Strategy (October 2012) being the overarching document. The CS has superseded the Bournemouth District Wide Local Plan (DWLP) as the strategic policy framework for the Borough although various policies in the DWLP have been retained as ‘saved’ policies. The Core Strategy covers the period 2006 to 2026.

4. The National Planning Policy Framework (NPPF) sets out the Government’s planning policies for England and is a material consideration in planning decisions.

5. The following Policies are considered relevant to the current application:

**Core Strategy**

Policy CS16 – Parking standards  
Policy CS18 – Increasing Opportunities for Cycling and Walking  
Policy CS22 – New Housing Outside the Preferred Locations  
Policy CS27 – Protecting Unallocated Employment Sites  
Policy CS28 – Tourist Accommodation  
Policy CS33 – Heathlands  
Policy CS41 – Quality Design

**District Wide Local Plan**

Policy 4.25 - Landscaping  
Policy 6.10 - Flats

**National Planning Policy Framework**

The National Planning Policy Framework (NPPF) sets out the government strategy to achieve sustainable development. The framework is relevant to the current application and issues relating to the economy, ensuring the vitality of town centres, sustainable transport, high quality communications, housing, flooding/climate change, good design, promoting healthy communities, protecting green belt land, and conserving the natural and historic environment will be dealt with in the report where relevant.

**Other**

Dorset Heathlands Planning Framework – SPD
Issues:

6. The issues to consider in my opinion are whether the proposal complies with the relevant policies set out above and other material planning considerations set out below.

Impact on the character and appearance of the area:

7. The application site is located in a residential area comprising of 1920/1930’s large detached two storey dwellings with architectural detailing and bay features, located on good sized, well screened plots. The application property at 19-21 Branksome Dene Road is located at the end of a cul-de-sac part of the street at the northern end. The design and form of the property is different to others in the street and it is evidently older than other surrounding properties, although it does not have any form of heritage designation such as being Listed or on the list of locally important buildings. The property has two storeys and a U shape or horseshoe form around the side and rear boundaries of the site with a central courtyard area. The ground floor is laid out mostly as single garages with accommodation on the upper floor of the northern side and rear and single storey elements to the southern side. It is an attractive and unique property that contributes well to the character and appearance of the area.

8. The property is currently used as a single dwelling, although there is some evidence that it has been used in part as a small scale vehicle repair workshop known as ‘Branksome Dene Garage’ in the past. The applicants state that this use ceased around four years ago, but was a long term historic use on the site going by the planning history.

9. The proposal is to undertake alterations to the elevations of the property, as well as internal alterations and conversions, to reconfigure the living accommodation for the existing dwelling and add a two bedroom residential unit, stated to be for the purposes of holiday lettings.

10. The site is a large one and the provision of a two bedroom unit of accommodation here would not intensify use of the site to a degree that would be out of character with the area, particularly having regard to historic uses of the site. There is no policy requirement to provide additional holiday accommodation here, but the provision of a self catered holiday flat would not be an overtly commercial activity or detract from the character and
appearance of the area. Residential use is in keeping with the character of the area.

11. The proposed physical alterations would include blocking up and converting 5 single garages. One would form the new entrance to the holiday flat with a centrally sited entrance door and surround. The others would be panelled with timber exterior panel and timber windows. The design would not match exactly the existing garage door design as the windows in the existing garage doors would not be large enough. However, the use of materials and colours will retain a link to the original appearance and would not disrupt the design of the property. It is considered that this is an acceptable approach. This is also used to replace an existing entrance door and window on the northern side.

12. A new porch is proposed to the main entrance of the existing dwelling. This is a mainly glazed addition with a pitch roof and a projection of 794mm from the front of the property. It is a relatively tall addition but the inclusion of glazing, the proportions, and the design links to the existing property such as decorative bargeboards to match those of the dormer windows mean that it would be an acceptable addition that integrates well with the existing property.

13. The only other additions are a very small ground floor window on the rear (west) elevation, and the blocking up of a first floor window above the main entrance and a roof light above. A small chimney breast is to be added to the western side, but this would be in keeping with the design of the property and not readily visible from the street. These additions are minor and would not affect the appearance of the property.

**Impact on neighbouring residents:**

14. The site has neighbouring dwellings on each side to the north and south, and there is also a large care home block to the rear (west) in Tower Road. The only change evident to the rear is the insertion of a small ground floor window for a WC. The building is approximately 2.4 metres from the rear boundary and this ground floor window would not be intrusive to residents of the Tower Road property.

15. To the north side the only proposed alteration is a small chimney breast feature to connect a new internal stove to the existing roof chimney. This will be a modest addition no higher than the existing eaves and would not be visually intrusive to the neighbouring property on this side, 17 Branksome Dene Road.

16. There are no physical alterations to the building on the southern side. Some alterations may be visible to the northern wing such
as the roof light, but this will be over 17 metres from the boundary and would not have an adverse impact on number 23 Branksome Dene Road.

17. The physical alterations are generally minor and focused around the existing courtyard with no expansion of footprint proposed. The provision of a two bedroom holiday flat will increase use of the site, but not to a degree that would be particularly noticeable or intensive, and the residential use would not adversely affect neighbouring residents.

**Living conditions for future occupants:**

18. The original dwelling is to be reconfigured, but an acceptable level of living conditions in terms of outlook and space would be provided. Similarly, the proposed two bedroom unit is of an acceptable size with reasonable outlook onto the courtyard area.

**Parking/Traffic/Highway Safety:**

19. The existing site has ample parking to serve the needs of the development in the form of two surface parking spaces to the front on the northern side, and three retained garages on the southern side of the site. A parking space is shown for the holiday let flat in the courtyard area, which would block the front of three other garages, but there is in any case sufficient space on the site to accommodate the parking needs of the existing dwelling and two bedroom holiday let flat. There is also ample off street parking in the area in any case.

**Heathlands mitigation:**

20. The site is within 5km of a designated Dorset Heathlands SPA (Special Protection Area) and Ramsar Site, and part of the Dorset Heaths candidate SAC (Special Area of Conservation) which covers the whole of Bournemouth. As such, the determination of any application for an additional dwelling(s) resulting in increased population and domestic animals should be undertaken with regard to the requirements of the Habitat Regulations 1994. It is considered that an appropriate assessment could not clearly demonstrate that there would not be an adverse effect on the integrity of the sites, particularly its effect upon bird and reptile habitats within the SSSI.

21. Therefore as of 17th January 2007 all applications received for additional residential accommodation within the borough is subject to a financial contribution towards mitigation measures towards the designated sites. In this case, although a C3 use, the provision of a ‘holiday flat’ would not require a contribution as it can be restricted by condition to year-round holiday accommodation, which is not usually subject to heathlands
contributions, such as hotel accommodation for example. Sometimes a 50% rate is applied but that is where winter longer term lets are permitted, which would not be the case here. The SPD makes a case for a contribution in some cases based on occupancy, but each case is considered on its own merits.

**Affordable Housing:**

22. The Council’s affordable housing DPD is relevant to applications for residential development and sets out an approach to achieving contributions towards the delivery of affordable housing in the borough. However in the light of the most recent changes to the NPPG, which states that schemes for 10 units or fewer should not be subject to affordable housing contributions, a contribution has not been sought on this application.

**Community Infrastructure Levy:**

23. The development proposal is not liable to a community infrastructure levy charge as there is no net increase in floor space to create the new residential unit.

**Representations:**

24. 20 letters of objection have been received, raising the following material planning issues:

*Holiday let unit out of character*
The provision of one two bedroom flat for the purposes of holiday lets would not have an adverse impact on the character and appearance of the area due to the small scale of the proposal.

*Would create a precedent for future further subdivision/units on this site and others*
Speculation about what might happen in the future is not a relevant planning consideration. The application here is considered on its own merits.

*There is no requirement for more tourism accommodation in the area*
This is not a material planning consideration. The application has been submitted and should be considered on its own merits and in line with relevant policies and other material considerations.

*Covenants prevent subdivision*
Covenants are a civil matter and do not prevent the grant of planning permission.
Plots should contain only one unit/dwelling
There is no planning restriction in this respect. Applications should respect the character and appearance of the area but there is not a blanket planning restriction as each application is considered on its merits.

Noise and disturbance
The provision of a two bedroom residential unit for holiday let purposes would not create a harmful level of noise and disturbance. Residential uses are compatible with the area. The previous use in part as a vehicle repair garage would have had more impact in this respect, but that use has now ceased.

Parking issues
There is ample parking on site to accommodate the needs of the existing dwelling and new two bedroom unit.

Congestion
The provision of a two bedroom residential unit would not materially intensify traffic levels in this area.

25. 4 letters of support have been received, raising the following material planning issues:

Retention and restoration of the property is positive/Proposed alterations are sympathetic
The physical alterations are considered in the relevant section of the report above. It is considered that the alterations are sympathetic to the appearance of the property, and indeed many of the objectors mention that they are supportive of the renovation of this original property.

Would provide a boost to tourism in the area and the economy
Policy CS28 recognises that tourism is an important part of the local economy and is supportive of new tourist accommodation where it would not have unreasonable effects on the character of the area or amenities of local residents.

Development is not out of keeping
The impact on the character of the area is explored in the relevant section of the report above where it is concluded that the proposed development would not be out of keeping.

Subdivisions do exist in the area
While most properties are single dwellings it is true that there are also flats evident in the area.

Previous use as a garage was more harmful and out of keeping
It is noted that the property was previously used in part as a vehicle repair garage, but that this use ceased some time ago.
Conclusion:

26. In accordance with paragraphs 186 and 187 of the NPPF the Council takes a positive and proactive approach to development proposals focused on solutions. The Council work with applicants/agents in a positive and proactive manner by:

- offering a pre-application advice service,
- as appropriate updating applications/agents of any issues that may arise in the processing of their application and where possible suggesting solutions,

In this instance:

the applicant/agent was updated of any issues after the initial site visit,
the applicant was provided the opportunity to submit additional information to support the proposals.

27. Having considered the appropriate development plan policy and other material considerations, including the NPPF, it is considered that subject to compliance with the conditions attached to this permission, the development would be in accordance with the Development Plan, would not materially harm the character or appearance of the area or the amenities of neighbouring and proposed occupiers and would be acceptable in terms of traffic safety and convenience. The Development Plan Policies considered in reaching this decision are set out above.

Recommendation

28. Delegate authority to the Head of Planning & Regulation to GRANT permission with the following conditions, which are subject to alteration/addition by the Head of Planning & Regulation provided any alteration/addition does not go to the core of the decision.

1. Development to be carried out in accordance with plans as listed:
   The development hereby permitted shall be carried out in accordance with the following approved plans: 5065/02
   
   **Reason:** For the avoidance of doubt and in the interests of proper planning.

2. Materials as specified
   The materials to be used on the external surfaces of the proposed development shall be as specified on the application form/plan, including for the avoidance of doubt the timber windows and panels, unless otherwise agreed in writing by the
Local Planning Authority. The timber panels shall match the retained garage doors in colour.

**Reason:** To safeguard the visual amenities of the locality and in accordance with Policy CS41 of the Bournemouth Local Plan: Core Strategy (October 2012).

3. **Holiday flat to be used for tourism purposes only**  
The holiday let unit comprising part of the development hereby permitted:-
   i) Shall not be occupied for anything other than holiday letting purposes at any time; and  
   ii) Shall not be occupied by the same person or persons for more than 31 days (which need not be consecutive days) in any year; and  
   iii) Shall not be occupied as a person’s sole, or main place of residence in any year.

**Reason:** To ensure the proposed development contributes to the tourism character, function and appearance of the town, and in accordance with Policy CS28 of the Bournemouth Local Plan: Core Strategy (October 2012).
Existing Elevations
Existing Floor Plans
Proposed Elevations
Proposed Floor Plans
## Planning Board

<table>
<thead>
<tr>
<th>Report Subject</th>
<th>6 Valette Road</th>
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</thead>
<tbody>
<tr>
<td>Proposal</td>
<td>Alterations, extensions and conversion of premises into 6 flats, erection of new dwelling house, alterations to vehicular access and formation of additional parking spaces</td>
</tr>
<tr>
<td>Application Number</td>
<td>7-2018-21419-I</td>
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<tr>
<td>Applicant</td>
<td>HB Properties &amp; Lettings Ltd.</td>
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<tr>
<td>Agent</td>
<td>EMPERY + CO LTD</td>
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<td>Application Valid</td>
<td>9 February 2018</td>
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<td>Status</td>
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<td>Service Director</td>
<td>Development Services</td>
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<tr>
<td>Meeting date</td>
<td>16 April 2018</td>
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<tr>
<td>Report author</td>
<td>Charles Raven</td>
</tr>
<tr>
<td></td>
<td>☏ 01202 451323</td>
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<tr>
<td></td>
<td>✉ <a href="mailto:planning@bournemouth.gov.uk">planning@bournemouth.gov.uk</a></td>
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<td>Recommendation</td>
<td>Grant in accordance with the recommendation within the report</td>
</tr>
<tr>
<td>Reason for Planning Board Decision</td>
<td>More than 10 letters of objection received, contrary to the Officer’s recommendation</td>
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</table>

## Previous Relevant Planning Applications and Appeals:

1. 7-2015-21419-H - Outline submission for the erection of a house and conversion of existing house to 5 flats – Granted (expires 22/07/18)

2. 7-2014-21419-G - Outline submission for erection of two dwellinghouses with integral garages and formation of new vehicular access and parking spaces - Withdrawn
3. 7-2010-21419-F - Outline Submission for Erection of a 3/5 storey block of 12 flats with bin and cycle stores and formation of vehicular access and parking spaces – Refused

4. 7-2008-21419-E - Relief of condition no. 5 of application no. 7-2008-21419-D to allow pedestrian access from Hillcrest Road – Refused

5. 7-2008-21419-D - Conversion of existing dwelling to create 3 self-contained flats with associated car parking – Granted

6. 7-2007-21419-C - Erection of two 2/3 storey blocks of five flats (total 10 flats) with basement parking - Refused and appeal dismissed

7. 7-2006-21419-B - Erection of a block of 11 flats with underground parking - Refused

8. 7-2004-21419-A - Erection of new build block of 10 flats - Refused and appeal dismissed

Summary of Proposal:

9. Planning consent is sought for alterations, a single and two storey extension and the conversion of the existing building into 6 flats, the erection of new dwelling house, alterations to vehicular access and the formation of additional parking spaces.

Relevant Policies:

10. Applications for planning permission must be considered having regard to the provisions of the Development Plan and any other relevant material considerations. The key document being the Bournemouth Local Plan. Various Development Plan Documents (DPD) make up the Local Plan, the Bournemouth Local Plan: Core Strategy (October 2012) being the overarching document. The CS has superseded the Bournemouth District Wide Local Plan (DWLP) as the strategic policy framework for the Borough although various policies in the DWLP have been retained as ‘saved’ policies. The Core Strategy covers the period 2006 to 2026.

11. The Affordable Housing DPD (December 2009) also makes up part of the Local Plan.

12. The National Planning Policy Framework (NPPF) sets out the Government’s planning policies for England and is a material consideration in planning decisions.

13. The following Policies are considered relevant to the current application:
Core Strategy

Policy CS2 – Sustainable Homes and Premises
Policy CS4 – Surface Water Flooding
Policy CS14 – Delivering Transport Infrastructure
Policy CS16 – Parking Standards
Policy CS18 – Increasing Opportunities for Cycling and Walking
Policy CS21 – Housing Distribution
Policy CS33 – Heathland
Policy CS41 – Quality Design

District Wide Local Plan

Policy 6.8 – Infill Development
Policy 6.13 – Flat Conversions

National Planning Policy Framework

The National Planning Policy Framework (NPPF) sets out the government strategy to achieve sustainable development. The framework is relevant to the current application and issues relating to the economy, ensuring the vitality of town centres, sustainable transport, high quality communications, housing, flooding/climate change, good design, promoting healthy communities, protecting green belt land, and conserving the natural and historic environment will be dealt with in the report where relevant.

Other

Affordable Housing - SPD
Dorset Heathlands Planning Framework – SPD
Conversion to Flats - SPG
Residential Extensions: A Design Guide for Householders - PGN
Residential Development: A Design Guide - PGN
Sustainable Urban Drainage Systems (SUDS) - PGN
Bournemouth Parking - SPD

Issues:

14. The issues to consider in my opinion are whether the proposal complies with the relevant policies set out above and other material planning considerations set out below.

Impact on the character and appearance of the area:

15. Number 6 Valette Road is a substantial detached Edwardian villa. Its elevated position (it is over 4m higher than the adjacent road level) makes it very prominent in the locality and there are far reaching views available from the site. The properties on the western side of Valette Road are set well back
from the road and have heavily landscaped boundaries and front garden areas.

18. Valette Road overall is characterised by detached family dwellings. Properties to the western side of the road, including the application property are elevated above the road and predominantly stand in larger plots than those to the eastern side. The rear of the site is bordered by properties in Hillcrest Road, which are also predominantly detached 2-storey houses in more modest plots. The topography of the area provides some sharp changes in level with the existing property at 6 Valette Road being elevated from the road.

19. The proposed development has two main elements, the conversion and extension of the existing building into self contained flats and the erection of a detached three bedroom dwelling. The proposals are similar to a scheme approved by the Planning Board in 2015 so the principle of the development has been accepted. The 2015 remains extant and represents the applicants fall back position. The existing building is a fine example of an Edwardian Villa so its retention is welcomed. It would appear that the building is currently in use as an eight bedroom house in multi occupation. If this is the case, then no formal consent has been sought for this use, however given the passage of time it would be immune from enforcement action. The proposed conversion entails the erection of an infill two storey extension to the rear and a single storey extension with roof accommodation to the south facing side elevation. The conversion would provide five no. two bedroom flats and one no. three bedroom flat. The proposed flats are well proportioned and the proposed extensions have been designed to reflect the style and appearance of the original property. The side extension would be significantly subservient to the main property and the rear extension would square off the existing L-shaped rear, removing all windows above first floor level. It is considered that the proposed extensions and conversion would preserve this original property and would not have any adverse impact on the character or appearance of the area.

20. There are two garages accessed from Valette Road associated with this property, but these are not used by the occupiers. Given that there is a pedestrian access through to Hillcrest Road to the rear and the elevated position of the property above Valette Road, it is acknowledged that occupiers often park vehicles in Hillcrest Road. The current proposals provide seven off street parking spaces for the use of the flats, which complies with the requirements of your Parking SPD. This is considered positive and would alleviate parking congestion on Hillcrest Road. Under the extant consent a condition was attached to permanently block this access and there is no reason why this cannot be used again in this instance. In addition, bins serving
the existing property are currently left either in or adjacent to this pedestrian access and taken to Hillcrest Road for collection. This is not an ideal situation and the proposed plans provide a bin storage area at the Valette Road level which would alleviate the issue from Hillcrest Road.

21. As stated, a detached four bedroom dwelling has previously been approved by the Planning Board in a similar position to the dwelling currently proposed. The new dwelling would have three bedrooms and be smaller in footprint when compared to the previous approval and provide one off street parking space.

22. There are buildings present along this side of Valette Road, although it is acknowledged that these are low scale ancillary buildings which tend to serve the host properties on the higher ground. Nevertheless, buildings are present and two storey dwellings predominate on the opposite side of Valette Road. Drawings indicate that the eaves level of the dwelling would be slightly lower than the ground floor slab of the existing property, finished with a hipped roof sloping away from No.6. The area to the front of No.6 would be excavated and a suitable retaining wall erected. This would provide space for the proposed dwelling together with an adequate private garden area which would be at first floor level. Suitable spacing around the existing property is retained and it is considered that the proposed dwelling would not appear cramped in its setting. The proposal makes use of an underutilised part of the site and provides a welcomed family sized dwelling. Whilst not a common feature, the development would not have any negative impact on the character of the area or the appearance of the street scene and has previously been approved.

Impact on neighbouring residents:

23. 34 & 36 Hillcrest Road - these detached properties are located to the rear of the application site, sharing common rear boundaries. The existing property has an unusual relationship with adjacent properties, being sited close to its western boundary directly against the rear gardens of 34 – 36 Hillcrest Road. As a result there is overlooking from existing bedrooms in the property at close range towards the gardens in Hillcrest Road. The proposed rear extension removes all first floor windows as well as a dormer window, thereby removing any current or future issues of overlooking. It is acknowledged that the existing rear wall would be extended but would not be any closer to the rear boundary than the existing wall. Given this existing relationship, and the removal of windows to increase privacy, the impact on the occupiers of these dwellings is considered to be improved. If there would be a loss of light, it would be entirely marginal given the scale of the existing built form. The relocation of the bin storage area to Valette Road and
the provision of off street parking would also be a benefit to the residents of Hillcrest Road, as will the blocking up of the existing pedestrian access.

24. 4 Valette Road - this detached property is located to the north of the application site sharing a common side boundary. Currently there is overlooking from existing bedrooms in the property at close range towards 4 Valette Road which is set lower down than the application property. There would not be any new windows on the north facing side elevation within the flat conversion or within the flank elevation of the dwelling being proposed.

25. 14 Valette Road - this detached property is located to the south of the application site, sharing a common side boundary. There would be new windows within the side extension facing towards the boundary but these are sited far enough away not to have an adverse impact, particularly with existing mature boundary planting between. The proposed parking would increase the activity in this area, however this would be at the Valette Road level and away from this property.

26. 7 Valette Road – this detached property is located opposite the proposed parking area. Given the separation distance to the proposed dwelling and orientation of properties, the proposals would not have any significant adverse impact on the living conditions of the occupiers of this property.

27. 24-30 Castle Lane West – these detached properties are sited on the opposite side of Valette Road fronting Castle Lane West so their rear gardens abut Valette Road. There would be in excess of 21m between the rears of these dwellings and the proposed detached dwelling, which exceeds the minimum requirements of the adopted Design Guide. Given the length of rear gardens, the angle to the development, and intervening road, the impact is considered acceptable.

29. Future occupiers – the only windows in the rear elevation of the dwellinghouse facing the retaining wall serve a stairwell and bathroom and will be fitted with obscure glazing. The majority of windows would face towards Valette Road, providing a good level of natural light.

Parking/Traffic/Highway Safety:

30. Your Transport Officer comments that the proposed development is located within Zone 3 of the Parking SPD. 8 car parking spaces are proposed, which meets the Parking SPD requirements for unallocated car parking for the proposed flats and one allocated space for the proposed house. Amended plans have been provided which ensure the parking spaces meet the minimum require space standards of the Parking SPD. Proposed cycle
storage for 8 bicycles is acceptable, full details of cycle storage and the fact that the parking will be unallocated for the flats can be secured by condition. There are also no objections to the closure of the pedestrian access to Hillcrest Road.

Heathlands mitigation:

31. The site is within 5km of a designated Dorset Heathlands SPA (Special Protection Area) and Ramsar Site, and part of the Dorset Heaths candidate SAC (Special Area of Conservation) which covers the whole of Bournemouth. As such, the determination of any application for an additional dwelling(s) resulting in increased population and domestic animals should be undertaken with regard to the requirements of the Habitat Regulations 1994. It is considered that an appropriate assessment could not clearly demonstrate that there would not be an adverse effect on the integrity of the sites, particularly its effect upon bird and reptile habitats within the SSSI.

32. Therefore as of 17th January 2007 all applications received for additional residential accommodation within the borough is subject to a financial contribution towards strategic access monitoring and management (SAMM) measures towards the designated sites. A capital contribution is therefore required and in this instance is £1452, plus a £75 administration fee. A signed legal agreement has been drafted to provide this contribution.

Affordable Housing:

33. The Council’s affordable housing DPD is relevant to applications for residential development and sets out an approach to achieving contributions towards the delivery of affordable housing in the borough. However in the light of the most recent changes to the NPPG, which states that schemes for 10 units or fewer should not be subject to affordable housing contributions, a contribution has not been sought on this application.

Community Infrastructure Levy:

34. The development proposal is liable to a community infrastructure levy charge which has been calculated to be £22,163.06.

Representations:

35. 25 letters of objection have been received from separate households, raising the following material planning issues:

Lack of parking – the level of parking meets the requirements of your adopted Parking SPD;
Access to Hillcrest Road – this will be permanently blocked as stated on the proposed plans and secured by condition;

Bin collection should be from Valette Road – bin collections will be from Valette Road only;

Overdevelopment – the site is capable of accommodating the development as proposed and has been discussed above;

Inappropriate and excessive extensions – this has been discussed in the report above;

Overlooking/overbearing – this has been discussed in the report above;

36. Councillor Beverley Dunlop states: ‘It is my opinion that the best possible outcome for the majority of residents is for a good development to move forward, which will eliminate the major problems of bins and cars in the Cul de Sac’.

Conclusion:

37. In accordance with paragraphs 186 and 187 of the NPPF the Council takes a positive and proactive approach to development proposals focused on solutions. The Council work with applicants/agents in a positive and proactive manner by:

- offering a pre-application advice service,
- as appropriate updating applications/agents of any issues that may arise in the processing of their application and where possible suggesting solutions,

38. In this instance the applicant was provided with pre-application advice, the applicants agent was updated of any issues after the initial site visit, who responded by submitting amended plans, which were found to be acceptable and facilitated a positive recommendation.

39. Having considered the appropriate development plan policy and other material considerations, including the NPPF, it is considered that subject to compliance with the conditions attached to this permission, the development would be in accordance with the Development Plan, would not materially harm the character or appearance of the area or the amenities of neighbouring and proposed occupiers and would be acceptable in terms of traffic safety and convenience. The Development Plan Policies considered in reaching this decision are set out above.
Recommendation

40. Delegate authority to the Head of Planning & Regulation to **Grant** permission following the satisfactory completion of a Section 106 agreement with the following terms and with the following conditions both of which are subject to alteration/addition by the Head of Planning & Regulation provided any alteration/addition does not go to the core of the decision. In the event that the legal agreement is not satisfactorily concluded within a reasonable timescale the Head of Planning & Regulation may refuse the application.

**Section 106 terms**

Heathland Mitigation (SAMM): £1,452 plus £75 admin

**Conditions**

1. **Development to be carried out in accordance with plans as listed**
   The development hereby permitted shall be carried out in accordance with the following approved plans: 01A, 03B, 04, 05, 06B.

   Reason: For the avoidance of doubt and in the interests of proper planning.

2. **On site working hours (inc demolition) restricted when implementing permission.**
   All on-site working, including demolition and deliveries to and from the site, associated with the implementation of this planning permission shall only be carried out between the hours of 8 a.m. and 6 p.m. Monday - Friday, 8 a.m. and 1 p.m. Saturday and not at all on Sunday, Public and Bank Holidays unless otherwise agreed in writing with the Local Planning Authority.

   Reason: To safeguard the amenities of occupiers of adjoining and nearby properties and in accordance with Policies CS14 and CS38 of the Bournemouth Local Plan: Core Strategy (October 2012).

3. **Method statement to be submitted to include operatives’ car parking, noise reduction measures**
   No site clearance or development work shall commence until there has been submitted to and approved in writing by the Local Planning Authority a Method Statement that includes the following measures:
   a) parking arrangements for operatives and construction vehicles working on-site;
   b) noise reduction measures [including times of piling operations]; and the
   c) details and siting of equipment, machinery and surplus materials on the site.
The parking arrangements for operatives and construction vehicles shall be implemented prior to development commencing and the development shall be carried out in accordance with the approved details.

Reason: To safeguard the amenities of occupiers of adjoining and nearby properties and in the interest of highway safety in accordance with Policies CS38, CS41 and CS14 of the Bournemouth Local Plan: Core Strategy (October 2012).

4. Siting & floor levels to be agreed
The precise siting and floor levels shall be pegged out on site, and shall be agreed by the Local Planning Authority before building operations are commenced.

Reason: To ensure a satisfactory relationship between the position and floor levels of the development and the adjoining highway (property) and in accordance with Policy CS41 of the Bournemouth Local Plan: Core Strategy (October 2012).

5. Surface Water Drainage (SUDS Implementation)
Before the commencement of development, unless otherwise agreed in writing by the Local Planning Authority, a scheme for the whole site providing for the disposal of surface water run-off and incorporating sustainable urban drainage systems (SUDS), shall be submitted to and approved in writing by the Local Planning Authority. The drainage works shall be completed in accordance with the approved details prior to occupation of the development or in accordance with a timetable to be agreed in writing by the Local Planning Authority. The scheme shall include the following as appropriate:

a) A scaled plan indicating the extent, position and type of all proposed hard surfacing (e.g. drives, parking areas, paths, patios) and roofed areas.
b) Details of the method of disposal for all areas including means of treatment or interception for potentially polluted run off.
c) Scaled drawings including cross section, to illustrate the construction method and materials to be used for the hard surfacing (sample materials and literature demonstrating permeability may be required).

Reason: To provide satisfactory drainage for the development in accordance with Policy CS4 of the Bournemouth Local Plan: Core Strategy (October 2012) and in order to achieve the objectives set out in the Local Planning Authority’s Planning Guidance Note on Sustainable Urban Drainage Systems.

6. Drainage Hard surfaced areas
Any new or replacement hard surfaced area(s) shall either be made of porous materials, or provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the property.
Reason: To provide satisfactory drainage for the development in accordance with Policy CS4 of the Bournemouth Local Plan: Core Strategy (October 2012) and in order to achieve the objectives set out in the Local Planning Authority's Planning Guidance Note on Sustainable Urban Drainage Systems.

Note: Further guidance in this regard is contained in the Department for Communities and Local Government publication entitled "Guidance on the Permeable Surfacing of Front Gardens" (September 2008).

7. Prior Approval of Materials
No development shall take place until details/samples of the materials to be used on the external surfaces of the proposed development have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory visual relationship between the existing and the new development in accordance with Policy CS41 of the Bournemouth Local Plan: Core Strategy (October 2012).

8. No Permitted Development for Enlargements of the dwelling
Notwithstanding the provisions of the Town and Country Planning (General Permitted Development Order) 2015 (or any order revoking and re-enacting that Order with or without modification), no enlargements of the dwelling shall be constructed without the grant of further specific planning permission from the Local Planning Authority.

Reason: To enable the Local Planning Authority to retain control over the development of the site in accordance with Policy CS41 of the Bournemouth Local Plan: Core Strategy (October 2012).

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development Order) 2015 (or any order revoking and re-enacting that Order with or without modification), no additional windows shall be installed or dormer windows shall be constructed without the grant of further specific planning permission from the Local Planning Authority.

Reason: To avoid loss of privacy for adjoining properties in accordance with Policy CS41 of the Bournemouth Local Plan: Core Strategy (October 2012).

10. Windows in West Elevation to be Glazed with Obscure Glass
The proposed window(s) in the rear facing west elevation of the new dwelling shall be glazed with obscure glass to a level equivalent to Pilkington Level 3 or above (or the nearest equivalent standard) and shall be permanently retained as such unless otherwise agreed in writing by the Local Planning Authority.
Reason: To prevent undue overlooking of the adjoining residential property and in accordance with Policy CS41 of the Bournemouth Local Plan: Core Strategy (October 2012).

11. Completion of Conversion Prior to Occupation
The works of conversion shown on the approved plans shall be completed prior to the occupation of any of the units of accommodation granted by this permission.

Reason: That otherwise the standard of conversion would fall short of that laid down by the Local Planning Authority and the occupation of substandard accommodation would be to the detriment of the amenities of occupiers of the proposed development and to the general character of the locality which would be contrary to Policy CS41 of the Bournemouth Local Plan: Core Strategy (October 2012).

12. No external pipework on elevations
Unless shown on the approved elevational drawings any pipework (with the exception of rainwater down pipes) shall be internal to the building.

Reason: In the interests of the visual amenities of the locality and in accordance with Policy CS41 of the Bournemouth Local Plan: Core Strategy (October 2012).

13. Turning/ Parking details to be submitted
Before the commencement of development, unless otherwise agreed in writing by the Local Planning Authority, details of the specification (a typical cross section of the surfacing is required) of the areas for turning and parking, including the marking out of spaces shown on the approved plan shall be submitted to and approved in writing by the Local Planning Authority. These areas shall be constructed and surfaced in accordance with the approved details and permanently retained and kept available for the residents and visitors of the development hereby permitted at all times.

Reason: In the interests of highway safety and in accordance with Policies CS14 and CS16 of the Bournemouth Local Plan: Core Strategy (October 2012).

14. Parking allocations
Except for the one car parking space allocated to the dwelling house, all residential car parking spaces shown on the approved plans shall be made available for any resident of the development and those persons visiting residents of the development and shall remain unallocated to any specific resident or residence for the lifetime of the development.

Reason: In the interests of highway safety and quality design in accordance with Policies CS16 and CS41 of the Bournemouth Local Plan: Core Strategy (October 2012).
15. Footway Crossing
Before the occupation of the development hereby approved the vehicular accesses to Valette Road shall be amended and provided with visibility splays in accordance with the approved plans. All to be permanently maintained to a specification to be agreed in writing with the Local Planning Authority and the visibility splays shall be kept permanently clear of any obstruction to visibility over 0.6m in height above ground level.

Reason: In the interests of highway safety and in accordance with Policy CS14 of the Bournemouth Local Plan: Core Strategy (October 2012).

16. Cycle Store for Flats
Notwithstanding the details on the submitted plans, before the commencement of development, details of a secure, fully enclosed, brick-built and walk-in cycle store for at least 8 cycles shall be submitted to and approved in writing by the Local Planning Authority. The cycle store shall have a lockable door(s) and keys should be made available to all residents. It shall also contain a sufficient number of Sheffield stands, spaced at 1000mm centres, and 550mm should be allowed between the store walls and the adjacent edges of the Sheffield stands, to enable the required number of cycles to be stored and each cycle should be accessible and not obstructed by other cycles in the store. The cycle store shall be in an accessible location and have internal and external illumination and adequate lighting shall be provided along the route to the store. Works shall be carried out in accordance with the agreed details and completed prior to occupation of the development hereby approved. The cycle store and associated lighting shall thereafter be retained, maintained and kept available for the residents of the development.

Reason: In the interests of highway safety, to promote alternative means of transport and in accordance with Policies CS18 and CS41 of the Bournemouth Local Plan: Core Strategy (October 2012).

17. Refuse Bin Store
Before development commences unless agreed in writing by the Local Planning Authority details of a screened refuse bin store suitable for the housing of Euro Bins showing the site location, elevations and materials to be used in the construction of the bin store shall be submitted to and approved in writing by the Local Planning Authority. The approved store shall be completed prior to the occupation of any of the units of accommodation granted by this permission and shall be retained and maintained thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the amenities of occupiers of adjoining and nearby residential properties and in accordance with Policy CS41 of the Bournemouth Local Plan: Core Strategy (October 2012).
18. Existing pedestrian access to rear to Hillcrest Road to be closed

Prior to the commencement of development, details of the proposed boundary treatments, to include the blocking off of the existing pedestrian access from the rear of the site linking to the private right of way through to Hillcrest Road and the replacement of safety railings to the retained garage, shall be submitted to and approved in writing by the Local Planning Authority. The pedestrian access shall be blocked off on the boundary of the application site, as approved, prior to the commencement of any works in respect of the permission hereby granted and thereafter the boundary treatment shall be retained. No use of the pedestrian access to Hillcrest Road shall be made in connection with construction works to implement the planning consent.

Reason: In the interests of the amenities of neighbouring properties and in accordance with Policy CS41 of the Bournemouth Local Plan: Core Strategy (October 2012).

INFORMATIVE NOTE: The applicant is advised that there should be no storage of any equipment, machinery or materials on the footway/highway this includes verges and/or shrub borders or beneath the crown spread of Council owned trees.

INFORMATIVE NOTE: The applicant is advised that in order to avoid contravention of highways legislation, provision shall be made in the design of the access/drive to ensure that no surface water or loose material drains/spills directly from the site onto the highway.

INFORMATIVE NOTE: The applicant is advised that notwithstanding this consent, Section 184 of the Highways Act 1980 requires the proper construction of vehicle crossings over kerbed footways, verges or other highway land. Normally this work will be undertaken at the expense of the applicant by the Highway Authority although on occasions there might be instances where the applicant under supervision can undertake this work. The applicant must contact the Service Director, Technical Services, Town Hall Annexe, St. Stephens Road, Bournemouth, BH2 6EA to initiate the procedure.

INFORMATIVE NOTE: This application and planning permission is subject to a requirement that capital contributions will be made at the appropriate time specified in a completed S106 agreement towards the mitigation of residential development on internationally protected sites.
Proposed Extensions and Conversion
Proposed Dwelling
Planning Board

<table>
<thead>
<tr>
<th>Report Subject</th>
<th>Town Planning Appeals</th>
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<tr>
<td>Meeting date</td>
<td>16th April 2018</td>
</tr>
<tr>
<td>Cabinet Portfolio</td>
<td>Councillor David Smith – Planning and Environment</td>
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<td>Corporate Lead</td>
<td>Bill Cotton – Executive Director, Environment and Economy</td>
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<td>Service Director</td>
<td>Roger Ball – Development Services</td>
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<td>Report author</td>
<td>Lee Finn, Appeals Officer, Planning and Regulation</td>
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<td>📧 <a href="mailto:planning.appeals@bournemouth.gov.uk">planning.appeals@bournemouth.gov.uk</a></td>
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<td>Recommendation</td>
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<td>Reason for recommendation</td>
<td>To provide members with an update on appeals since the last Planning Board meeting.</td>
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Appeals received

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<thead>
<tr>
<th>Ward</th>
<th>Type</th>
<th>Decision</th>
<th>Address</th>
<th>Application details</th>
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<tr>
<td>CE</td>
<td>Written</td>
<td>Delegated</td>
<td>16a Wimborne Rd</td>
<td>T1 (maritime pine) (T11 on TPO), removing the tree completely.</td>
<td>(TPO)</td>
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<td>CE</td>
<td>Written</td>
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<td>27-28 Westover Rd</td>
<td>Outline submission for retention of the main Façade at three levels Of the Westover Road Frontage, demolition of The remaining building and Erection of a 6/7 storey Building comprising 2 Commercial units 62 flats Car parking and associated Cycle and bin storage</td>
<td>26/04/2018</td>
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<td>CE</td>
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<td>37-41 Westover Rd</td>
<td>Outline submission for demolition of the part</td>
<td>15/02/2018</td>
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Withdrawn appeals

NONE

Dismissed appeals

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<tr>
<th>Ward Address</th>
<th>Application details</th>
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<tr>
<td>BW 24 Percy Road</td>
<td>Outline submission for the demolition of the existing and erection of a block of 8 flats with cycle stores, formation of new vehicular access and parking spaces</td>
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<tr>
<td>CE 1 Copper</td>
<td>Alterations and 3 storey extension to form an additional dwellinghouse with car port</td>
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<tr>
<td>Beeches, 19 Wimborne Road</td>
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<tr>
<td>CE 77 Lansdown Road</td>
<td>Alterations, extension and conversion of the premises into 14 flats with associated access, parking, bin and Cycle storage</td>
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<tr>
<td>EC 318 Windham Road</td>
<td>Alterations and conversion of storage building into a dwellinghouse - re submission</td>
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<tr>
<td>LI 1075 Christchurch Road</td>
<td>Without planning permission, alterations and conversion of building to a dwellinghouse situated in the approximate position marked in red on the attached plan.</td>
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<tr>
<td>LI 1374 Christchurch Road</td>
<td>Erection of a 3 storey block of 18 flats, with associated car parking and vehicular access.</td>
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<tr>
<td>QP 109-109a Richmond Park Road</td>
<td>Alterations, two storey extension and conversion of two flats to four flats – Revised application</td>
</tr>
<tr>
<td>SP Rear of 34 Mount Pleasant Drive</td>
<td>Erection of a dwelling and garage</td>
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<tr>
<td>WE 88 Alma Road</td>
<td>Alterations and conversion of dwellinghouse into three flats</td>
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<tr>
<td>WE 69 Kimberley Road</td>
<td>Alterations and additions including pitched roof single Storey rear extension incorporating dormers to form 2 Additional flats</td>
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Split decision appeals

NONE
Allowed appeals

CE 13-19 Oxford Rd Land Variation of the wording to parts 3 and 4 of condition no.
Adj 35 Holdenhurst 5 and variation of conditions, 6, 25, 28, 31 and 32 of
Rd 24 Christchurch Rd application 7-2015-2187-O
& Land Adj on corner
Christchurch Rd &
St Swithuns Rd

CE 13-19 Oxford Rd Land Variation of the wording to parts 3 and 4 of condition no.
Adj 35 Holdenhurst 5 and variation of conditions, 6, 25, 28, 31 and 32 of
Rd 24 Christchurch Rd application 7-2015-2187-O
& Land Adj on corner
Christchurch Rd &
St Swithuns Rd

ES 118 Wick Lane Alterations and roof extension to bungalow to form new
1st floor level with balcony and roof lights

Forthcoming public inquiries/hearings

NONE

Appeals awaiting dates for public inquiries/hearings

CE 27-28 Westover Road Informal Hearing
CE 37-41 Westover Road Informal Hearing

Appeals awaiting decisions

Ward Address Written reps / Public Inquiry
BE 35 Sea Road Written Reps
BE 3, 5, 7 and 7a Woodside Road Written Reps
BE 40-42 Ashley Road Written Reps
BE 7 & 7a Beechwood Avenue Written Reps
BE 50 Browning Avenue Written Reps
BW 5 Florence Road Written Reps
BW 28-30 Sea Road Written Reps
CE Richmond Hill St Andrew's Church, 8 St Stephen's Road Written Reps
CE Woodland Point, Wootton Mount Written Reps
CE 16a Wimborne Road Written Reps
CE 27-28 Westover Road Informal Hearing
CE 37-41 Westover Road Informal Hearing
CE 42-44 Commercial Road Written Reps
CE 55 Old Christchurch Road Written Reps
CE 58 Commercial Road Written Reps
CE Business Centre 69 Holdenhurst Road Written Reps
EC Citygate Centre 138a Holdenhurst Road Written Reps
CE 16a Wimborne Road Written Reps
EC Keverstone Court, Manor Road Written Reps
ES 1 Baring Road Written Reps
ES 1a Warren Edge Road Written Reps
ES 51 Baring Road Written Reps
KS 2 Lydford Road Written Reps
KS 14 Meadow View Road Written Reps
| Code | Address                                | Contact Details |
|------|----------------------------------------|----------------|---|
| KS   | E Howe Service Station, 271-275 Kinson Rd | Written Reps |
| LI   | 8 Collingbourne Avenue                 | Written Reps |
| LI   | St Peters Primary School Holdenhurst   | Written Reps |
| MO   | 24 Carey Road                          | Written Reps |
| QP   | 46 Queens Park Avenue                  | Written Reps |
| QP   | 49 Chatsworth Road                     | Written Reps |
| RN   | 27 Brockley Road                       | Written Reps |
| SP   | 89 Queens Park Avenue                  | Written Reps |
| SP   | The Old School Holdenhurst Village     | Written Reps |
| WC   | 140 Alumhurst Road                     | Written Reps |
| WE   | 249 Charminster Road                   | Written Reps |
| WS   | 7 Geneva Avenue                        | Written Reps |
### Appeal decision analysis for all appeals:

1. **Appeals against Planning Board decisions (includes 2. below)**

<table>
<thead>
<tr>
<th>Year (April to March)</th>
<th>Dismissed</th>
<th>Allowed</th>
<th>Total</th>
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2. **Appeals against Planning Board decisions made contrary to officer recommendation**

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<tr>
<th>Year (April to March)</th>
<th>Dismissed</th>
<th>Allowed</th>
<th>Total</th>
<th>% Allowed (Performance target 25% allowed)</th>
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3. **Appeals against Head of Planning and Regulation delegated decisions**

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4. **Appeals against 'Major' applications**

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*The government has applied a threshold for designation of 20% or more of an authority’s decisions on applications for major development made during the assessment period being overturned at appeal, i.e. the minimum level of performance should not be less than 20%.*
Appeal Decision
Site visit made on 13 March 2018

by H Porter BA(Hons) PGDip IHBC
an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 23 March 2018

Appeal Ref: APP/G1250/W/17/3189677
24 Percy Road, Bournemouth BH5 1JG
- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Mr Paul Bloomfield against the decision of Bournemouth Borough Council.
- The development proposed is to demolish existing flats and replace with a new development of 8no flats with associated parking.

Decision
1. The appeal is dismissed.

Procedural matter
2. The application was submitted in outline, with the matter of landscaping reserved for future consideration. I have dealt with the appeal on this basis.

Main Issues
3. The main issues are the effect of the proposed development on the character and appearance of the Boscombe Manor Conservation Area; and its effect on living conditions of the occupiers of adjoining properties and future occupiers of the proposed development, with particular regard to privacy, outlook and light, and the size of the proposed accommodation.

Reasons

Character and appearance

4. The Boscombe Manor Conservation Area is an attractive residential suburb of Bournemouth, characterised by palatial late 19th and early 20th century detached villas. Despite some variety in detailed design, a sense of cohesiveness is achieved, in part, by the richness of the traditional architecture as well as the broadly consistent material palette of red clay brick and tiles and timber joinery. In an area where the streets are largely devoid of trees, mature trees and planting in private gardens add greenery, which off-sets the density of built form and adds to the pleasing character and appearance of the Conservation Area as a whole.

5. The appeal site is bounded by Percy Road and Glen Road and is occupied by a late 20th century bungalow positioned centrally the plot. In terms of its age

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and scale, the extant bungalow does not fit with the established character that defines the wider Conservation Area. That said, its diminutive scale is unobtrusive in the street scene, revealing the quality of architectural detailing of the surrounding villas, notably the neighbouring Number 6 Watkin Road (No 6). Moreover, the relatively generous exterior green space, mature planting and trees along the rear boundary help to soften the environment. These aspects of the appeal site therefore make a positive contribution to the character and appearance of the Percy Road and Glen Road street scene and to the wider Conservation Area.

6. The appeal scheme proposes the demolition of the existing bungalow and the introduction of a substantial villa-style block of eight, two-bedroomed flats. While there are aspects of the design, materials and detailing that would complement the locality, the proposal would have a substantially larger footprint than the existing bungalow. In combination, the scale and elongated side elevations would mean that the bulk and overall mass of the proposal would introduce an unduly dominant and incongruous feature that would compete with, rather than complement, the traditional local townscape, including No 6.

7. Although the proposal would not encroach significantly on the site’s side boundaries, it would impose a substantial amount of new development towards the front and rear of the site, leading to the loss of much of the existing vegetation and undeveloped garden space. The proposal would retain the boundary Lime trees, which are subject to a tree preservation order, but what remains of the exterior provision would be dominated by the hard-surfaced parking bays, bin and cycle storage. Consequently, even if the boundary trees could be satisfactorily protected (and landscaping is a matter for future consideration) the site’s contribution to the greening and softening of the street scene would be markedly diminished.

8. I therefore conclude that the appeal scheme would have a harmful impact on the character and appearance of the Conservation Area, which, it follows, would not be preserved or enhanced. As such, the proposal would conflict with Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, Policy CS39 of the Bournemouth Local Plan Core Strategy, 2012 (CS), and Saved Policy 4.4 of the Bournemouth District Wide Local Plan, 2002 (BLP). The development would also not accord with Policies CS6, CS21 and CS41 of the CS, as well as Saved Policy 6.10 of the BLP and the ‘Residential Development’ SPG, 2008 insofar as these expect residential development to be of good design, to respect the site and its surroundings, and to retain and enhance features that contribute to a place’s heritage, character and local distinctiveness. In the context of the Conservation Area as a whole, the degree of harm would be less than substantial.

**Living conditions**

9. The west elevation of the existing bungalow is sited relatively close to the boundary and flank wall of No 6, and this distance would remain largely unchanged. However, the mass and bulk of the built form, well forward of the extant bungalow’s building line, would be significantly increased. The scale of the development would exceed substantially the existing bungalow and would substantially overshadow the windows on the side of No 6. Not only would the proposal deprive the occupants of the flats with windows in the side of No 6 of light, it would also severely restrict outlook and appear overbearing.
10. The proposal would introduce bedroom windows at ground floor and first floor level into its side elevation, almost directly opposite the extant windows that are located towards the rear of the side elevation of No 6. I consider that the position and size of these windows, coupled with the proximity to the boundary of the plot, would result in a harmful degree of overlooking. Unlike other boundaries, there is minimal screening or vegetation on the boundary with No 6. Such harm could not be overcome through imposing a condition to restrict opening or introduce obscured glazing, particularly as the Appellant points out that second bedrooms could be used by a single person or as an office.

11. As the separation distance between Number 26 Percy Road (No 26) would be greater, I do not consider such a harmful degree of overshadowing or harm to outlook would occur. However, four windows are also proposed in the elevation that faces the side of No 26. Even though two first floor windows are partially obscured and one angled slightly away, I consider there would be an increased perception of overlooking and loss of privacy for residents of this building, which adds to my concerns.

12. The WMS Planning Update March 2015 sets out the government’s new national planning policy on the setting of technical standards for new dwellings. For decision-taking, this means that existing Local Plan policies relating to internal space should be interpreted by reference to the nearest equivalent new national technical standard. Six of the eight flats proposed, which having two double bedrooms contain spaces for four persons, would fall short of the minimum gross internal floor area standard of at least 70 square metres established in the Government’s Technical housing standards – nationally described space standard, 2015.

13. Moreover, the outdoor amenity space serving the development would essentially comprise of a paved corridor, car parking spaces and cycle storage. Whilst landscaping is a reserved matter, the outdoor provision and proximity of other structures, car parking and neighbouring buildings would not form an attractive or enjoyable communal amenity area. In itself a flat that is slightly smaller than the nationally prescribed standard may not always be harmful. However, in this instance the relatively small size of six of the proposed flats would not be offset by any meaningful outside amenity space, and the poor quality of the accommodation overall would be compounded by the proximity of neighbouring buildings and the associated lack of privacy and outlook.

14. For all the above reasons, I conclude that the proposal would be harmful to the living conditions of future occupiers of the proposed building as well as occupiers of neighbouring buildings, in terms of privacy, outlook and light, and the size of the proposed accommodation. As such, the development would conflict with Policy CS21 and CS41 of the CS, as well as Saved Policy 6.10 of the BLP, insofar as these require development respects the living conditions of occupiers of buildings in the vicinity and provides a high standard of amenity to meet the day to day requirement of future occupants.

Planning balance

15. In support of the development is the provision of eight residential units in a location that has good access to a range of services and facilities. In seeking to bring forward housing development in an accessible location, the proposal accords with the general thrust of the development plan to some extent. There would be some social and economic benefits in boosting housing supply and
associated with employment during the construction phase. Cumulatively, these benefits are modest and I afford them moderate weight.

16. However, in terms of its more detailed effects, the proposal would result in material harm to the character and appearance of the Conservation Area, which, even though less than substantial, still attracts considerable importance and weight against the proposal. It would also be in conflict with the development plan on the basis of the harm to character and appearance living conditions, which also weighs heavily against the scheme in the overall planning balance.

17. The harmful impact I consider the wholesale provision of hard surfacing around the exterior of a number of buildings locally has had on the character and appearance of the Conservation Area does not justify the further harm that would result from the appeal scheme. Nor does living in a dense urban area indicate to me that occupants of buildings should expect sub-standard living conditions. On balance, the harms arising from the development significantly outweigh the modest benefits and the sum of the public benefits would not be sufficient to outweigh the less than substantial harm to the Conservation Area. The totality of the serious environmental harms also indicates that the scheme would not be sustainable development.

Other matters

18. The lack of a planning obligation, necessary to ensure the development would not have an adverse impact on the Dorset Heathlands Special Protection Area (SPA) is one of the Council’s reasons for refusal. However, while the appellant accepts that it would be necessary to make a contribution in respect of SPA monitoring, no signed Unilateral Undertaking has been provided during the course of the appeal. The absence of a fully executed Unilateral Undertaking would not satisfy the Council’s objection in respect of the Dorset Heathlands SPA, nor accord with Policy CS33 of the CS. However, as I am dismissing the appeal for other reasons there is no need for me to reach a finding on this issue.

Conclusion

19. For the reasons given I conclude that the proposal would not accord with the development plan taken as a whole. I therefore conclude that the appeal should be dismissed.

H Porter

INSPECTOR
Appeal Decision

Site visit made on 13 February 2018

by David Wildsmith  BSc(Hons)  MSc  CEng  MICE  FCIHT  MRTPi

an Inspector appointed by the Secretary of State

Decision date: 7 March 2018

Appeal Ref: APP/G1250/W/17/3189575
1 Copper Beeches, 19 Wimborne Road, Bournemouth, BH2 6LZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr & Mrs Chandler & Edwards against the decision of Bournemouth Borough Council.
- The application Ref 7-2017-441-AD, dated 6 June 2017, was refused by notice dated 23 August 2017.
- The development proposed is to erect 1 new dwelling.

Decision

1. The appeal is dismissed.

Preliminary matters

2. Although Part E of the appeal form indicates that the description of development has not changed from that stated on the application form, a different wording has been entered – "Alterations and 3 storey extension to form an additional dwellinghouse with car port". However, neither of the main parties has provided written confirmation that a revised description has been agreed. In the heading above I have therefore used the description given on the original application.

3. The appellants have submitted a completed unilateral undertaking¹ which would secure an appropriate financial contribution towards mitigation measures to address the impact of the proposed development on the designated Dorset Heathlands Special Protection Area, Ramsar Site and Dorset Heaths Special Area of Conservation. I consider that this unilateral undertaking would overcome the Council’s concerns on this matter, set out in the reason for refusal.

Main issue

4. In view of the above points, the main issue is the effect of the proposed development on the character and appearance of the surrounding area.

Reasons

5. Copper Beeches is a relatively modern terrace of 6 similarly-designed 3-storey town houses, with a later addition of a single-storey dwelling (No 7), attached to No 6, at the northern end. The appeal site lies at the southern end of this terrace, comprising a corner plot at the junction of Wimborne Road and Dean Park Road. Most of the site is the side garden area of 1 Copper Beeches, but it also includes a

¹ made under Section 106 of the Town and Country Planning Act 1990, as amended

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small area of communal amenity planting and part of the communal vehicular access and driveway. The site contains a conservatory attached to the side elevation of No 1, along with areas of planting, paving and decking.

6. Vehicular access to all properties is by means of a private, gated entrance on Dean Park Road. This leads to the rear of the existing properties, where there is a garage/car port for each of the 6 town houses, a garage for No 7, and a visitors’ parking bay for 5 vehicles. The surrounding area is predominantly residential, with a significant number of large, mature trees, including several along the frontage of Copper Beeches and within the appeal site, some of which are the subject of a Tree Preservation Order ("TPO").

7. The appeal proposal seeks to extend the terrace by constructing a new, 3-storey dwelling attached to No 1. At some 7.9m in width this new dwelling would be wider than the existing dwellings in the terrace, which are about 5.6m wide. It would be set back slightly from the front elevation of Nos 1 and 2 (which in turn are set back from Nos 3 to 6 by about 1.5m), and would not be as deep as these neighbouring dwellings as its layout would be restricted by the visitors’ parking area. In addition, it would not be as tall as the other 3-storey dwellings in the terrace, and its second-floor windows would be gabled and sit above the eaves, at a slightly different height to the second-floor windows of these other dwellings.

8. I acknowledge that there is a wide variety of building types, sizes and styles in the surrounding area, and consider that if the new dwelling could be seen in isolation, it could well be regarded as being of an acceptable design and not unduly out of keeping in this area. However, the fact is that the dwelling would not be seen as a stand-alone property, but as an extension to an existing, established terrace. When viewed in that context I consider that with its greater width, lower height and different styling it would appear as an awkwardly designed and rather contrived addition to this generally uniform terrace.

9. Moreover, the proposal would bring built form noticeably closer to the junction, thereby increasing the prominence of the proposed dwelling when seen from both Wimborne Road and Dean Park Road, notwithstanding the fact that some of the building would be shielded by trees. This relatively close proximity to the junction would be uncharacteristic in this generally more spacially laid out area, and on this point I share the Council’s view that the development would appear cramped on its plot. In this regard I have been mindful of the fact that this terrace has already been altered, by the addition of No 7 to its northern end, but this single-storey dwelling is not easily seen from Wimborne Road and, in my assessment, it has little impact within the street scene. As such, its presence does not add any material weight in the appeal proposal’s favour.

10. The design and location of the proposed car port, which would be sited close to the site access and next to the visitors’ parking bay, also emphasises the rather cramped nature of the proposal. Firstly, the submitted plans indicate that the car port would extend beyond the red-edged area of the appeal site, which is clearly not acceptable, and there is no firm evidence before me to demonstrate that the car port could be accommodated satisfactorily within the appeal site. Moreover, the plans also appear to indicate that a car parked in the car port would largely block or certainly impede any pedestrian or bicycle access to the new dwelling. This is poor design.

11. In addition, the Officers’ Report indicates that the central uprights on each side of the car port would be likely to restrict its use by making it difficult to open car
doors whilst under the shelter, although I accept that a revision could have been
sought by way of a planning condition if I had been minded to allow this appeal.
However, the Officers’ Report also highlights the fact that the appeal site is not
shown as encompassing all the land necessary for vehicles to be able to enter or
exit the car port. Access to the car port requires the use of part of the shared
driveway, which is not within the appellants’ sole control, and is not included
within the appeal site area.

12. This matter is partially dealt with by the fact that the appellants have completed a
Certificate B, which states that notices have been served on other owners of
properties in Copper Beeches. However, Certificate A on the original application
form has also been completed which indicates that nobody except the then
applicants were the owners of any part of the land to which the application
related. This has introduced an element of confusion into this proposal, and in
any case does not address the Council’s point that further land should also have
been included within the appeal site.

13. In light of all the above, I consider that the proposed development would appear
cramped on its site and would be out of keeping with the other dwellings in this
terrace. Because of this, I conclude that it would have an adverse impact on the
character and appearance of the surrounding area. As such it would conflict with
Policies CS6, CS21 and CS41 of the Bournemouth Local Plan Core Strategy, 2012,
and Policy 6.8 of the Bournemouth District Wide Local Plan, 2002, all of which, in
summary, require new development to be of good design and maintain and
enhance local distinctiveness, character and the quality of the street scene. For
the same reasons it would also be at odds with those parts of the National
Planning Policy Framework ("the Framework"), which seek to ensure good, high
quality design in new developments.

Other matters

14. I have noted the presence on the site of trees which are the subject of a TPO, but
in light of the submitted Arboricultural Impact Assessment & Arboricultural Method
Statement, and the comments from the Council’s Tree Officer, I am satisfied that
appropriate planning conditions could safeguard the protected trees, if all other
matters had been in the proposal’s favour.

15. I have also noted the various traffic, road safety and parking concerns raised by
interested persons, including current and former residents of other Copper
Beeches properties. However, the proposal has been considered by the local
Highway Authority, which does not object on any of these grounds. Indeed, it
maintains that the provision of the single car port space would be adequate, and
that tracking diagrams show that this proposed parking space could be safely and
conveniently accessed from the gated entrance without the need for excessive
vehicle movements. In the absence of any firm, contrary evidence on these
points to counter the Highway Authority’s view, the proposal would not have failed
on these grounds if all other matters had been in its favour.

16. Interested persons have also expressed concerns that the appeal proposal would
give rise to increased pressure on the existing drainage and sewerage systems,
but again, no firm evidence has been placed before me to demonstrate that the
proposed dwelling would unacceptably worsen matters in these regards. I can
therefore only give these concerns limited weight.
17. The appellants have argued that this proposal would satisfy the 3 roles of sustainable development set out in the Framework, and should therefore benefit from the presumption in favour of such development. I accept that in economic terms there would be modest benefits, arising from additional employment during the construction period and increased expenditure from future occupiers. But these benefits would not be unique to this proposal, but would arise from any similarly-sized development in the Borough.

18. In social terms, the proposal would provide a new home in a sustainable location. But in environmental terms the proposal would have a harmful impact on the character and appearance of the surrounding area. In light of this latter point, and as I have already found conflict with the development plan, the proposal cannot be considered sustainable development, and therefore does not benefit from any presumption in its favour.

19. Finally, I understand that there may be restrictive covenants affecting development at this site, but this is not a planning matter and therefore has not been something I have taken into account in reaching my decision.

Conclusion

20. Notwithstanding my favourable findings on some of the other matters detailed above, my adverse conclusion on the main issue and my finding that this proposed development would not amount to sustainable development lead me to conclude that this proposal is not acceptable. The appeal is therefore dismissed.

David Wildsmith

INSPECTOR
Appeal Decision
Site visit made on 13 February 2018

by David Wildsmith  BSc(Hons) MSc CEng MICE FCIHT MRTPi
an Inspector appointed by the Secretary of State

Decision date: 7 March 2018

Appeal Ref: APP/G1250/W/17/3189603
77 Lansdowne Road, Bournemouth, BH1 1RW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by High Profile Properties (UK) Ltd against the decision of Bournemouth Borough Council.
- The application Ref 7-2017-7021-N, dated 3 February 2017, was refused by notice dated 5 June 2017.
- The development proposed is alterations, extension and conversion of the premises into 14 flats with associated access, parking, bin and cycle storage.

Decision

1. The appeal is dismissed.

Preliminary matters

2. The description of development as set out on the application form was for 16 self-contained residential flats. However, the Planning Officers’ Delegated Report indicates that the plans were amended slightly during the application process to reduce the number of proposed flats from 16 to 14, and it was on the basis of a 14 flat proposal that the Council made its decision.

3. Section E of the appeal form indicates that the development description has not changed from that stated on the application form, but in light of the points just mentioned this cannot be the case. The submitted plans show that only 14 flats are proposed in the scheme before me, and I have therefore used the description of development cited in the Council’s Decision Notice and on the appeal form, and have determined this proposal on that basis.

4. In addition a revised plan, No 8840/104 Rev B was submitted after the Council refused planning permission. This plan shows minor amendments to the front elevation first floor windows and in my opinion would not prejudice anyone with an interest in this case. I therefore accept this plan, and it is one of the plans upon which I have based my decision.

5. Subsequent to the refusal of planning permission for this proposal, the appellant submitted a further amended proposal, also for 14 flats, but with fewer changes to the existing building. This was granted planning permission on 17 October 2017 ("the approved scheme"), and both parties have made reference to the differences and similarities between the appeal proposal and this approved scheme, in their respective submissions.

1 Under reference 7-2017-7021-O

https://www.gov.uk/planning-inspectorate
6. The appellant has submitted a completed unilateral undertaking\(^2\) which would secure appropriate financial contributions towards affordable housing and mitigation measures to address the impact of the proposed development on the designated Dorset Heathlands Special Protection Area, Ramsar Site and Dorset Heaths Special Area of Conservation. The Council is satisfied with the wording of this unilateral undertaking and I consider that it would therefore overcome the Council's concerns on these matters, set out in the reason for refusal.

**Main issue**

7. The main issue is the effect of the proposed development on the character and appearance of the Dean Park Conservation Area.

**Reasons**

8. The appeal property is a large, double-fronted Victorian villa which has been used in recent years as a hotel and a language school. It is prominently located on a corner plot at the junction of Lansdowne Road and Milton Road, and lies within the Dean Park Conservation Area, at its north-eastern edge. The building is set well back from Lansdowne Road with an open, hard-surfaced area to its front, but is sited relatively close to Milton Road which lies to its north-western side. A railway line runs along the rear of the appeal site, forming a boundary to the Conservation Area. The wider area has a sylvan appearance, containing many tall, mature trees, including several at the rear, north-eastern side of the appeal site - some within the appeal site itself - and with others lining the railway cutting and sitting in the grounds of the adjacent property, No 75.

9. Over the years the appeal property has had a series of substantial rear extensions, which the appellant considers have degraded the historic fabric of the building. I agree, but I also share the Council's view that whilst some of the extensions are large, they do retain a certain degree of subservience to the original, front part of the villa. This subservience largely arises from the fact that the extensions have a generally lower eaves height than the original villa, and because, on the more publicly visible north-western elevation facing Milton Road, the first floor and roof elements are set back appreciably from the single-storey, flat-roofed ground floor extension.

10. No formal appraisal of the Conservation Area has been placed before me, but the appellant has made reference to Appendix 1 to the Bournemouth District Wide Local Plan (2002) ("the DWLP"). This describes the area as having spacious plots, which become smaller towards the north, arranged along wide, curving roads and in the residential circuses around the focal points of Horseshoe Common and the cricket ground (both of which lie to the south of the appeal site). This Appendix goes on to note that although a number of plots have been redeveloped and some properties have suffered unfortunate alterations, the design of the layout and many of the remaining villas are of great quality and well worth conserving, for architectural and historic value.

11. Under the appeal proposal the building’s roof would be extended and converted to provide additional residential accommodation within the roof-space, at second-floor level. In part, this would be achieved by raising the ridge height by about 0.3m over much of the front part of the building, with a slightly larger increase in height at the rear, together with the inclusion of new, flat areas of roof. Like the

\(^2\) Made under Section 106 of the Town and Country Planning Act 1990, as amended
Council, I consider that these proposed height increases, in themselves, would not be particularly noticeable and would not have any real impact on the appearance of the building or its impact within the street-scene.

12. However, the appellant also seeks to extend the building at first and second-floor levels along the north-western elevation, effectively moving these elevations, and the roof, about 2.5m closer to Milton Road. This would remove the rather unattractive flat-roofed single-storey element, and I note that the whole of this rear, extended section would be set in by about 0.5m from the side elevation of the original, front part of the building. However, this would only be a relatively small inset and I am not persuaded that it would retain the subservient appearance of this part of the building.

13. Rather – like the Council – I consider that this part of the proposal would significantly increase the bulk and scale of this rear part of the building, and greatly increase its prominence and impact within the street-scene. This would be particularly the case when seen from the north-west, because of the building’s proximity to Milton Road, but would also be seen in views from the rear, through the tree screen on the railway cutting, as a result of the increased height and larger gable proposed for the north-easterly elevation.

14. For the south-eastern elevation, the appellant maintains that the rearmost gable at present is rather squat, and that by increasing the height of its apex it would allow the gable to appear more in proportion with the other gables on this elevation, on the original part of the building, thereby improving the building’s aesthetics. However, in my assessment these proposed changes would also increase the building’s bulk, and diminish the currently existing impression of subservient additions.

15. In particular, the noticeably higher ridge height and the taller, enlarged gable would change the character of this rear part of the building, resulting in a much bulkier building overall. Whilst these changes would not be as visible from public viewpoints as those on the Milton Road elevation, they would still be quite noticeable when viewed from Lansdowne Road, to the front of the property.

16. I accept that the flat-roofed, rather poorly-designed single-storey, ground floor extension on the north-western side would remain with the approved scheme, whereas it would be removed under the appeal proposal. But this would be at the cost of significantly moving the first and second-floor elevations, and the roof, much closer to Milton Road, as already noted above. On balance, I do not consider that the appeal proposal would represent an improvement in this regard.

17. Further on this point, I have noted that the appellant’s Appeal Statement shows, for comparison purposes, drawings of both the north-west and south-east elevations as existing; for the approved scheme; and as sought through the appeal proposal. On the basis of these elevations the appellant contends that the increase to the rear of the building would not result in any demonstrable harm in the wider Conservation Area, in terms of additional bulk and mass when compared to the extant permission or the exiting building. However, the elevations cannot portray the 3-dimensional impact of the increased bulk which would arise with the appeal proposal and which, in my assessment, would be harmful, for reasons already given.

18. Insofar as the fenestration on this north-western elevation is concerned I have noted the differences between the approved scheme and the appeal proposal, but
purely in terms of the window sizes, positioning and design I do not consider there is anything particularly objectionable in what is now proposed. However, this is a neutral point, and does not add weight to the appeal proposal.

19. When the above points are taken together, they lead me to the view that the appeal proposal would, as the Council asserts, result in an overly large development that would be harmful to the appearance, form and proportions of the original dwelling. As such, these proposed extensions and alterations would not conserve the architectural or historic value of the original villa, and would therefore be at odds with what appears to be a general aim for the Dean Park Conservation Area, as set out in the aforementioned DWLP Appendix 1. Accordingly, I conclude that the proposed development would fail to preserve or enhance the character or appearance of this Conservation Area.

20. It would therefore be in conflict with Policy CS39 from the Bournemouth Local Plan Core Strategy ("CS"), 2012 which, amongst other things, seeks to protect designated heritage assets from inappropriate alterations, extensions or other proposals that would adversely affect their significance. It would also be at odds with CS Policies CS21 and CS41 which, amongst other matters, require development proposals to be of good design, respect the site and its surroundings, and maintain and enhance the quality of the street-scene and townscape. It would also conflict with Policies 4.4 and 6.10 of the DWLP, which have similar objectives to the aforementioned CS policies.

21. Paragraph 134 of the National Planning Policy Framework ("the Framework"), explains that where less than substantial harm would be caused to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. I consider that the harm which would be caused to the Dean Park Conservation Area in this case would be less than substantial, and I undertake the necessary planning balance later in this decision.

Other matters

22. I have noted the appellant’s contention that by providing more space at second-floor level than the scheme already approved, the appeal proposal would create a better standard of living for future occupiers, and would give the opportunity for a better mix of units to be provided and consequently for a better community mix to be created. I acknowledge that this would accord with one of the aims of the Framework, as set out in its paragraph 50, but as this approved scheme would also provide a mix of 14 flats - albeit a different mix to the appeal proposal - I am not persuaded that this is a matter which should weigh greatly in the appeal proposal’s favour.

23. The site falls within an area covered by a Tree Protection Order and I understand that the Council’s Landscape and Arboricultural Officer has examined the proposals and is generally content that subject to the imposition of appropriate planning conditions, the proposed development would have no unacceptable impact on protected trees. No contrary evidence on this matter has been placed before me, and I therefore view this as a neutral point, neither weighing for or against the appeal proposal.

24. The owners of the Bournemouth Day Nursery and Pre-School at 75 Lansdowne Road have objected to the appeal proposal on the grounds that it would provide insufficient car parking, leading to a reduction in kerbside parking for local
residents and businesses and adding more pressure in an already congested area. However, the local Highway Authority is satisfied that the level of parking provision would be acceptable, as long as the 12 spaces to be provided remain unallocated to any specific resident or residence for the lifetime of the development. I see no reason to take a contrary view on this matter. The Highway Authority is also content that any other traffic and highways concerns could be addressed by planning conditions and, as a result, it does not object to this proposal. No firm evidence has been submitted to cause me to disagree.

25. Finally, I have noted that the Bournemouth Civic Society supports this proposal as it considers that it would better integrate the unrelated and somewhat poorly planned existing rear extensions into a visually, more presentable whole. It considers that the resulting building could then become a “more plausible element” in the Conservation Area. But whilst I understand the reasoning and sentiment behind these comments, they do not address the specific issues of increased bulk and the loss of subservience, which have given rise to my findings of harm. As such, I can only give these views limited weight.

Planning balance and overall conclusion

26. I have concluded, above, that the proposed development would have an adverse impact on the character and appearance of the Dean Park Conservation Area and, as a result would be in conflict with a number of development plan policies. Less than substantial harm would be caused to the significance of this designated heritage asset, and in accordance with paragraph 134 of the Framework, this harm needs to be weighed against the public benefits of the proposal.

27. In this regard I consider that the provision of additional market housing and the contribution towards affordable housing would, indeed, constitute a public benefit. However, I can only give this limited weight, as it has been shown that similar benefits could be achieved through the approved scheme, without the level of harm which would arise with the appeal proposal. For similar reasons I give little weight to the public benefits which would arise in terms of room sizes and unit mix, as a result of any increased space at second floor level, referred to above. I do not consider that any other, specific public benefits would arise with this proposal, and it is therefore my overall conclusion that the public benefits would not outweigh the harm I have already identified. Accordingly, for the reasons given above, I dismiss this appeal.

28. I have had regard to all other matters raised, but they are not sufficient to outweigh the considerations which have led me to my conclusion.

David Wildsmith

INSPECTOR
Appeal Decision
Site visit made on 13 February 2018

by David Wildsmith BSc(Hons) MSc CEng MICE FCIHT MRTPi
an Inspector appointed by the Secretary of State

Decision date: 7 March 2018

Appeal Ref: APP/G1250/W/17/3188507
318 Windham Road, Bournemouth, BH1 4QU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Karen Aris against the decision of Bournemouth Borough Council.
- The application Ref 7-2017-6682-N, dated 16 February 2017, was refused by notice dated 4 May 2017.
- The development proposed is alterations and conversion of a storage building into a dwellinghouse.

Decision

1. The appeal is dismissed.

Preliminary matters

2. The appeal site comprises the curtilage of 318 Windham Road, a semi-detached dwelling which sits just to the west of a former British Legion Club which has recently been granted permission to convert its upper floors into self-contained flats. The current appeal relates to a brick-built storage building which lies to the rear of No 318 and is attached to the side elevation of this former Club.

3. The appellant has explained that following the refusal of planning permission for a similar proposal in January 2017, the owner undertook urgent repairs to the appeal building which included the installation of a large roof lantern and a temporary door in the north-western elevation. At the same time the building was re-surveyed and was found to have a greater internal height (6.8m) that had been assumed in the refused scheme (6.1m), due to an internal void between floors, the depth of which had been under-estimated by the previous surveyor.

4. Revised plans\(^1\) taking account of this new-found increase in height have been submitted. In my opinion these relatively minor changes do not go to the heart of this proposal and would not prejudice anyone with an interest in this case. I have therefore had regard to these amended plans in reaching my decision.

5. The appellant has submitted a signed unilateral undertaking\(^2\) which would secure an appropriate financial contribution towards mitigation measures to address the impact of the proposed development on the designated Dorset Heathlands Special Protection Area, Ramsar Site and Dorset Heaths Special Area of Conservation. The Council has approved this unilateral undertaking which would therefore overcome its concerns on this matter, set out in the reason for refusal.

\(^1\) Drawing Nos 1061R1.102c – Existing Floor Plans & Elevations, and 1061R1.104b – Proposed Elevations

\(^2\) Made under Section 106 of the Town and Country Planning Act 1990, as amended

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Main issues

6. The main issues are firstly, whether the proposed development would provide acceptable living conditions for future occupants of the proposed dwelling; and secondly, the effect on the living conditions of nearby residents.

Reasons

Living conditions of future occupiers

7. I saw at my site visit that part of the rear garden area of No 318, including the appeal building, has been severed from the remainder of the garden by a close-boarded timber fence. This has created a new access-way which runs alongside the former British Legion Club from a new, gated entrance off the dwelling’s front parking area. The new gate sits alongside a similar gate which gives access to the remaining rear garden of No 318.

8. Under the appeal proposal, the former storage building would be converted into a dwelling using what the appellant describes as an “innovative design solution that has been influenced by Japanese style mews housing”. It would have no corridors or solid internal partitions, as internal walls would be replaced with passive timber partitions in order to maximise the available floor space. The property is intended to have an open-plan kitchen and dining area on the ground floor; a living room and bathroom on the first floor; and a mezzanine-style bedroom on the second floor. A large skylight is proposed with a light well through the building, intended to allow natural light to reach down to the ground floor. As noted above, this skylight/roof lantern is already in place, and I saw at my visit that any originally existing internal upper floors have now been removed.

9. The proposed fenestration has changed from that in the earlier, refused scheme, with the current proposals showing a ground floor kitchen window; an obscure-glazed first floor bathroom window; and a second floor bedroom window, all on the north-western elevation; a ground floor “window seat” window and a high-level second floor living area window on the south-western elevation; and just ground floor French doors on the south-eastern elevation.

10. I consider the appeal proposal to be an interesting and innovative attempt to maximise the space available in this rather small building but, like the Council, I am not persuaded that it would result in satisfactory living conditions for future occupants. In particular, the overall floor area, estimated by the Council at some 31.8 sqm and not disputed by the appellant would, in my assessment, lead inevitably to a poor and cramped design, with very limited floor area on each of the proposed floors and cramped living conditions for future occupiers.

11. I consider that this is shown on the submitted plans by such things as a very small bathroom area, with the need for the shower to extend almost completely across the window; and the need for the suggested double bed to be positioned hard up against two walls and a timber partition, with limited floorspace alongside. In my opinion this design would result in very limited opportunities to provide necessary storage facilities for future occupiers, and I am also concerned that the internal room height would only be 2m in the kitchen and bathroom areas.

12. On these points, the Council has made reference to “Technical Housing Standards” produced by the Government in 2015, and whilst I acknowledge that these have not been adopted by the Council and cannot therefore carry any formal weight in this appeal, it does not follow that no regard can be had to them at all. They give
details of the size of accommodation generally considered to be acceptable and to provide a good standard of design for different types of residential accommodation and, with a guideline figure of at least 58 sqm for a 2-storey dwelling with a bedroom such as is proposed here, it is quite clear that the appeal proposal falls well below this figure.

13. I also consider that the proposed development would provide a very poor outlook for future occupiers. The ground floor windows and doors would simply have views along the fenced in access-way, or would look straight onto wooden fencing from a distance of just 1m-2m. There would be no outlook from the living area, due to the proposed high-level window, whilst the bedroom window would face directly onto the narrow gap between No 318 and the former British Legion Club. I have noted the appellant’s acceptance that this bedroom window could be obscure glazed, arguing that sufficient light would be provided by the roof lantern and the high-level living room window. But in my opinion the lack of any clear outlook from this habitable room would not represent good living conditions.

14. It seems to me that many of the photographic examples of “compact” residential accommodation included with the submitted drawings show areas well in excess of what is proposed here. Moreover, whilst I have noted the submitted information relating to what the appellant describes as a similar development approved in 2015 by the London Borough of Newham, it is clear that in that case the accommodation proposed was much larger, at some 83 sqm, and that this complied with the space standards adopted by that Authority. In these circumstances I am not persuaded that this approved scheme adds any material weight in favour of the appeal proposal.

15. The appellant argues that the correct approach in this case should not be to assess the proposal against the aforementioned Government standards, which the Council has not adopted, but rather to assess it against Policy CS41 of the Bournemouth Local Plan Core Strategy (“CS”), 2012. Amongst other matters this requires new development to provide a high standard of amenity to meet the day-to-day requirements of future occupants; and to enhance the amenities of future occupants and neighbouring residents. However, my assessment of the proposal against this policy is that it falls well short of the requirements, for reasons already given above.

16. I acknowledge that the National Planning Policy Framework (“the Framework”) indicates that planning policy and decisions should encourage the effective use of previously developed land, and I have also noted the appellant’s reference to paragraph 63 of the Framework which states that great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area. However, whilst this proposal would clearly make use of an already existing building, and proposes an innovative design solution, its cramped nature means that I am not persuaded that it would help to raise the general standard of design in the area in any meaningful way.

17. In view of all the above points I conclude that the proposed development would not provide acceptable living conditions for future occupiers. It would therefore be at odds with CS Policy CS41 as already noted. It would also conflict with Policy CS21, which requires new residential development to be of good design and respect residents’ amenities. Similar objectives are sought through paragraphs 17 and 64 of the Framework, and the appeal proposal would therefore be in conflict with these, also. In addition, it would not accord with the requirements of Section
7 of the Council’s Residential Design Guide, which has an overall objective of ensuring that existing residents are not adversely affected by new development, and that a suitable standard of amenity is provided for future occupiers.

The effect on nearby residents

18. With regard to neighbouring residents, the Council’s principal concern relates to the occupiers of 318 Windham Road. The second floor bedroom window in the proposed dwelling would face onto the rear elevation of this existing dwelling, albeit at an angle. I accept the appellant’s point that this window would only provide very limited views of the private amenity area of No 318, immediately to its rear, and I also note the appellant’s comment that the first floor window at No 318, closest to the proposed dwelling, only serves a landing above the staircase.

19. However, it seems likely to me that the other first floor window at No 318 serves a bedroom, and even though it was protected by a slatted blind at the time of my visit, the fact that the proposed dwelling’s bedroom window would only be sited some 8m or so away, and at a higher elevation, leads me to conclude that this would be an unneighbourly situation, and the sort of relationship which the design policies and the Residential Design Guide already mentioned, seek to avoid.

20. Whilst the current occupiers of No 318 have not objected to the appeal proposal, this lack of objection appears to be conditional upon the facing windows of the proposed dwelling being obscure glazed. But I have discussed this point, above, and have already explained why I do not consider that providing obscured glazing for this window would be either an appropriate or acceptable course of action.

21. I have noted the objection lodged by occupiers of 93 Boscombe Grove Road, which lies to the south-east of the appeal building, on the grounds of overlooking and increased noise. However, no windows are proposed on upper floors of the south-east elevation of the proposed dwelling, and no firm evidence has been submitted to demonstrate that noise arising from this small unit would be unacceptable. In these circumstances I can give these objections only very limited weight.

22. Notwithstanding my favourable findings on this latter point, I conclude that the proposed development would have an adverse impact on the living conditions of neighbouring residents at 318 Windham Road, through overlooking and a potential loss of privacy. As such, the proposed development would be in conflict with the policies and other planning guidance to which I have already referred.

Other matters

23. Finally, I have noted the appellant’s contention that given the former use of the building for storage purposes, it could be converted into residential use as a permitted development, under Schedule 2, Part 3, Class P, of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). But whether or not this is the case, it is not a matter for this appeal. The appellant would need to make a submission to the Council who would need to consider it against the appropriate legislation. I therefore give this matter little weight in this appeal.

Summary and overall conclusion

24. Although I accept that there would be some modest benefits arising from this proposal, such as the provision of an additional unit of accommodation and the re-
use of previously developed land, these are not sufficient to outweigh the harm I have identified above. There are therefore no material considerations of sufficient weight to cause me to determine this proposal other than in accordance with the development plan. With these points in mind, and having regard to all other matters raised, I dismiss this appeal.

David Wildsmith

INSPECTOR
Appeal Decision
Hearing held on 9 January 2018 and 25 January 2018
Site visit made on 9 January 2018
by Graham Dudley BA (Hons) Arch Dip Cons AA RIBA FRICS
an Inspector appointed by the Secretary of State for Communities and Local Government
Decision date: 5 March 2018

**Appeal Ref: APP/G1250/C/17/3177109**
1075 Christchurch Road, Bournemouth BH7 6BE
- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Clemdell Limited against an enforcement notice issued by Bournemouth Borough Council.
- The enforcement notice was issued on 3 May 2017.
- The breach of planning control as alleged in the notice is alterations and conversion of building to a dwellinghouse.
- The requirements of the notice are to cease the use of the building as living accommodation.
- The period for compliance with the requirements is 3 months.
- The appeal is proceeding on the grounds set out in section 174(2)(b)(c) & (f) of the Town and Country Planning Act 1990 as amended.

**Decision**
1. The appeal is dismissed.

**Procedural Matters**

**Application for costs**
2. At the hearing an application for costs was made by Clemdell Limited against Bournemouth Borough Council. The application is the subject of a separate decision.

**Ground (c)**
3. The appellant acknowledged at the hearing that if ground (c) is considered on the basis that it relates to the allegation in the notice, planning permission would be necessary, and therefore the ground (c) appeal was not considered in relation to that.

**Reasons**

**Ground (b)**
4. A building regulation application was made for a garage in 2007 and the building was commenced around that time by digging foundations, but little else was completed. Work recommenced around 2015, but the structure was not built in accordance with the original scheme as identified by the building regulation drawing. Garage doors were omitted and the internal layout was also changed to what is seen today, with 4 rooms, a central heating system.

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and independent electric and gas supply. The appellant applied for planning permission for conversion and use as a dwellinghouse and the application was refused.

5. There is limited evidence presented in relation to the use of the building. The tenant was not at the hearing to explain how it is used. There is a statutory declaration confirming that she is the tenant, occupying the property since February 2016. The tenancy agreement requires the tenant to occupy the property as the tenant’s only or principal home. However, this does not explain how the building is actually being used at the moment.

6. The appellant indicated at the hearing that he has little personal knowledge of how the building is used, but if it was found to be used as alleged then the tenant would be in conflict with the terms of the agreement and the tenancy could be terminated. That may be the case, but again it does not explain if the use indicated by the Council has or has not occurred, just what should occur. The appellant indicated at the hearing that the tenant now lived in the house with her partner and new baby and her older son had some accommodation in the outbuilding. Inspection showed the outbuilding to have what was set out as a sitting room with two sofas and a single armchair and television. There is a bathroom and two other rooms. One room appears to be used for general storage and the other has a double bed, television and other bedroom furniture. From the way it was set out with clothes etc. it was most probably currently in use.

7. The Council notes at the time of its initial inspection where the ‘sitting’ room was viewed through the door, there was a kitchenette visible on the opposite wall. That is not there now, but I note on this wall there are a significant number of sockets that are at a normal height to go behind kitchen units and not the usual lower height for use in non-kitchen areas.

8. The Court has held in relation to lawful development certificates, and similar considerations apply to enforcement appeals, that the appellant’s own evidence does not need to be corroborated by “independent” evidence in order to be accepted. If the Council has no evidence of its own, or from others, to contradict or otherwise make the appellant’s version of events less than probable, there is no good reason to refuse the application, provided the appellant’s evidence alone is sufficiently precise and unambiguous to justify the grant of a certificate "on the balance of probability".

9. To my mind the building was probably constructed as a dwellinghouse with the ‘hope’ that planning permission would be granted for the application made. For this reason alone the probability is that the building was not built with the intention of being ‘incidental’ to the main dwelling and would not be permitted development. However, the Council has reasonably not directed the notice at the operational development, as the structure itself could be used incidentally to the main dwelling and if so would be permitted development and there would be little merit in requiring demolition.

10. The Council has visited the site and seen the building with a kitchenette and there are living areas as well as bathrooms and the building is in use, although currently there is no kitchenette. In terms of whether it is a dwellinghouse I consider that with a kitchenette, bathroom, living area and bedrooms the building would have been a dwellinghouse when enforcement action commenced.
11. I accept that the Council also has limited information about the way that the tenant is using the building, but the Council has seen the structure as a dwelling and it is known to have been in use and it took enforcement action on that basis. The appellant says it has always been used associated with the main house, but it is for the appellant to demonstrate the case on the balance of probability. The Council has identified that at the time of its inspection the building was fitted out as a dwelling. There is very limited evidence from the appellant or tenant on the actual use and I conclude that the appellant’s evidence alone is not sufficiently precise to justify his ground (b) challenge on the balance of probability. I conclude, notwithstanding that the kitchenette has been subsequently removed, that this was most probably used as an independent dwelling house at the time of the enforcement notice being issued.

12. I have taken into consideration the principles of Burdle and acknowledge that the property is in one ownership and one tenancy from that owner, but the evidence of the actual use of the building is lacking. The building, while in the grounds of the main house, is physically separate from the main house with its own services. In my view, it is not reasonable to consider this separate unit as being part of the main property when in separate use and should be considered as a separate planning unit to the main dwelling. The appeal on ground (b) fails.

13. At the hearing the Council also noted that even if found not to be a separate planning unit it was still a primary ancillary use. Even if accepting the appellant’s argument that the building is used in conjunction with or ancillary to the main dwelling and the whole is a single planning unit, the construction of the building for a primary ancillary use such as bedrooms and a sitting room would also not be permitted development, as primary accommodation is not incidental to the main dwelling house.

14. I acknowledge that outbuildings can after a reasonable period of use incidentally to the main dwelling, be changed to a primary ancillary use. However, the buildings cannot be constructed for that purpose and be permitted development, as it is not an incidental use, which is necessary for it to be classed as permitted development. While I have accepted that the building was started as a garage, which would be an incidental use, it was clearly completed for residential occupation, because of the way that it has been finished and laid out internally. The occupation that the appellant describes by the tenant’s son would clearly be a primary ancillary use even without a kitchenette. So whether or not the appeal is considered on the basis of the use being a separate dwellinghouse or ancillary residential it would fail.

15. I have also noted that the premises has been put into two different Council Tax bands, but I give little weight to this as information explaining the basis of this change has not been provided. The change has been dealt with by the tenant, who is responsible for Council Tax payments.

Ground (f)

16. The appellant argues that it is unreasonable to require all residential occupation of the building to cease on the basis that as the building is in the same planning unit as the house, it can be used for residential use by the occupants of the house. However, as noted above, use for a primary residential use would not be acceptable in terms of permitted development. The enforcement notice
does not prevent the continued use of the building incidentally to the main house. I therefore consider that the requirement to cease the use of the building as living accommodation is reasonable.

_Graham Dudley_

_Inspector_
APPEARANCES

FOR THE APPELLANT:

Mr B Pliskin                        Appellant

FOR THE LOCAL PLANNING AUTHORITY:

Mr S Gould BA                        Bournemouth Borough Council
(Hons)Dip TP MRTPI
Mr P John                             Bournemouth Borough Council

DOCUMENTS

Document  1  Notification letter
          2  Photograph of sitting area
          3  Tax valuation list
          4  Judgement RambridgevSoS for the Enviroment and East Herts DC
          5  Email Darren Vickers to Paul John Jan 2018
          6  Appellant's final submissions and costs application
Costs Decisions
Hearing Held on 9 and 25 January 2018
Site visit made on 9 January 2018
by Graham Dudley BA (Hons) Arch Dip Cons AA RIBA FRICS
an Inspector appointed by the Secretary of State
Decision date: 5 March 2018

Costs application in relation to Appeal Ref: APP/G1250/C/17/3177109
1075 Christchurch Road, Bournemouth BH7 6BE

- The application is made under the Town and Country Planning Act 1990, sections 174, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
- The application is made by Clem dell Limited for a partial award of costs against Bournemouth Borough Council.
- The hearing was in connection with an appeal against an enforcement notice alleging alterations and conversion of a building to a dwellinghouse.

Decision
1. The application for an award of costs is refused.

The submissions for Clem dell Limited
2. The application is made in writing and is document 6.

The response by Bournemouth Borough Council
3. The alleged breach was clearly identified and when the notice was issued the Council identified that one of the aspects of the proposal that was unacceptable in planning terms was parking. It is normal to identify why the development would be unacceptable in planning terms on the enforcement notice and it was noted that an application for planning permission for the use had been refused.

4. Following refusal of the planning application it became apparent that an appeal against that refusal was being lodged and the Council looked at the highways issues in preparation for that. The planning appeal and potential ground (a) did not come about, only because the appellant missed the date to make the appeal.

Reasons
5. The Planning Practice Guidance advises that costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.

6. This appeal has not had a simple run through the appeal process. It has been complicated by the potential Section 78 appeal against a related planning refusal on an application made by the appellant. The Council noting the presence of this appeal contacted the Inspectorate in August 2017 to sensibly
see if the two appeals could be joined and requested some additional time for its statement to allow for the additional information necessary.

7. The appellant noted the addition of highway information in the Council’s evidence in the middle of September 2017, now also indicating at this time it had been decided that the Section 78 appeal could not proceed. The only reason given by the appellant for now wanting to rebuff the parking evidence was that it would not be fair for the appellant to rely on the Inspector disregarding the Council’s issues that relate only to the planning appeal. The appellant noted that ‘where these planning issues were raised by the Council for the first time as apparent enforcement issues, they were contrary to the documented policy and position of the Council, so it would be unjust for the appellant not to have the opportunity to respond and, where necessary, to evidence that response with the contrary Council documentation’. To my mind, this indicates that the appellant is aware that the evidence could not realistically be considered at the enforcement appeal.

8. It is unfortunate that this situation arose and to my mind was clearly based on the potential that two appeals might be joined. In the circumstances it was not unreasonable for the Council to want to put its case in relation to highways. There is no evidence in the Council’s documentation that it was changing the basis for the rejection of the appellant’s enforcement appeal case. In fact as it is clear from what the appellant noted, there is no place for the Council to introduce that evidence where there was no ground (a) appeal. The reference to highways in the enforcement notice itself is appropriate, because at the time the enforcement notice is issued the Council has no idea on what grounds an appellant might appeal.

9. While I appreciate that the appellant was worried that I might accept the information and wanted the opportunity to rebuff it, there was no ground (a) for me to consider it and had I wanted to introduce a ground (a) which in itself would be practically unheard of, the appellant would have had to have been given the opportunity to find relevant evidence, in a similar way to the adjournment that was made in relation to another issue. The basis for providing the information was not down to the Council. I reject that the Council has behaved unreasonably or that the appellant was unnecessarily put to wasted expense.

10. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

Graham Dudley

Inspector
Appeal Decision

Site visit made on 16 January 2018

by Janet Wilson  BA BTP MRTPI DMS
an Inspector appointed by the Secretary of State

Decision date: 23rd March 2018

Appeal Ref: APP/G1250/W/17/3185702
1374 Christchurch Road, Bournemouth, BH7 6EE

• The appeal is made under section 78 of the Town and Country Planning Act 1990
  against a refusal to grant planning permission.
• The appeal is made by Mr S Wells for DWP Housing Partnership against the decision of
  Bournemouth Borough Council.
• The application Ref 7-2016-1810-X, dated 28 November 2016, was refused by notice
dated 3 July 2017.
• The development proposed is demolition of the existing buildings and the erection of a 3
  storey block of 18 flats, with associated car parking and vehicular access.

Decision

1. The appeal is dismissed.

Preliminary matters

2. The appellants have submitted plans to revise the internal flat arrangements. The
   appeal process should not be used to evolve a scheme, and it important that what is
   considered is essentially what was considered by the Council. Taking into account the
   Wheatcroft principles\(^1\) it is only appropriate to take
   amendments into account if no party would be disadvantaged with one of the
   main criterion being whether the development would be so changed that it
   would deprive those who should have been consulted of the opportunity of
   consultation. The amendments seek to alter the detail for 17 (of the 18) flats
   though in some instances the change relates to the adjustment of a two person
   unit to a single person unit without any change to the floor space or internal
   layout. These changes whilst seeking to address the Council's concerns about
   space standards within the living accommodation, a matter to which I will
   return later, could have implications for other assessments related to the site
   and are therefore best suited to a fresh planning application. I have therefore
   determined the appeal strictly on the basis of the plans upon which the Council
   made its determination.

Main Issues

3. The main issues are the effect of the development on: a) the character and
   appearance of the area; b) the living conditions of the neighbouring residents
   at 6 Bridle Crescent with specific regard to noise, disturbance and-privacy;

\(^1\) *Bernard Wheatcroft Ltd v SSE* [JPL 1982] P37

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c) the living conditions of the future occupiers of the flats in the context of the Technical Housing standards DCLG (2015) and amenity space; and d) the provision of surface water management.

Reasons

Character and appearance

4. The character of Bridle Crescent is predominantly residential comprising mainly individual houses. Whilst the current commercial garage and row of shops are clear contrasts, the scale and proportions of the buildings do not overwhelm the houses in the street scene. The proposed flats would read architecturally as part of Bridle Crescent, situated adjacent to and facing residential properties. The height of the flats would be no higher in absolute terms than the ridge of the adjacent property at No 6 Bridle Crescent (No 6), however the angular features, height, bulk and the introduction of almost a full storey above the eaves height of the adjacent residential properties would mean the flats would dominate and overwhelm the proportions of existing houses on Bridle Crescent. This would represent a disproportionate visual intrusion into the street scene which would cause harm to the character and appearance of the area.

5. It is acknowledged that the appellants have taken a markedly different approach to the development from that previously refused at appeal\(^2\) by increasing the distance between the end of No 6 and the proposed flats. Nonetheless the bulk, massing, forward position, flat roof form, modern architectural detailing and contemporary materials would result in a dominant prominent and unacceptable appearance when viewed from Bridle Crescent and the location and extent of proposed tree planting would not be great enough to sufficiently mitigate the impact in the street scene.

6. I have taken account of the appellants’ comments regarding the mixed commercial and residential character on Christchurch Road where the buildings vary in their size, density and architectural merit and in places, make a limited contribution to local distinctiveness. I have also borne in mind their desire to improve the quality and appearance of the site removing large areas of hardstanding and replacing existing building with something more modern and visually appealing. These points are not disputed and neither I, nor my colleague in the earlier appeal found that the design to be inappropriate in respect of the elevation facing Christchurch Road. The design, per se, could be successful in a different context however these circumstances do not outweigh the harm to the character which I have identified.

7. For these reasons the proposal would be in conflict with Policies CS21 and CS41 of the Bournemouth Local Plan Core Strategy 2012 (Core Strategy); saved Policy 6.10 of the Bournemouth District Wide Local Plan 2002; the provisions of the Council’s Residential Design Guide (RDG) and the aims of the National Planning Policy Framework (The Framework). These policies and guidance, amongst other things, seek to ensure that the scale and appearance of new development is in keeping with the surrounding area, respects the local character, contributes positively to the public realm and is not detrimental to the built environment.

\(^2\) APP/G1250/A/09/2094422

https://www.gov.uk/planning-inspectorate
Living conditions noise, disturbance and privacy

8. The adjacent house 6 Bridle Crescent is tight on the boundary of the commercial garage with windows directly onto the area proposed for car parking provision. The change from the access serving the rear of the garage to a principal parking area serving all vehicle movements associated with 18 flats would represent a significant intensification of activity and for a longer period throughout the day and evening. Instead of vehicle movements passing at right angles to the residential windows, vehicles would be parked facing or reversed against the boundary of No 6 with the attendant noise and activity. It would result in a material increase in vehicular and pedestrian activity and would result in unacceptable levels of noise and disturbance which would harm the living conditions of the occupants of No 6 and to a lesser degree properties on the opposite side of Bridle Crescent.

9. The appellants suggest that the neighbours’ amenity would not be harmed as retained boundary treatment would likely be a 2 metre high means of enclosure. No additional boundary treatment is shown on the submitted plans and existing boundary fencing is only to the front and rear of No 6 (and not to the side of the property). There is an indication that landscape planting is intended adjacent to the end of the parking spaces though this would be limited on this boundary. Even if an additional 2 metre fence were to be erected I have no evidence to find this would provide sufficient mitigation in respect of the increased noise and activity which would arise from the proposed development to protect the living conditions of the occupants of No 6 Bridle Crescent or properties close by.

10. The side elevation of No 6 faces directly onto the boundary of the appeal site. The scheme positions flats around 11 metres away from the side elevation of No 6 and where kitchen windows at first and second storey would face the house and its garden. These windows would afford a view directly towards that property and which would create a measure of overlooking that does not currently exist. The appellants have suggested that these windows could be obscure glazed (either partly or wholly) to overcome this concern. Obscure glazing to the lower half of the windows to these kitchens would protect the privacy of the occupants of No 6 and is a matter that could be covered by a planning condition.

11. For the above reasons the proposal would be in conflict with Policies CS21 and CS41 of the Core Strategy; saved Policy 6.10 of the Bournemouth District Wide Local Plan 2002; the provisions of the RDG and the aims of the Framework. These policies and guidance, amongst other things, seek to ensure that the living conditions of occupiers of buildings in the vicinity are protected and respected.

Living conditions of future occupiers

12. The Council argues by reference to the Technical Housing Standards\(^3\) (THS) that the proposed flats would fail to satisfy the minimum internal space standards and would not provide a good standard of accommodation. The Written Ministerial Statement of 25 March 2015 stated that decision takers should only require compliance with the technical standards where there is a

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\(^3\) Technical Housing standards - nationally described space standards DCLG 2015

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relevant current Local Plan policy. I have not been directed to any local standards or policy in relation to minimum dwelling sizes.

13. The accommodation would provide space within each unit for separate open plan living/kitchen areas and I am mindful that the development could contribute to the provision of affordable entry level housing. Whilst 17 of the 18 flats fall short of the THS, in the absence of any development plan policy stipulating minimum space standards, they cannot be applied on a mandatory basis. However those standards are a good starting point for assessing whether the accommodation proposed is satisfactory. There is flexibility in the construction of any new building to ensure that good quality living accommodation is created and the THS standards can be a material consideration. As the overwhelming majority of the units fall short of these standards this leads me to the view that this deficiency weighs significantly against the scheme.

14. Turning to the matter of amenity space, the Council contends that the lack of such provision is contrary to the Core Strategy. The open area associated with the scheme broadly comprises a relatively narrow landscaped strip that runs around 3 sides of the block, with a further small patch round the cycle store, which would be of little practical value as an area for outdoor relaxation. Moreover, most of the units do not have balconies. Therefore, while the Council has given no indication of how much external amenity space is required, to my mind what is shown is inadequate to serve the reasonable needs of a development of this type. Therefore the limited useable communal amenity space together with the shortfall of internal space, when measured against the THS, weighs significantly against the development. For these reasons the proposal conflicts with Core Strategy Policies CS5, CS6, CS21 and CS41; paragraphs 7, 9 and 19 of the Framework and the Council’s RDG which together seek to produce well designed development and spaces, apply good design principles, and provide a high standard of amenity to meet the day to day requirements of future occupants.

Surface water management

15. There is a requirement in Policy CS4 of the Core Strategy that development sites should employ Sustainable Urban Drainage Systems (SUDS) and that details of the SUDS scheme and maintenance are submitted as part of any planning application. This reflects the Framework requirements to ensure that development does not increase flood risk elsewhere. The scheme is intended to be served by a soakaway within that part of the site currently occupied by buildings on the assumption that soil conditions allow. However this detail does not appear to have been informed by technical assessments on ground conditions or the drainage capacity of the site and it cannot therefore be certain that the development could proceed without causing any off-site flooding.

16. Whilst the Council’s Flood Officer raised no objection in relation to surface water a strong concern is held in relation to the SUDS solution with an appeal cited in support of the Council’s position. I note that the appeal referred to was an outline scheme and there was evidence of flooding in that case, whereas no such evidence has been produced regards flooding on this site. The appellants stress that this appeal site is not prone to flooding due to its

^APP/C1435/W/16/3142802

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topography. That may be so, but it does not mean that it would not add to flooding elsewhere if the ground conditions prove to be unsuited to the proposed methods.

17. It is clear that the proposal, should it proceed in this form, would result in less coverage of the site by hard surfacing and buildings than exists at present. Whilst noting that the site is in flood zone 1 and not an area liable to flooding from the sea or rivers, I give weight to the legitimate concerns of the Flood Drainage Officer. Notwithstanding the appellants suggestion that it could be addressed through the imposition of a condition I cannot be certain that this would resolve the matter appropriately and that the scheme would not exacerbate flooding. Therefore it conflicts with Policy CS4 of the Core Strategy which requires that new developments demonstrate as part of a planning application that the scheme is capable of satisfactory surface water drainage to ensure that it does not contribute to any off site flooding.

Other Matters

18. The appeal is failing because of the harms in relation to the main issues that I have found. Consequently, as the development is not going ahead, any alleged harm to the Dorset Heathlands Special Protection Area (SPA) would not occur and thus there does not need to be any means of mitigation in place. Notwithstanding the Unilateral Undertaking which has been submitted and found acceptable to the Council I do not need to consider this matter further, except to say that this is an issue that would need to be addressed if any future revised scheme was to be found acceptable in all other respects.

19. I note the appellants’ concerns with regard to the delay in handling the planning application and an apparent unwillingness to allow any negotiation. However it does not affect the planning merits of this case and is not a matter for this appeal to address.

20. The appellants have argued that the redevelopment of the site would optimise the potential of an underused site which offers little contribution to the local economy. I have no indication that the site cannot be redeveloped for housing in other ways that would overcome my concerns. At the time of my site visit the car sales business appeared active and there was no indication that parts of the site were neglected or out of use. Moreover whilst residential redevelopment may result in a higher net value for the site, therefore making the development attractive to the appellants, there is no indication that the business operating on the site will not continue to do so and the appellants’ preference to change the use of the site carries only limited weight.

21. The appellants underline that there has been a policy shift since the previous appeal that the development would boost the supply of homes in the locality, would provide flatted development to serve the wider community and would help to address an acknowledged housing shortage. Whilst the scheme would make a positive contribution to the provision of smaller housing units which weighs in support of the scheme, this is balanced with the fact that the Council can demonstrate a five year supply for the provision of housing including an appropriate buffer and this factor is neutral in the planning balance.
Planning Balance and Conclusion

22. Whilst the garage use would be removed from a residential area which would be of benefit to the existing residential properties, any overlooking could be mitigated by the use of a condition and the access would enable vehicles to able to enter and leave the site in forward gear, these factors even when coupled with the economic benefits outlined to by the appellants do not outweigh the harm which I have found to the character and appearance of the area or to the living conditions of the adjacent properties by way of noise, disturbance and outlook or the lack of certainty in respect of drainage provision.

23. For the reasons given and having regard to all other matters raised the appeal is dismissed.

Janet Wilson

INSPECTOR
Appeal Decision
Site visit made on 27 February 2018
by JP Roberts  BSc(Hons) LLB(Hons) MRPI
an Inspector appointed by the Secretary of State for Communities and Local Government
Decision date: 21st March 2018

Appeal Ref: APP/G1250/W/17/3183745
109 and 109a Richmond Park Road, Bournemouth BH8 8UA
1. The appeal is made under section 78 of the Town and Country Planning Act 1990
against a refusal to grant planning permission.
2. The appeal is made by Mr J McKnight and Mr J Davies against the decision of
Bournemouth Borough Council.
3. The application Ref 7-2017-5245-B, dated 19 May 2017, was refused by notice dated
3 August 2017.
4. The development proposed is the construction of a two-storey rear extension and
conversion from 2 flats to 4 flats.

Decision
1. The appeal is dismissed.

Main Issues
2. The main issues are:
   i) The effect of the proposal on the living conditions of the intended
      occupiers of Flat 2, with regard to outlook;
   ii) the implications of the proposal for highway safety, and
   iii) the effect of the proposal on the Dorset Heathlands Special Protection
        Area (SPA), “Ramsar” site and Dorset Heaths Special Area of
        Conservation.

Reasons

Living conditions
3. Flat 2, on the ground floor, would comprise an open plan living and dining room
   along with a kitchen, a double bedroom and a bathroom. The bedroom would
   be lit by two windows in the side of the building facing the two-storey house at
   108 Richmond Park Road. The windows would be less than 2m from a close-
   boarded fence about 1.8m high which runs along the boundary between the
   two properties. It is proposed that these windows would have opaque glazing.

4. Policy CS41 of the Bournemouth Core Strategy (CS) deals with quality design,
   and amongst other things, requires development to provide a high standard of
   amenity to meet the day to day requirements of future occupants. This chimes
   with one of the core planning objectives set out in paragraph 17 of the National
   Planning Policy Framework (the Framework) which says that planning should
   always seek to secure high quality design and a good standard of amenity for

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all existing and future occupants of land and buildings. The Council’s Supplementary Planning Document (SPD) Residential Development: A design guide says that future residents should be provided with a reasonable outlook from habitable rooms. A degree of physical separation should be provided between the windows of habitable rooms and the boundary of the site or the flank walls of adjacent buildings.

5. I consider that the obscurely glazed windows to the sole double bedroom in the flat would provide a very poor and claustrophobic environment for the intended occupiers that would not be adequately mitigated by other rooms having an outlook over the rear garden. I consider that this would represent poor design, and would create unsatisfactory living conditions.

6. I therefore conclude on the first main issue that the proposal would result in material harm to the living conditions of the occupiers of Flat 2, and would conflict with Policy CS41. There would also be a conflict with CS Policy CS21 which deals with housing distribution across Bournemouth, and amongst other things, expects development to be of good design. It would conflict with the advice in the SPD to which I have referred.

7. Policy 6.10 of the Bournemouth District Wide Local Plan deals with flats re-development, and whilst it requires that the living conditions of occupiers of buildings in the vicinity be respected, it says nothing about those of intended occupiers of the proposed development. I therefore find no conflict with this policy.

Highway safety

8. The existing flats provide no formal off-street parking. Although the front garden appears to have been used for parking, there is no dropped kerb to the road, and no consent has been granted by the Highway Authority to provide a crossover. The appellants do not rely on this provision, and I shall therefore discount it. The existing use as two flats does not comply with the Council’s parking standards. Whilst there is an existing shortfall in parking to meet the Council’s standards, this is an established position, and represents a fallback, to which I have had regard. The provision of two additional flats would require one further space to meet the Council’s standards.

9. There is no on-street parking on Richmond Park Road in the vicinity of the site, which is subject to permanent parking restrictions, as are some of the other nearby roads. There is unrestricted parking in streets nearby, but I noted on my visit that these spaces were well-used. The Highway Authority carried out a daytime survey and found only 1 unoccupied on-street parking space available within 100m of the appeal site. On my visit, I found no spaces unoccupied within that 100m distance, but there were a handful of spaces available somewhat further away.

10. Even so, the Highway Authority survey and my own observations indicate that there is little daytime capacity, and I consider it likely that during the evening, when residents return home from work, any spare capacity would be utilised. The Highway Authority has also provided evidence of numerous reported obstructions to the highway in the vicinity of the site, which I regard as likely consequence of there being extreme pressure for parking in the area. On my visit I saw one illegally parked car on Richmond Park Crescent, partly obstructing a footway.
11. Although it is possible that the additional parking needs arising from the proposal could, at times, be accommodated nearby, it would be likely to displace existing residents, placing even greater pressure on the local road network, which is clearly under severe stress. It would result in the need for residents to lengthen their journeys by cruising nearby mainly residential roads to hunt for free spaces, and it would encourage illegal or obstructive parking. I consider that this would be harmful to road safety and would conflict with CS Policy CS16 which requires that parking provision for new development shall be in accordance with the Council's adopted parking standards.

Effect on the SPA

12. The appeal site lies within 5km of the SPA. CS Policy CS33 says that development will not be permitted unless it can be ascertained that the development will not lead to an adverse effect, directly or indirectly, upon the integrity of the Dorset Heaths international designations. It goes on to say that between the identified zone and 5 kilometres of a heathland, residential development will be required to take all necessary steps on site to avoid or mitigate any adverse effects upon the heathland site's integrity, or, where this cannot be achieved within the development, make provision for mitigation measures designed to avoid such adverse effects taking place. The Council's Dorset Heathlands Planning Framework 2015-2020 SPD sets out an implementation plan to give effect to the need for new housing development to make appropriate mitigation.

13. The appellants do not dispute the need to make provision for mitigation and indicated that they would enter into a legal agreement to contribute towards mitigation measures, aimed at avoiding adverse effects on the SPA. However, no legal agreement has been submitted, and no other mitigation measures have been proposed.

14. Accordingly, there is a failure to deliver appropriate mitigation for the effects of the developments on the SPA which means that the proposal would be harmful to its integrity. The proposal would be contrary to CS Policy CS33 and to the SPA SPD. It would also be contrary to the terms of the Habitats Regulations and to paragraph 118 of the Framework which seeks adequate mitigation for European sites.

Other matters

15. I have had regard to a neighbour's concerns about increased overlooking as a result of the proposed extension. However, the extent of increased overlooking would be small, and would not be a sufficient reason to justify dismissing the appeal.

Planning balance and conclusion

16. The proposal would provide an additional two dwellings to the Borough's stock, which would contribute to meeting the housing needs of the area. The Framework aims to boost significantly the supply of housing, but in the light of the Council's uncontested claim that it can demonstrate a 5 year supply of housing land, the addition of two small flats carries only modest weight in this context. Against this is the harm that I have found to living conditions, highway safety and the effect on the SPA, together with a conflict with the development plan taken as a whole. I find that these weigh heavily against the
benefits of the scheme, and therefore, for the reasons given above, I conclude that the appeal should be dismissed.

*JIT Roberts*

INSPECTOR
Appeal Decision

Site visit made on 16 January 2018
by Mrs J Wilson  BA BTP MRTPI DMS
Inspector appointed by the Secretary of State
Decision date: 7th March 2018

Appeal Ref: APP/G1250/W/17/3187797
Plot r/o 34 Mount Pleasant Drive, Queens Park, Bournemouth, Dorset BH8 9JN
- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr S Armitage against the decision of Bournemouth Borough Council.
- The application Ref 7-2017-15485-H, dated 6 April 2017, was refused by notice dated 15 September 2017.
- The development proposed is the erection of detached dwelling with integral garage and car parking on existing plot, existing garage demolished.

Decision
1. The appeal is dismissed.

Main Issues
2. The main issues are the effect of the development on a) the character and appearance of the area and b) on the living conditions of the occupants of neighbouring dwellings with regard to outlook.

Reasons
Character and appearance
3. The dwellings on Sandy Mead Road and Mount Pleasant Drive are set in spacious well-established gardens giving the roads a sense of openness and maturity. The site, though relatively flat, is cut into the hillside site and is located between these 2 roads. The site has limited depth being formed from land formerly a rear garden to an adjacent property, but it is occupied by a low garage with dense boundary hedges on two sides. As such, it contributes positively to the openness of the area.

4. The existing planting between the site and No 34 would be removed, emphasising the visual prominence of the site and in this context a structure, of the size proposed, would appear significantly larger and more visually prominent than the existing flat-roofed garage it would replace. The proposed dwelling would run across much of the width of the plot and, although its upper floor would be in the roof space with and its gable ends would have half hips, it would still have a significant bulk. Furthermore, the existing planting would be removed along the boundary with No 34, emphasising the prominence of the building particularly from the east. Mindful of this and given its limited side

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space it would appear squeezed into the plot and would be at odds with the more spacious arrangement of the dwellings around. As such it would be discordant in the street scene and inconsistent with the pattern of development locally.

5. The appellant, whilst recognising the site is smaller than its neighbours, states that the site is of adequate size and would be neither contrived nor discordant in terms of plot depth and he proposes a bungalow format to reflect the neighbouring pattern of development. Moreover he suggests that any discordancy would only be apparent from an aerial perspective. However these views did not accord with my findings on site for the reasons already outlined.

6. It has been suggested by the appellant that that the pattern of development would be the same as those on the opposite side of the road. However, I found that existing bungalows have modest roofs which step evenly down the hillside with an architectural rhythm and this would not be the case with the appeal proposal.

7. I have taken into account the appellant's comment that the existing garage and vehicle parking would be likely to be more intrusive than residential occupation. However, I have no substantive evidence that the garage and parking is related to anything other than domestic residential use which would be compatible with the residential use of the area. This does not therefore affect my findings.

8. Outline planning permission was dismissed at appeal on this site in 1991 \(^1\) (as part of a larger site) and in 1999 \(^2\) in relation to this same site. Though determined within a different policy context, the position of the site in relation to the adjacent properties is ostensibly the same and development was found to be in appropriate in relation to its neighbours. In any event I have assessed the proposal on the basis of current planning policy.

9. For the reasons described the proposal would conflict with: Polices CS22 and CS41 of the Bournemouth Core Strategy (Core Strategy) (2012); saved policy 6.8 of the Bournemouth District Wide Local Plan (Local Plan) and the Council’s Residential Development Design Guide. These policies, amongst other things, seek to ensure that the scale and appearance of development is in keeping with the surrounding area; that plot severance has sufficient land to create a style and layout that preserves residential character; and that scale density, layout and character are designed to respect the site and its surroundings.

**Living conditions**

10. Given the difference in land levels and its proximity to the respective boundaries with No 32 and No 34, the building would introduce a structure of significantly greater bulk and height than the existing garage or the existing buildings either side. This would result in an unduly overbearing and obtrusive building in relation to those neighbours which would significantly affect the outlook from these dwellings and result in unacceptable harm to the living conditions of the occupants of those dwellings to their detriment.

11. I have taken into account the appellant’s comment that the existing garages would obscure the development however it is clear that the impact, particularly

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\(^1\) T/APP/A1205/A/91/189713/P8  
\(^2\) T/APP/G1250/A/98/1014639/P2  

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to No 32 would be significantly greater than that which currently exists. The side elevation facing No 34 would also exceed the height of their garage.

12. For these reasons the proposal would conflict with Policy CS22 of the Core Strategy and saved Policy 6.8 of the Local Plan which, in this context, seeks to ensure that new development does not harm the living conditions of neighbouring properties.

Other Matter

13. Notwithstanding the completed Unilateral Undertaking and its acceptance by the Council the appeal is failing because of the harms in relation to the main issues that I have found above. Consequently, as the development is not going ahead, any alleged harm to the Dorset Heathlands Special Protection Area would not occur and thus there does not need to be any means of mitigation in place. I therefore do not need to consider this matter further, except to say that this is an issue that would need to be addressed if any future revised scheme was to be found acceptable in all other respects.

Conclusion

14. For the reasons given above and having regard to all other matters raised the appeal is dismissed.

Janet Wilson

INSPECTOR
Appeal Decision
Site visit made on 13 February 2018
by David Wildsmith  BSc(Hons)  MSc  CEng  MICE  FCIHT  MRTPi
an Inspector appointed by the Secretary of State
Decision date: 8 March 2018

Appeal Ref: APP/G1250/W/17/3189752
88 Alma Road, Bournemouth, BH9 1AL
- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr & Mrs Eslami against the decision of Bournemouth Borough Council.
- The application Ref 7-2017-19298-C, dated 6 March 2017, was refused on 17 August 2017.
- The development proposed is alterations and conversion of dwellinghouse into 3 flats.

Decision
1. The appeal is dismissed.

Preliminary matters
2. The development description on the application form proposed alterations to create 4 flats, but this was amended, with the agreement of all parties, to the description given in the banner heading above, for alterations and conversion of the dwellinghouse into 3 flats. I have determined the appeal on this basis.

3. The Council’s Decision Notice is undated, but the Council has confirmed that whilst the Committee hearing which considered this application took place on 14 August 2017, the Decision Notice was not issued until 17 August 2017.

4. The appellants have submitted a completed unilateral undertaking which would secure an appropriate financial contribution towards mitigation measures to address the impact of the proposed development on the designated Dorset Heathlands Special Protection Area, Ramsar Site and Dorset Heaths Special Area of Conservation. I consider that this unilateral undertaking would overcome the Council’s concerns on this matter, set out in the reason for refusal.

Main issues
5. In view of the above points, the main issues are firstly, whether the proposed development would provide acceptable living conditions for future residents; secondly, the effect of the proposed development on the safety and convenience of users of the nearby highway network; and thirdly, whether the proposal would make acceptable provision for cycle and bin storage.

1 Made under Section 106 of the Town and Country Planning Act 1990, as amended

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Reasons

Living conditions for future residents

6. The appeal property is a 2-storey, semi-detached building, with some additional accommodation in the roof, located on the south side of Alma Road close to the crossroads junction with Stokewood Road. It originally contained a shop unit at ground floor, but planning permission was granted in 1999 for alterations and conversion to create a single dwelling. This dwelling has since been converted to 5 self-contained flats, without the benefit of planning permission. A planning application submitted to authorise this use was refused by the Council in 2016.

7. The planning application which is the subject of this appeal, originally proposed a reduction to 4 flats, by combining the small flat within the rooftopspace with a first floor flat to create a larger maisonette. During the application process the proposals were amended further to reduce the number of flats to 3, by combining 2 flats on the ground and first floors at the back of the building, into a maisonette. The proposed ground floor flat (Flat 1) would be a 1-bedroom unit with a floor area of about 32 sqm, whilst both proposed maisonettes would have 2 bedrooms. The one on the first and second floors (Flat 3) would have a floor area of some 61 sqm, although use of some of this area would likely be hampered somewhat by a reduced head-height, as a result of some sections of sloping roof.

8. The 2-bedroom maisonette on the ground and first floors (Flat 2) would be smaller, at about 48 sqm, and would require an additional staircase to link the ground and first floor elements. This would remove cupboard space on the ground floor and would take away some of the otherwise useable living area on the first floor. Like the Council, I consider that this would result in a rather contrived layout, with relatively compact rooms. In this regard I have noted that the floor areas for this and the other units all fall below the sizes recommended in the “Technical Housing Standards” document, produced by the Government in 2015.

9. However, these standards have not been adopted by the Council, nor has the Council set out any alternative space requirements in its development plan. With these points in mind, and having seen the units, I share the appellants’ view that they would be capable of providing all the necessary facilities for self-contained accommodation. Because of this, I am not persuaded that they would be so small or cramped as to result in unacceptable living conditions. Furthermore, I consider that the outlook from all proposed units would be typical for a residential area such as this, and although the Council has stated that access to the rear external amenity space would only be available for Flat 2, the appellants’ statement indicates that all 3 flats would have use of this area.

10. In view of the above points I conclude that the proposed development would provide acceptable living conditions for future occupants. I note that Policies CS21 and CS41 of the Bournemouth Local Plan Core Strategy (CS), 2012, cited in the reason for refusal, require new residential development to be of good design and provide a high standard of amenity to meet the day-to-day requirements of future occupants. Having regard to the scale and nature of the appeal proposal, I do not consider that it would be materially at odds with these policies.

Safety and convenience of users of the nearby highway network

11. The submitted evidence indicates that when planning permission was granted for the alterations and conversion of the building from a shop to a dwellinghouse in 1999, a condition was attached which required the forecourt to be reinstated/
formed into a garden area and enclosed with a boundary wall or similar. The reason given was to ensure that uncontrolled parking of vehicles, likely to endanger other road users, does not occur. However, that condition was not complied with, and the evidence before me is that at the present time up to 3 vehicles park on the site frontage, end-on to the building.

12. The appellants argue that this parking has been ongoing without challenge from the Council for a period in excess of 10 years, and is therefore immune from enforcement. However, the neighbouring resident at No 88 maintains that the parking only started when the unauthorised conversion to 5 flats took place in 2015. On this point, no definitive evidence demonstrating how long parking has been taking place on the frontage has been placed before me, and I can therefore come to no firm view on this matter. What is not in dispute is the fact that the condition imposed in 1999 has not been complied with.

13. The Council Officers’ Report originally considered that the appeal proposal would be acceptable in terms of parking provision but further information, provided at the Committee Meeting, led to a changed recommendation on highways and parking grounds and the subsequent refusal of planning permission. The Council’s reason for refusal and its appeal statements indicate that it is concerned about the quantum, the standard and the location of the proposed parking spaces.

14. The amount of parking which the proposal should provide, having regard to the Council’s Parking Supplementary Planning Document (SPD), adopted in July 2014, is 3 spaces. However, the submitted plan shows that only 2 spaces would be provided on the hard-surfaced frontage, together with an area of soft landscaping and 2 paths, resulting in a shortfall of 1 parking space. The Parking SPD states that the general presumption is that sufficient car parking should be provided within the development site, and that there should be no reliance on on-street parking, unless sufficient and adequate on-street capacity can be demonstrated.

15. Long stay on-street parking is not available on Alma Road itself, so any additional parking for the appeal proposal would have to take place on nearby streets. The Parking SPD indicates that a parking survey and assessment of the level of “parking stress” is one way of identifying whether there is on-street capacity to absorb any displaced parking, and a survey along these lines, dated May 2016, was submitted on the appellants’ behalf with the application.

16. However, this was criticised by the Council and the local Highway Authority (HA), who maintained that this survey had included parking spaces further away from the appeal site than the “100m walking distance”, referred to in the Council’s Parking Survey and Assessment Note (PSAN), referenced in the SPD. To address this the HA undertook its own survey, in January 2018, but this, in turn has been criticised by the appellants for not being undertaken during the time periods recommended in the aforementioned PSAN.

17. That said, the difference in terms of parking space availability between these 2 surveys is very small, with 19 spaces identified by the HA and 20 spaces identified by the appellants. There is a greater difference between the surveys in terms of the utilisation of these spaces, with the HA’s survey indicating that all the spaces were occupied at the time of its single, weekday morning survey, whereas the appellants’ survey was undertaken over 3 separate time periods, 2 weekday evenings and a Sunday early afternoon, revealing 8 spare spaces for each of the evening surveys and 9 spare spaces on the Sunday.
18. Whilst it is difficult to draw any firm conclusions from either the HA’s survey or those undertaken for the appellants, as neither appears to have fully followed the methodology set out in the PSAN, I consider it reasonable to assume that the appeal proposal’s shortfall of 1 parking space could regularly be accommodated in the nearby streets. As such, I am not persuaded that this single space shortfall should weigh heavily against the appeal proposal, or that it would result in unacceptable parking stress, or significant illegal or inconsiderate parking.

19. However, a further concern of the Council and the HA, and one which I share, is that the forecourt area is only some 4.6 m deep, meaning that any end-on spaces would be well short of the 5.5 m length specified in the Parking SPD. This means that parked cars are likely to overhang the footway, causing an obstruction and inconvenience to users of the footway. I fully accept that some vehicles would comfortably fit within these smaller bays, but there is no way of restricting the use of the bays to certain vehicle types. Submitted photographs clearly show that some vehicles parked on the appeal site frontage do overhang the footway.

20. I saw at my site visit that a significant amount of parking in front forecourt areas currently takes place along Alma Road, with some vehicles parking at an angle, well clear of the footway, but with many others parking end-on to their respective dwellings, meaning that some of these were overhanging the footway. Many of these vehicles appear to have to “bump up” over full height kerbs, but no evidence has been submitted to indicate that the HA has taken any action to prevent such unauthorised parking occurring.

21. There is a single-width dropped-kerb at the appeal site, at the eastern side of the property, and I also accept that parking currently occurs on the appeal site forecourt and have noted the appellants’ view that this is now immune from enforcement. I have also noted the appellants’ argument that allowing the appeal would result in some betterment, as only 2 vehicles would be able to park on the forecourt, whereas up to 3 vehicles currently park there.

22. However, whilst I accept that these arguments do carry some weight, it does not automatically follow that this unauthorised parking should be supported. To extend the existing dropped kerb further to the west and authorise parking spaces in such close proximity to this junction would, in my assessment, be condoning what I consider to be an unsafe situation. There is no on-site turning area and vehicles parking on this forecourt either have to reverse on or reverse off. In either case, manoeuvring would be required on Alma Road itself, very close to a crossroad junction and a bus stop.

23. The submitted data indicate that this junction falls within an identified accident cluster, with 7 personal injury accidents having been recorded within 100m of the appeal site over a recent 5-year period - 2 being serious accidents - and with most of the accidents occurring at the crossroads itself. Whilst none of the recorded accidents have involved vehicles moving on or off the appeal site, introducing the potential for additional manoeuvres to take place in such close proximity to this junction would not be appropriate, especially as it lies on a busy classified County Distributor Road which carries an average daily flow of some 11,590 vehicles2.

24. I accept that reversing on and off forecourts currently takes place at other properties within Alma Road, but as already noted, many of these parking areas appear to be unauthorised, as not all benefit from dropped-kerbs. Moreover, as

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2 Recorded in September 2016

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highlighted by the Council, there are no other authorised off-street parking areas at properties within such close proximity to this junction as the appeal proposal seeks to provide.

25. Drawing all the above points together, I conclude that the appeal proposal would fail to make suitable parking provision and, as a result, would have an adverse impact on the safety and convenience of users of the nearby highway network. As such, it would be in conflict with CS Policy CS16, which requires parking provision for new development to be in accordance with the Council’s adopted parking standards. This part of the proposal would also be at odds with Policy CS41, as the layout of the parking area would not be of high quality, and would not contribute positively to the appearance and safety of the public realm. There would also be a conflict with saved Policy 8.1 of the Bournemouth District Wide Local Plan\(^3\), which seeks to resist development which would result in direct access, parking or turning movements on County Distributor Routes.

**Cycle and bin storage**

26. The submitted plans indicate that refuse bins would be stored at the side of the property, behind wooden gates, and that covered cycle stands would also be provided in this area. I share the Council’s view that this is not a practicable arrangement as the width of the path leading to these gates at the eastern side of the forecourt is shown to only be 0.7m wide, whereas the Council’s Parking SPD indicates that such access-ways should be a minimum of 1.5m over a distance of no more than 10m. With the proposed width of path, and with a parking space shown immediately outside and close up against the gates, it is difficult to see how cycles and refuse bins could easily be manoeuvred past any parked vehicles. I therefore conclude, on the basis of the current plans, that the appeal proposal would not make adequate provision for cycle and bin storage.

27. However, no evidence has been placed before me to suggest that the proposed soft landscaping area has to be a specific size, and there could therefore be some scope to rearrange the layout of this forecourt area to ensure satisfactory access to the cycle and bin store areas. I consider that such matters could be secured by planning condition if planning permission was to be granted, and because of this I am not persuaded that this should weigh significantly against the appeal proposal, which would not have failed for this reason alone.

**Overall conclusion**

28. Notwithstanding my favourable findings on the first and third main issues, the adverse safety implications arising from my conclusions on the second main issue mean, in my assessment, that on balance this proposal is not acceptable. I therefore dismiss this appeal.

29. I have had regard to all other matters raised, but they are not sufficient to outweigh the considerations which have led me to my conclusion.

*David Wildsmith*  
**INSPECTOR**

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\(^3\) Adopted February 2002
Appeal Decision
Site visit made on 13 March 2018

by H Porter  BA(Hons) PGDip IHBC
an Inspector appointed by the Secretary of State
Decision date: 27 March 2018

Appeal Ref: APP/G1250/W/17/3185050
69 Kimberley Road, Bournemouth, Dorset BH6 5DD
- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr & Ms J & A Redmond against the decision of Bournemouth Borough Council.
- The application Ref 7-2017-9590-C, dated 9 March 2017, was refused by notice dated 29 June 2017.
- The development is 2 additional flats (2 existing).

Decision
1. The appeal is dismissed.

Preliminary matters
2. When I visited the appeal site, it was clear that an extension to the rear of the appeal building has been constructed with box dormers within the roof and subdivided centrally into two flats. The scheme as illustrated in the proposed elevation, ground floor and first floor plans has therefore been implemented. I have therefore determined the appeal on the basis that retrospective planning permission is being sought.

Main Issues
3. The main issues are whether development provides adequate living conditions for existing and neighbouring occupiers, with particular regard to the size of accommodation and loss of outlook; the effect on the character and appearance of the host dwelling and the area; and the effect on the Dorset Heathlands Special Protection Area (SPA), Ramsar Site and Dorset Heaths Special Area of Conservation (SAC).

Reasons
Living conditions
4. Although I was only able to gain access to studio flat 4 during my visit, it is evident from the proposed plans that the two units in the ground floor extension mirror each other and therefore provide an almost identical layout and size of accommodation. The only notable difference is that, at first floor level, studio flat 4 has a window within its box dormer, whereas studio flat 3 has a small, square window within its gable end.

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5. Each of the studio flats is accessed via a narrow alley to the side of the building and off a small yard area, laid to artificial grass and enclosed by high close-board fencing. Internally, a ground floor kitchen area leads to a shower room and toilet; a narrow spiral staircase provides access to a bedroom within the dormer roof space. When I walked around studio flat 4, the larger of the two units, it felt oppressively cramped and claustrophobic as a result of its meagre size. This was made worse by the sloping ceiling in the bedroom and the awkward, narrow stair arrangement that restricts ease of movement and reduces the amount of useable floor space. The kitchen area had a good amount of cupboard space, but very little room for seating or other furniture.

6. While there was a good amount of natural light within flat 4, the upper-floor fenestration was limited to one window that looked directly out to the blank wall of the neighbouring dwelling. The proximity of this wall compounds the oppressive and claustrophobic atmosphere. Noting that studio flat 3 has an even smaller floor area than studio flat 4, it is reasonable to assume at the very least similarly cramped and claustrophobic conditions exist within it. Irrespective of whether or not the nationally described space standards should be applied or have been technically breached, it is evident that at just 15m² and 18m² respectively, the development has failed to provide an acceptable standard of accommodation by virtue of its meagre size. That a portion of external space is available to the occupiers of the studio flats does not justify or alleviate the harmful impact the small internal space has on their living conditions.

7. Planning permission for a single-storey extension of the appeal building was granted by the Council (7-2016-95908) (the consented scheme). The drawings of the permitted extension illustrate a shallow-pitched hipped roof that left the upper-storey windows of the host dwelling uninterrupted. As built, however, the apex of the gabled roof reaches well above the sill height and the side dormers encroach significantly in front of the rear, upper-storey windows of the host building. Irrespective of whether sufficient light enters the unobstructed portion of these windows, the outlook from them has been substantially reduced and the extent extension would be experienced as oppressive and overbearing.

8. The Appellants concede that the pitch of the roof form and dormer will have a larger visual presence. While eaves of the consented scheme and the roof as built may be broadly comparable, the sheer face of the dormer element is of a substantially larger scale compared with a gently sloping pitched roof. As a result, the occupiers of 69a Kimberley Road would experience it as overbearing and their outlook has been harmfully diminished, even if the garden would continue to enjoy adequate daylight and sunlight.

9. I therefore conclude that the appeal scheme has failed to provide adequate living conditions for the existing occupants, as well as for the occupiers of the upper-storey flat in the host dwelling and the neighbouring property. While I accept the Appellants’ point that the consented scheme would have resulted in the same loss of external amenity space, by virtue of its meagre internal space provision and oppressive impact, the development still runs contrary to Policy CS41 of the Bournemouth Local Plan Core Strategy, 2012 (the CS) and Saved Policy 6.10 of the Bournemouth District Wide Local Plan (BLP), which require a high standard of amenity. There is also conflict with ‘Residential Development’ Supplementary Planning Guide, which, amongst other things, seeks to prevent
any harmful overbearing or oppressive impacts to existing residents; as well as conflict with the policies and core principles of the National Planning Policy Framework (the Framework), which always seek to secure a good standard of amenity of all existing and future occupants of land and buildings.

Character and appearance

10. Whilst there is no specific policy objection to the principle of a residential extension, the appeal scheme has extended and altered the host building considerably. Compared with the consented scheme, the development as built is materially different, not just in terms of a slight increase in the overall footprint of the extension, but most notably in the roof form. The flat-roofed, side dormer elements and the black tile facing materials lack architectural subtlety and diminish acceptably the character of the host building. The combination of the rear addition and the significant scale of the roof form have eroded substantially the extent of undeveloped space around the main building, to the detriment of the character of the original structure.

11. Although not visually prominent from Kimberley Road, the bulk of the proposal is dominant and prominent when viewed from the lane to the rear of the site. The effect of the scheme has been to detract from the character, appearance and integrity of the host building with consequent harm to the character and appearance of the surrounding area. This runs contrary to the objectives of CS Policy CS41, as well as Saved Policy 6.10 of the BLP and the ‘Residential extensions’ SPG, 2008 insofar as they seek to ensure development and spaces are well designed and of a high quality, expect extensions to maintain or enhance the character of the existing house, and to respect the site and its surroundings. There would also be conflict with the Framework in respect of securing high quality design.

Dorset Heathlands SPA

12. The appeal site is located within 5 kilometres and more than 400 metres from the SPA. The Appellants have indicated that they would submit a Unilateral Undertaking (UU) in order to secure financial contributions towards mitigation and avoidance measures at these protected sites. However, a fully executed UU has not been provided.

13. It is likely that residents of the development would use the designated heathlands sites, which would impact on their nature conservation value. In order to preserve and enhance these protected sites, in accordance with Policy CS33 of the CS and the Dorset Heathlands Planning Framework 2015 – 2020 SPD, a financial contribution is necessary to secure avoidance and mitigation measures. However, as no provision to secure such measures has been provided, I am not satisfied that the protected sites have been adequately mitigated or compensated for. This unresolved matter also indicates that the planning permission should be refused.

Planning balance

14. I have found that the development is harmful in respect of living conditions, character and appearance, and designated heathland sites. None of the matters advanced in support of the scheme, including the site’s accessibility to local services and facilities and the demand for small affordable starter units, or maximising the development potential of a brownfield site, or provision of

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separate bedrooms, outweigh the considerations that have led to my decision. Nor could the potential imposition of a condition to secure adequate bin storage mitigate the harmful impact of the development. While recognising the demand for provision of low-cost, affordable housing, and the support from the YOU Trust, I consider the spatial needs of people on benefits or on a low income to be little different to anyone else.

15. As part of the appeal, the Council has provided a Housing Supply Statement that indicates it can demonstrate a 5-year supply of deliverable housing land. However, even if there were a shortfall and the relevant policies for the supply of housing were not up-to-date, the adverse impacts of granting permission would significantly and demonstrably outweigh the resultant benefits. The environmental harms also indicate that the development is not sustainable development for the purposes of the Framework.

Conclusion

16. For the reasons given, I conclude that the appeal should be dismissed.

H Porter

INSPECTOR
Appeal Decisions
Site visit made on 13 February 2018

by David Wildsmith BSc(Hons) MSc CEng MICE FCIHT MRTP
an Inspector appointed by the Secretary of State

Decision date: 22 March 2018

Appeal A: Ref: APP/G1250/W/17/3182472
Appeal B: Ref: APP/G1250/W/17/3192013

Telecom House, 35 Holdenhurst Road, Bournemouth, BH8 8EJ

- Appeal A is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
- Appeal B is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
- Both appeals are made by Watkins Jones Group against Bournemouth Borough Council.
- The application which is the subject of Appeal A is Ref 7-2017-2187-U, dated 24 May 2017.
- The application which is the subject of Appeal B is Ref 7-2017-2187-Y, dated 17 August 2017. It was refused by notice dated 4 December 2017.
- Both applications sought planning permission for “Demolition of existing buildings and redevelopment of three sites within the Lansdowne (up to a maximum height of 17 storeys) for a mixed use development comprising of offices, tertiary teaching accommodation and medical uses (Use Classes B1 and D1) purpose built student accommodation (Sui Generis), a Hotel (Class C1), flexible retail and commercial uses (Use Classes A1/A2/A3/B1/D1/D2) together with ancillary and communal facilities, car parking, landscaping, new walkways and public realm improvements” without complying with conditions attached to planning permission Ref 7-2015-2187-O, dated 27 November 2015.
- The condition in dispute in both appeals is No 5, which states: “Unless an alternative phasing scheme is agreed in writing with the Local Planning Authority, the development will be completed in the following order:
  1. The development at Site 3 (Christchurch Road) will be the first phase of the development to be constructed and will be completed in its entirety including the construction of the B1/D1 block to shell and core.
  2. The development at Site 1 (Oxford Road) will be the second phase of development to be constructed. Before all buildings on Site 3 (Christchurch Road) are completed, as specified above, the construction of the basement car park will have commenced on Site 1 (Oxford Road). For the avoidance of doubt commencement will include all of the following works: demolition of the existing building (Oxford House), excavation of the basement car park and the construction of the structural foundations of the proposed building.
  3. The development at Site 2 (Holdenhurst Road) will commence after the development at Site 1 (Oxford Road) and will be the third phase of development to be constructed. Prior to the occupation of the student accommodation at Site 1 (Oxford Road) and unless otherwise agreed in writing with the Local Planning Authority beforehand, the structural frame for both the underground car park and the building at Site 2 (Holdenhurst Road) will be completed.

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4. The development on Site 2 (Holdenhurst Road) shall be completed to shell and core specification within 2 years of the first occupation of site 1 (Oxford Road)”.

(NOTE – only parts 3 and 4 are in dispute)

- The reason given for the condition is: “To secure the development of all three sites in their entirety and in accordance with Policy CS8 of the Bournemouth Local Plan: Core Strategy (October 2012)”.
- Both applications also sought consequential changes to conditions 6, 25, 28, 31 and 32. Details are set out below, in the body of this decision.

Decisions

1. Appeal A is allowed and planning permission is granted for demolition of existing buildings and redevelopment of three sites within the Lansdowne (up to a maximum height of 17 storeys) for a mixed use development comprising offices, tertiary teaching accommodation and medical uses (Use Classes B1 and D1) purpose built student accommodation (Sui Generis), a Hotel (Class C1), flexible retail and commercial uses (Use Classes A1/A2/A3/B1/D1/D2) together with ancillary and communal facilities, car parking, landscaping, new walkways and public realm improvements at 13-19 Oxford Road; land adjacent to 35 Holdenhurst Road (Telecom House); and 24 Christchurch Road and land adjacent on the corner of Christchurch Road and St Swithuns Road in accordance with the application Ref 7-2017-2187-U made on 24 May 2017 (as amended by Annex A to letter from Roman Summer to the Council dated 10 August 2017) without complying with conditions Nos 5, 6, 25, 28, 31 and 32 set out in planning permission Ref 7-2015-2187-O granted on 27 November 2015 by the Council, but otherwise subject to the conditions set out in the Schedule at the end of this decision.

2. Appeal B is allowed and planning permission is granted for demolition of existing buildings and redevelopment of three sites within the Lansdowne (up to a maximum height of 17 storeys) for a mixed use development comprising offices, tertiary teaching accommodation and medical uses (Use Classes B1 and D1) purpose built student accommodation (Sui Generis), a Hotel (Class C1), flexible retail and commercial uses (Use Classes A1/A2/A3/B1/D1/D2) together with ancillary and communal facilities, car parking, landscaping, new walkways and public realm improvements at 13-19 Oxford Road; land adjacent to 35 Holdenhurst Road (Telecom House); and 24 Christchurch Road and land adjacent on the corner of Christchurch Road and St Swithuns Road in accordance with the application Ref 7-2017-2187-Y made on 17 August 2017 without complying with conditions Nos 5, 6, 25, 28, 31 and 32 set out in planning permission Ref 7-2015-2187-O granted on 27 November 2015 by the Council, but otherwise subject to the conditions set out in the Schedule at the end of this decision.

Preliminary matters and background to the appeals

3. Application Ref 7-2015-2187-O was granted planning permission in November 2015 for the comprehensive redevelopment of 3 sites in Bournemouth Town Centre. The sites all lie in the designated Lansdowne Employment Area as set out in the Bournemouth Local Plan: Core Strategy (CS), adopted in 2012. The 3 sites are detailed above, but the Holdenhurst Road postcode has been used in the banner heading as both appeals relate primarily to that site.

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1 For the avoidance of doubt, it should be noted that I have accepted the appellant’s request to determine Appeal A on the same basis as Appeal B (ie, as detailed in application Ref 7-2017-2187-Y), for reasons explained elsewhere in this decision.

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4. Development has commenced, with the Officer’s Reports to the Planning Board explaining that Site 3, on the corner of Christchurch Road is nearing completion with the student accommodation now occupied and the hotel expected to open in early 2018, and with the office block to follow in the summer of 2018. The Officer’s Reports also state that work has commenced on Site 2 on Oxford Road, with that development expected to be completed in August 2018.

5. Condition 5 of this planning permission set out details of proposed phasing of the overall development, to ensure all 3 sites were delivered in accordance with the approved plans. Parts 1 and 2 of this condition have now been complied with, but it is Parts 3 and 4 which the appellant seeks to vary under both of the applications now at appeal. Part 3 of the condition requires the whole of the structural frame for both the underground car park and the building at Site 2 (Holdenhurst Road) to be fully completed prior to any occupation of Site 1 (Oxford Road), whilst Part 4 currently requires the development on Site 2 to be further completed to shell and core specification within 2 years of the first occupation of the Oxford Road site.

6. However, due to concerns of over-supply in the office sector in the current economic climate, and issues of viability, the appellant initially sought a “softening” of the linkage between Sites 1 and 2, by means of a Section 73² (S73) application which, for ease, I shall refer to as “Application A”. The revised wording sought for Part 3 was:

"Prior to occupation of the student accommodation at Site 1 (Oxford Road), as specified above, the construction of the basement car park and concrete frame will have commenced on Site 2 (Holdenhurst Road). For the avoidance of doubt, commencement will include all of the following works:

- excavation of the basement; and
- completion of all concrete frame works from the basement up to the underside of the third floor.

In addition, within 12 months of the occupation of the student accommodation at Site 1 (Oxford Road) and unless otherwise agreed in writing with the Local Planning Authority beforehand, the structural frame for both the underground car park and the building at Site 2 (Holdenhurst Road) will be completed."

7. As approved, Part 4 requires the development on Site 2 to be further completed to shell and core specification within 2 years of the first occupation of Site 1, but through Application A the appellant initially sought to have this period extended to 3 years from the occupation of Site 1, in order to properly reflect the 12 month extension sought under Part 3.

8. The above points represent the appellant’s original intention for Application A upon submission in May 2017. However, in August 2017, prior to this application being determined, the appellant informed the Council that although it was agreeable to retaining the proposed change to Part 3 that commits to constructing the car park and frame up to the underside of the third floor, it could no longer accept or commit to any requirement above and beyond that, to complete Site 2 in its approved guise at any stage in the process.

9. The appellant therefore requested that the application be amended to reflect this situation. The requested changes would, in effect, have removed Part 4 from the

² Section 73 of the Town and Country Planning Act 1990, as amended
condition in its entirety, thereby removing any further linkages or commitments between Sites 1 and 2, other than those retained in Part 3 as proposed to be revised.

10. However, the Council refused to accept these further amendments to Application A, arguing that the proposed revision to effectively negate the requirement for Site 2 to be developed represented a completely different proposition to that originally applied for. As such, the Council indicated that if this was the option the appellant now wanted to pursue, it would have to do so through a new application, which would require full publicity.

11. In August 2017 the appellant appealed against the non-determination of Application A (now the subject of Appeal A), and at the same time informed the Council that it intended submitting a revised S73 application (Application B), to achieve this fuller de-linking of Sites 1 and 2 as detailed in paragraph 9 above. The appellant also wrote to the Planning Inspectorate at this time requesting that notwithstanding the Council’s position on this matter, Appeal A should be determined on the basis that there would be no further linkages or commitments between Sites 1 and 2, other than those retained in the proposed to be revised Part 3 of Condition 5.

12. The next item of note in this sequence of events is the fact that although it was no longer able to make a decision on Application A, as it had been appealed, the Council did consider this proposal at a Planning Board in October 2017, when it resolved that it would have been minded to approve the requested changes to condition 5, and the amendments to the other conditions listed in the original Application A proposal, if an appeal against non-determination had not been lodged. As a result, the Council has made it clear to the Planning Inspectorate that it does not contest Appeal A, provided it is determined on the basis of the originally submitted wording.

13. Subsequently, on 4 December 2017, the Council refused to grant planning permission for Application B, for the following reasons:

"It is considered the proposed variation of condition 5 would result in an unacceptable de-linking of Site 2 (Holdenhurst Road) from the scheme consented under planning application 7-2015-2187-O. Consequently, it would result in a combined mix of uses on Site 1 (Oxford Road) and Site 3 (Christchurch Road) that would be contrary to the requirements of Policy CS8 of the Core Strategy.

In addition, the proposals would be contrary to the aims of Paragraph 23 of the National Planning Policy Framework (NPPF) which require Local Planning Authorities to allocate a range of suitable sites to meet the scale and type of office needed in town centres”.

This now forms the subject of Appeal B.

14. This rather complicated sequence of events has led to a somewhat unusual situation whereby the appellant, in effect, is requesting that both Appeal A and Appeal B be determined on the same, “Application B” basis whilst, in contrast, the Council considers that Appeal A should be determined on the basis of the originally submitted wording put forward through Application A.

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3 This the appellant duly did, by submitting Application B in August 2017

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15. In coming to a view on these alternative approaches, I have been very mindful of the fact that the appellant has made it abundantly clear that it has no intention, whatsoever, of pursuing the Application A option as originally submitted. In the appellant’s view, as set out in various parts of its evidence for these appeals, the approved Holdenhurst Road scheme “is not viable and it will not happen”.

16. Faced with this clear statement from the appellant, I have taken the view that no sensible or practical purpose would be served by me determining Appeal A on the basis of the initially sought “softening” of the linkages between Sites 1 and 2. I therefore intend to determine both Appeal A and Appeal B on the same basis, namely that the wording of Parts 3 and 4 of Condition 5 of permission 7-2015-2187-O be amended to read:

"Prior to occupation of the student accommodation at Site 1 (Oxford Road), as specified above, the construction of the basement car park and concrete frame will have commenced on Site 2 (Holdenhurst Road). For the avoidance of doubt, commencement will include all of the following works:

- excavation of the basement; and
- completion of all concrete frame works from the basement up to the underside of the third floor.

17. In addition, the appeal proposals seek consequent variations to conditions 6, 25, 28, 31 and 32 to account for the requested variation of Condition 5.

18. Also of relevance is the fact that at the Council’s Planning Board on 18 December 2017, planning permission was granted, subject to the completion of a Section 106 (S106) Agreement* for an alternative proposal on the Holdenhurst Road site, from the same applicant/appellant as in the current cases. This proposal, ref 7-2017-2187-X, is for a live-work facility comprising 147 residential units (Class C3) and 4,579sqm of work and office space (Class B1) including ancillary works and car parking, together with a variation of condition 14 of permission ref 7-2015-2187-O to allow the 3,559sqm of permitted Class D1 tertiary teaching accommodation/academic space at the site of the former Oxford House on Oxford Road to be used also as Class B1 offices.

Main issue

19. Having regard to the points set out above, and the Council’s reason for refusal in the case of Application B, I consider that the main issue is the effect of the requested amendment to condition 5 of planning permission 7-2015-2187-O on the development plan’s strategy for the Lansdowne area of the town centre.

Reasons

20. The original planning permission* put forward a development proposal for a mix of uses on 3 separate sites, all within the Lansdowne Employment Area. In summary, the uses proposed for Site 1 (Oxford Road) were 3,559sqm of Class D1 (Non-Residential Institutions) floor space and 14,872sqm (470 rooms) of purpose-built and managed student accommodation (Sui Generis); for Site 2 (Holdenhurst Road), the use proposed was 12,800sqm of Class B1 (Offices) and Class D1 (Non-Residential Institutions) floor space; and for Site 3 (Christchurch Road), the uses proposed were 6,734sqm of Class B1 (Offices) and Class D1 (Non-Residential

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* Made under Section 106 of the Town and Country Planning Act 1990, as amended
* ref 7-2015-2187-O

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Institutions) floor space (to possibly include a medical centre within Class D1), 13,350sqm (454 rooms) of purpose-built and managed student accommodation (Sui Generis), and 5,573sqm of Class C1 (Hotel) floor space (128 bedrooms).

21. In addition, each site would also provide car parking and cycle parking spaces, and the overall proposal also contained a range of other items including pedestrian facilities, landscaping and public realm enhancements, some of which would be secured by a S106 Agreement.

22. In granting this planning permission the Council considered that the overall development would satisfy the objectives of CS Policy C8, and relevant policies in the NPPF. Policy CS8 seeks to ensure that within the boundary of the Lansdowne Employment Area, development provides principally Use Class B1 (Business) space or tertiary teaching development. It goes on to say that other uses that form an element of a principally Class B1 or tertiary teaching led mixed-use scheme will also be acceptable, providing the function and integrity of the principal uses are not compromised.

23. Both current appeal proposals seek to remove the linkage between Sites 1 and 2 - which requires the entire frame of the Site 2 building to be completed before Site 1 is occupied – although the appellant would still be committed to excavating the basement on the Holdenhurst Road site, and completing all of the concrete frame works from the basement up to the underside of the third floor. The submitted evidence emphasises that this work on the Holdenhurst Road site is likely to cost the appellant some £3.1 million of its own money, but remains a firm commitment. In this regard I note that the foundation works for the currently approved scheme at Holdenhurst Road are the same as for the live-work scheme approved under planning permission ref 7-2017-2187-X, detailed above.

24. In support of this request for de-linking the appellant informed the Council, in the Planning Statement which accompanied Application A, that it was having difficulty procuring funding to continue the development of the Oxford Road site. This was because the linkage in the currently approved scheme was presenting an excessive and unacceptable risk for the funders, to the extent that they confirmed that they would not release the remainder of the funds to enable the completion of Site 1 until such time as the linkage is adjusted. This stance was backed up by detailed marketing information which revealed that despite national, regional and local marketing over a prolonged period of some 22 months, no serious interest had been shown for the Class B1/D1 parts of sites 1 and 2.

25. At first the appellant was seeking a “softening” of this linkage between Sites 1 and 2, as referred to above, with the detailed Marketing Report produced by Goadsby advising that the delivery of Site 2 (referred to as Digital Point) should ideally be delayed by about 5 – 10 years in order to prevent an over-supply situation and allow the market to develop. However, the appellant’s position changed, to requesting the fuller de-linking described above, in light of a Viability Report produced for the appellant by GVA. This report quite clearly indicates that the Holdenhurst Road scheme is unviable, both as a stand-alone scheme and as a scheme cross-subsidised by Sites 1 and 3. Put simply, the appellant states that the approved Holdenhurst Road scheme is not viable and will not happen.

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6 Marketing Report on One Lansdowne Plaza, Oxford Point and Digital Point, Bournemouth, Dorset - Ref JE/KDP/0.18832, dated 3 July 2017
7 Viability Report - Lansdowne, Bournemouth - dated July 2017

https://www.gov.uk/planning-inspectorate
26. Independent verification of this position was provided by BPS Chartered Surveyors (BPS), who reviewed the GVA Viability Report for the Council. This independent review commented that the approved Lansdowne scheme as a whole (ie the combined development of the 3 sites) is undeliverable and it therefore requires some amendment in order to remain deliverable. In particular, it indicates that whilst a supply of office accommodation remains important and a key objective of the development plan, the market should not be swamped. It goes on to state that in this instance the delivery of over 23,000sqm of office floor space in such a short period of time, under one planning application, constitutes an over-supply.

27. BPS advise that this can be addressed, in part, by either removing linkages between the sites or by updating the term of the linkage agreement by delaying the completion of Site 2. Overall, the review confirms that the approved scheme for the Holdenhurst Road site is unviable and undeliverable on its own, and that even when Sites 1 and 3 have been factored into the assessment, so as to cross-subsidise the Holdenhurst Road scheme, it remains undeliverable.

28. The appellant has made it clear that insofar as it is concerned, this is the nub of these appeal cases – its own advisers, and advisers for the Council, both confirm that the Holdenhurst Road scheme, as approved is not viable. Because of this the appellant has further indicated that this Holdenhurst part of the overall scheme will not and cannot happen – regardless of the outcome of these appeals.

29. The appellant also takes support from another fairly recent appeal decision relating to a nearby site at 37-39 Oxford Road\(^8\), which gave approval to a proposal to erect a 16 storey block of student accommodation on a currently vacant site used as a surface car park. As this site also lies within the designated Lansdowne Employment Area the proposal was subject to consideration under CS Policy CS8 – but being purely for student accommodation there was no dispute between the parties in that appeal that it was in conflict with this policy. However, the appellant in that case argued that Policy CS8 was incapable of being complied with, because of viability concerns, and this view found favour with that Inspector.

30. I note, from this earlier appeal decision, that there was an expectation from the Inspector who examined the CS that Policy CS8 should be monitored to ensure that vacant land in this sustainable location is used effectively. The Inspector in the 37-39 Oxford Road appeal commented that he had not been made aware of any review of the effectiveness of Policy CS8, and I find myself in a similar position. Indeed, this earlier decision indicates that a review of the CS is unlikely to be adopted until July 2019, stated to be some 3 years after the CS Inspector recommended that a review should take place.

31. This earlier decision also highlights the content of paragraph 22 of the NPPF, which indicates that planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose, and also makes it plain that land allocations should be regularly reviewed. It goes on to state that where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities.

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\(^8\) Appeal Ref APP/G1250/W/16/3159914

https://www.gov.uk/planning-inspectorate
32. These points are of relevance, because they reinforce the appellant’s argument that Policy CS8 cannot carry full weight as it was framed and adopted over 5 years ago, in a climate of considerable confidence about the future of the Lansdowne area and its ability to attract and accommodate substantial Grade A office-related development. It is the appellant’s case that that confidence is now dented, and this appears to be borne out by the Marketing Report referred to earlier. I find it telling that in this 37-39 Oxford Road case the Inspector cites the Council as accepting that a policy compliant mix of uses at that site would not be viable.

33. In its Appeal Statement for the current appeals the Council makes reference to this earlier appeal decision, but argues that it does not set any precedent for future planning applications or appeals. It is of course the case that any proposal has to be assessed on its own planning merits, and I acknowledge that this earlier appeal differed from the current case in that it was a stand-alone proposal for a single site, whereas the proposal before me was put forward initially as a policy-compliant, combined development scheme spread over 3 sites.

34. It does, however, show that in the opinion of that Inspector, faced with the facts of that case, a totally non policy-compliant proposal would only result in limited harm to the strategy for the Lansdowne Area. It is also apparent, from the Planning Board Report which recommended approval of the live-work scheme referred to earlier, that the Council considered the 37-39 Oxford Road appeal decision to be a material planning consideration to which it ought to have regard, in reaching a decision on the live-work proposal.

35. Concerns about viability played an important role in this live-work decision and to my mind, notwithstanding the Council’s view that viability is just one consideration amongst others, it is a key factor in the current appeals. The simple fact of the matter is that time has moved on since the original planning permission was granted, and regardless of any viability considerations which were relied on at that time, the clear evidence before me now from the appellant – and indeed supported by BPS as independent viability consultants for the Council – is that the approved scheme for Holdenhurst Road is not viable and not deliverable.

36. Viability and deliverability are important considerations in the NPPF, with paragraph 160 explaining that local planning authorities should have a clear understanding of business needs within the economic markets operating in and across their area. Amongst other things they are advised to work closely with the business community to understand their changing needs and identify and address barriers to investment, including a lack of housing, infrastructure or viability. The fact that, to date, there has been no review of Policy CS8 raises doubts as to whether it is still reliably able to guide development within the Lansdowne Area.

37. In addition, paragraph 173 of the NPPF, entitled “Ensuring viability and deliverability”, states that pursuing sustainable development requires careful attention to viability and costs in plan-making and decision-taking. It goes on to explain that to ensure viability, the costs of any requirements likely to be applied to development should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable.

38. Changes in costs and values can, of course, have an impact on viability and deliverability, as detailed in the Planning Practice Guidance (PPG). This indicates that although viability assessment in decision-taking should be based on current costs and values, with planning applications being considered in today's

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circumstances, changes in the value of development and changes in costs of delivery may be considered where a scheme requires phased delivery over the medium and longer term. This is the situation that exists here, but there is nothing in the Council’s Appeal Statement to indicate that it has had any meaningful regard to the up-to-date viability appraisal undertaken by GVA, or its independent review by the Council’s own consultants, BPS.

39. The Council appears to have refused planning permission for Application B – at least in part – because it has taken the view that there is clearly some viability on Site 2 to deliver a scheme containing a significant amount of Class B1 work and office space, as evidenced by the live-work permission granted under ref 7-2017-2187-X. But this does not go to the heart of the matter in these appeal cases, which is that the approved scheme has been shown to be not viable. The Council accepts as much in the Planning Board Report for the aforementioned live-work scheme.

40. In brief, this report compares the overall mix of uses on the 3 sites in the approved scheme with the live-work proposal, and concludes that a reduction of some 2,070sqm of Class B1 floorspace on the Holdenhurst Road site, along with the provision of 147 flats to ensure Site 2 remains viable and deliverable, would be acceptable. That said, the resulting mix would not be Policy CS8 compliant. This tells me that whether the original scheme was CS8 compliant – or only “broadly” compliant (as the Council now contends) – there are circumstances in which the Council is prepared to accept a development on this site that is not compliant with Policy CS8. Moreover, granting planning permission for the live-work scheme gives rise to a complication, as it could not be implemented without placing the appellant in breach of condition 5 on the originally approved scheme which is the subject of these appeals.

41. The Council’s reason for refusal also contends that allowing these appeals would be contrary to the aims of paragraph 23 of the NPPF which, amongst other things, require local planning authorities to allocate a range of suitable sites to meet the scale and type of office development needed in town centres. But as already noted, paragraph 22 of the NPPF requires land allocations to be regularly reviewed, something which the Council does not appear to have done.

42. I note from the 37-39 Oxford Road appeal decision that the Council referred to that site as a “key Class B1 site”, although the Inspector noted that the site was not the subject of any specific development allocation which might support this asserted status. The same situation arises in the current appeals, with the Council asserting in its Appeal Statement that the Oxford Road and Christchurch Road sites are key sites within the designated Lansdowne Area, but neither these, nor the Holdenhurst Road site, have been specifically designated as such. As the appellant says, all of these sites simply fall within a blanket policy covering the entirety of the Lansdowne area.

43. On a final, related point, I have had regard to the Council’s claim that the act of de-linking Site 2 from Site 1 would not only render the original scheme non-policy compliant, but would also result in the loss of 2 key employment sites (Oxford Road and Christchurch Road) from within the designated Lansdowne Employment Area. The Council maintains that these sites could come forward for redevelopment in the future with a policy compliant mix of uses, ie principally

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9 Paragraph: 017 Reference ID: 10-017-20140306
19 subject to the completion of a S106 Agreement

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Class B1 or tertiary teaching (Class D1) led. However, these criticisms ring hollow, when compared to the situation the Council found acceptable with the live-work scheme, detailed above. In any case, development is already well under way on Sites 1 and 3, as noted earlier, and both contain significant amounts of Class B1/D1 floorspace. As such, the Council's criticisms on this point can carry little weight.

44. Taking all the above points into account, I conclude that whilst varying condition 5 to allow the de-linking of development on Sites 1 and 2 would not strictly accord with CS Policy CS8, it would not have an unacceptable adverse impact on the development plan's strategy for the Lansdowne area of the town centre.

Other matters

45. I have noted an objection made by an interested person who indicates that his business is sited directly opposite the proposed development at Unit 1, 44 Holdenhurst Road. However, this objection is somewhat ambiguous and does not appear to directly relate to the subject matter of these appeals. Rather, it criticises the height and impact of the development proposed, but does not specify what development is being referred to. As such, this objection can carry little weight in these appeals.

46. A signed and completed Deed of Variation (DOV), dated 21 March 2018 has been submitted, to vary the S106 Agreement dated 26 November 2015, in order to reflect the fact that the parties with an interest in the land have changed since the original S106 Agreement was signed. I have had regard to this DOV in coming to my decisions.

Summary and overall conclusions

47. Drawing all the above points together, I accept that the proposal to de-link the development on Sites 1 and 2 could render the overall scheme at odds with a strict reading of CS Policy CS8. However, like the appellant, I consider that there must be some doubt as to whether this policy is fully consistent with the NPPF. It has not been reviewed, as recommended by the CS Inspector and, in my assessment, the viability and marketing evidence put forward raises some questions as to whether Policy CS8 would reasonably achieve the NPPF's aims of ensuring the vitality of town centres.

48. Moreover, the clear evidence before me is that the approved scheme for the Holdenhurst Road site is not viable and will not be built. In these circumstances, to retain condition 5 on the original planning permission would serve no sensible or practical purpose, but would simply thwart any more viable propositions for this site – such as the live-work proposal already granted planning permission by the Council. As such, I consider that these clear viability concerns represent material considerations of sufficient weight to cause me to determine these appeals other than in accordance with the development plan.

49. I therefore intend to allow these appeals, and vary condition 5 of planning permission ref 7-2015-2187-0 as requested by the appellant.

50. Both parties agree that in these circumstances, consequent amendments to reflect this de-linking are also needed to conditions 6, 25, 28, 31 and 32 of this original permission. These changes are not contentious, and I agree that all are necessary. I have therefore amended these conditions in the attached Schedule, as agreed between the parties. Furthermore, the guidance in the PPG makes clear...
that decision notices for the grant of planning permission under section 73 should also repeat the relevant conditions from the original planning permission, unless they have already been discharged\textsuperscript{11}. As I have no information before me about the status of the other conditions imposed on the original planning permission, I shall impose all those that I consider remain relevant.

51. In so doing, I have amended the list of plan numbers, in accordance with information supplied by the appellant and not disputed by the Council. I have also repeated the Council's reasons for the imposition of each of the conditions in the attached Schedule, with the exception of condition 5, which is the main subject of these appeals. The reason for this varied condition is to secure a phasing schedule to ensure the completion of development on Sites 1 and 2, and to secure works on Site 3 up to the underside of the third floor. In the event that some of these conditions have, in fact, been discharged, that is a matter which can be addressed by the parties.

52. I have had regard to all other matters raised, but they are not sufficient to outweigh the considerations which have led me to my conclusions.

\textit{David Wildsmith}

\textbf{INSPECTOR}

\textsuperscript{11} Paragraph: 031 Reference ID 21a-031-20140306
Schedule of conditions for both Appeal A and Appeal B (37 in total)

1) The development hereby permitted shall be carried out in accordance with the following approved plans and documents:
   - M5251: 100/P05, 101/P05
   - Air Quality Assessment prepared by Wardell Armstrong; March 2015
   - Ambient Noise Assessment prepared by PDA; March 2015
   - Building Regulation Compliance Report prepared by Align; March 2015
   - Daylight and Sunlight Amenity Study prepared by Watts; March 2015
   - Design and Access Statement (including toll building statement) prepared by Manson Architects; March 2015
   - Desk Based Archaeological Assessment prepared by Southampton Archaeology; March 2015
   - Draft Construction Management Plans prepared by the Watkin Jones Group; March 2015
   - Energy Statement prepared by Iceni; March 2015
   - Extended Ecological Phase 1 Habitat Survey Report prepared by Greengage; March 2015
   - Flood Risk Assessment Report prepared by Westlakes; March 2015
   - Heritage Statement prepared by Stephen Levrant Heritage Architecture; March 2015
   - Initial Fire Safety Report prepared by Exova and Align; March 2015
   - Interim Travel Plan prepared by ADL; March 2015
   - Landscape, Lighting and Public Realm Design Statement prepared by Gillespies; March 2015
   - Marketing Report prepared by Goadsby; March 2015
   - Market Demand Study Student Accommodation prepared by Knight Frank, which is appended to the Goadsby Marketing Report (see Appendix 3);
   - Phase 1 Geo-Environmental Desk Study Reports prepared by Westlakes; March 2015
   - Statement of Community Involvement prepared by Avril Baker Consultancy; March 2015
   - Student Management Plan prepared by the Watkin Jones Group; March 2015
   - Sustainability Statement (including BREEAM Pre-Assessment) prepared by Iceni; March 2015
   - Transport Assessment prepared by ADL; March 2015
   - Travel Plans letter prepared by ADL; 18th August 2015
   - Utilities Statement prepared by CDP; March 2015
   - Ventilation Strategy Report prepared by CDP; March 2015

Reason: For the avoidance of doubt and to provide clarity.

2) All on-site working, including demolition and deliveries to and from the site, associated with the implementation of this planning permission shall only be
carried out between the hours of 0800 and 1800 Monday - Friday, 0800 and
1400 Saturday and not at all on Sunday, Public and Bank Holidays, unless
otherwise agreed in writing with the Local Planning Authority.

Reason: To safeguard the amenities of occupiers of adjoining and nearby
properties and in accordance with Policies CS14 and CS38 of the Bournemouth
Local Plan: Core Strategy (2012).

3) No site clearance or development work on a site forming part of this
development shall commence until there has been submitted to and approved in
writing by the Local Planning Authority a Method Statement for that site that
includes the following measures:
   a) parking arrangements for operatives and construction vehicles working
      on-site;
   b) noise reduction measures [including times of piling operations]; and the
c    details and siting of equipment, machinery and surplus materials on the
      site.
   The parking arrangements for operatives and construction vehicles shall be
implemented prior to development for that site commencing and the
development shall be carried out in accordance with the approved details.

Reason: To safeguard the amenities of occupiers of adjoining and nearby
properties and in the interest of highway safety in accordance with Policies CS38,
CS41 and CS14 of the Bournemouth Local Plan: Core Strategy (2012).

4) The demolition hereby approved shall only be undertaken in one continuous
uninterrupted operation for each of the three development sites forming part of
this application. For the avoidance of doubt, demolition works for all of the sites
does not need to take place at the same time or follow on from demolition works
at a different site.

Reason: To prevent premature demolition of the existing building and in
accordance with Policies CS39 and CS41 of the Bournemouth Local Plan: Core
Strategy (2012).

5) Unless an alternative phasing scheme is agreed in writing with the Local Planning
Authority, the development will be completed in the following order.
   1) The development at Site 3 (Christchurch Road) will be the first phase of
      the development to be constructed and will be completed in its entirety
      including the construction of the B1/D1 block to shell and core.
   2) The development at Site 1 (Oxford Road) will be the second phase of
devolution to be constructed. Before all buildings on Site 3
      (Christchurch Road) are completed, as specified above, the construction
      of the basement car park will have commenced on Site 1 (Oxford Road).
      For the avoidance of doubt commencement will include all of the
      following works: demolition of the existing building (Oxford House),
      excavation of the basement car park and the construction of the
      structural foundations of the proposed building.
   3) Prior to occupation of the student accommodation at Site 1 (Oxford
      Road), as specified above, the construction of the basement car park and
      concrete frame will have commenced on Site 2 (Holdenhurst Road). For
      the avoidance of doubt, commencement will include all of the following
      works:
      • excavation of the basement; and
      • completion of all concrete frame works from the basement up to
        the underside of the third floor.

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Reason: To secure a phasing schedule for Sites 1 and 2, and to secure works on Site 3 up to the underside of the third floor.

6) Details/samples of the materials to be used on a site forming part of this development, as well as the design of the architectural detailing and components for this site, shall be submitted to and approved in writing by the Local Planning Authority prior to their installation. Development shall be carried out in accordance with the approved details.

Reason: To maintain the character and appearance of the building and to ensure a satisfactory visual relationship between the existing and the new development in accordance with Policy CS41 of the Bournemouth Local Plan: Core Strategy (2012).

7) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended), or an Order revoking or re-enacting that Order, with or without modification, no telecommunications equipment, as permitted by Part 24 and 25 of Schedule 2 of the Order, shall be constructed without the express written consent of the Local Planning Authority.

Reason: In order to protect the visual amenities of the building and the surrounding area and to preserve the character and appearance of the Conservation Area in accordance with Policies 4.4 of the Bournemouth District Wide Local Plan (February 2002) and Policy CS41 of the Bournemouth Local Plan: Core Strategy (2012).

8) Unless shown on the approved elevational drawings or unless otherwise agreed in writing by the Local Planning Authority beforehand, any pipework (with the exception of rainwater down pipes) shall be internal to the building.

Reason: In the interests of the visual amenities of the locality and in accordance with Policy CS41 of the Bournemouth Local Plan: Core Strategy (2012).

9) Within 9 months of the date of commencement of development at a site forming part of this permission or unless otherwise agreed in writing by the Local Planning Authority, full details of hard landscape works for that site shall be submitted to and approved in writing by the Local Planning Authority. Hard landscape details shall include: (a) Lighting; (b) Bollards; (c) Seating; (d) Tree grills; (e) Other street furniture; (f) construction and services details in proximity to trees; (g) proposed finished levels and contours, and (h) a timetable for implementation. The approved hard landscape scheme for the site shall be implemented in full prior to the occupation or use of the development at that site commencing and permanently retained unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the proposed development includes a properly designed scheme of landscaping in the interests of visual amenity and to accord with Policy 4.25 of the Bournemouth District Wide Local Plan (February 2002) and Policy CS41 of the Bournemouth Local Plan: Core Strategy (2012).

10) Within 9 months of the date of commencement of development at a site forming part of this permission or unless otherwise agreed in writing by the Local Planning Authority, full details of soft landscape works for that site shall be submitted to and approved in writing by the Local Planning Authority. Soft landscaping details shall include: (a) planting plans; (b) existing trees, hedges and shrubs to be retained; (c) written specifications (including cultivation and other operations associated with plant and grass establishment); (d) schedules of plants noting species, plant sizes and proposed numbers/densities; and (e)
programme of implementation. The approved soft landscape scheme for the site shall be implemented in full prior to the occupation or use of the development at that site commencing and permanently retained unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the proposed development includes a properly designed scheme of landscaping in the interests of visual amenity and to accord with Policy 4.25 of the Bournemouth District Wide Local Plan (February 2002) and Policy CS41 of the Bournemouth Local Plan: Core Strategy (2012).

11) Within 9 months of the date of commencement of development at a site forming part of this permission or unless otherwise agreed in writing by the Local Planning Authority, full details of a landscape maintenance plan for that site and for a minimum period of 5 years shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include details of the arrangements for its implementation. The landscape management plan shall be carried out in accordance with the approved details.

Reason: To ensure that the proposed development includes a long-term management plan for the landscaped areas in the interests of visual amenity and to accord with Policy 4.25 of the Bournemouth District Wide Local Plan (February 2002) and Policy CS41 of the Bournemouth Local Plan: Core Strategy (2012).

12) Within 9 months of the date of commencement of development at a site forming part of this permission or unless otherwise agreed in writing by the Local Planning Authority, details of boundary treatment and/or subdivision for that site shall be submitted to and approved in writing by the Local Planning Authority. Details shall include a plan showing: the positions, height, design, and materials. The approved boundary treatment scheme for that site shall be implemented in full prior to occupation or use of the development at that site commencing and permanently retained and maintained unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of amenity and privacy and in accordance with Policy CS41 of the Bournemouth Local Plan: Core Strategy (2012).

13) Within 9 months of the date of commencement of development at a site forming part of this permission or unless otherwise agreed in writing by the Local Planning Authority, full details of all proposed tree planting for that site, and the proposed times of planting for that site, shall be submitted to and approved in writing by the Local Planning Authority. The approved tree planting scheme shall be carried out in accordance with those details and at those times and permanently retained unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of visual amenity and effective arboricultural management and in accordance with Policy 4.25 of the Bournemouth District Wide Local Plan (February 2002).

14) That the use of the non-student accommodation element of the ground, first and second floors of the building on Oxford Road (Site 1) shall be limited to academic purposes within Class D1 of the Town and Country Planning (Use Classes) Order 1987 (Non-residential institution) (or any provision equivalent to that Class in any Statutory Instrument revoking or re-enacting that Order) only and for no other purpose within this Use Class.
**Reason:** To enable the Local Planning Authority to retain proper control over the development in respect of the demand for on-site car parking and in accordance with Policy CS16 of the Bournemouth Local Plan: Core Strategy (2012).

15) The student living accommodation shall be managed and operated in accordance with the details set out in the student management plan report dated March 2015, or such other alternative student management plan as is given prior written approval by the Local Planning Authority.

**Reason:** In the interest of protecting the residential amenities of the locality in accordance with Policies CS38 and CS41 of the Bournemouth Local Plan: Core Strategy (2012).

16) Prior to occupation of any part of each building on a site and prior to the opening of the new lane linking Oxford Road to Holdenhurst Road, a scheme of lighting for that element of the development shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the occupation of that element of the development to which it relates and for the new lane prior to its opening. The scheme of lighting shall be used, maintained and retained thereafter.

**Reason:** In the interests of public safety and in accordance with Policy 4.26 of the Bournemouth District Wide Local Plan (February 2002).

17) The flexible A1, A2, A3, B1, D1, D2 commercial unit measuring 187 square metres in area at ground floor level on Christchurch Road (Site 3) hereby permitted shall not be open to customers outside the following times [0700 hours to 2300 hours], unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** To safeguard the amenities of occupiers of adjoining and nearby properties and in accordance with Policies CS38 and CS41 of the Bournemouth Local Plan: Core Strategy (2012).

18) Before the commencement of development at a site forming part of this permission or unless otherwise agreed in writing by the Local Planning Authority, a scheme for that site providing for the disposal of surface water run-off and incorporating sustainable urban drainage systems (SUDS), shall be submitted to and approved in writing by the Local Planning Authority. The drainage works shall be completed in accordance with the approved details prior to occupation of buildings at that site within the development or in accordance with a timetable to be agreed in writing by the Local Planning Authority. The scheme shall include the following as appropriate:

a) A scaled plan indicating the extent, position and type of all proposed hard surfacing (eg drives, parking areas, paths, patios) and roofed areas.

b) Details of the method of disposal for all areas including means of treatment or interception for potentially polluted run-off.

c) Scaled drawings including cross section, to illustrate the construction method and materials to be used for the hard surfacing (sample materials and literature demonstrating permeability may be required).

**Reason:** To provide satisfactory drainage for the development in accordance with Policy CS4 of the Bournemouth Local Plan: Core Strategy (2012) and in order to achieve the objectives set out in the Local Planning Authority’s Planning Guidance Note on Sustainable Urban Drainage Systems.

19) Any new or replacement hard surfaced area(s) shall either be made of porous materials, or provision shall be made to direct run-off water from the hard
surface to a permeable or porous area or surface within the curtilage of the property, unless otherwise agreed in writing with the Local Planning Authority.

**Reason:** To provide satisfactory drainage for the development in accordance with Policy CS4 of the Bournemouth Local Plan: Core Strategy (2012) and in order to achieve the objectives set out in the Local Planning Authority's Planning Guidance Note on Sustainable Urban Drainage Systems.

**Note:** Further guidance in this regard is contained in the Department for Communities and Local Government publication entitled "Guidance on the Permeable Surfacing of Front Gardens" (September 2008).

20) No development shall take place on a site forming part of this development until arrangements have been made for an archaeological watching brief to take place for that site during any groundworks, in accordance with the details set out in the archaeology desk based assessment prepared by Southampton City Council dated March 2015. Details of those arrangements shall be submitted to and approved in writing by the Local Planning Authority, at least one month before any work commences on that site. The observations and recording shall be carried out as approved unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** The area is of archaeological potential and it is important that any archaeological features and finds are properly recorded and in accordance with Policies CS39 and CS40 of the Bournemouth Local Plan: Core Strategy (2012).

21) Prior to occupation of each building the ecological enhancements for that building set out in the extended ecological phase 1 habitat survey report prepared by Greengage Environmental LLP dated March 2015 shall be implemented in accordance with a timetable already agreed in writing with the Local Planning Authority.

**Reason:** To promote local biodiversity in accordance with paragraph 118 of the NPPF.

22) Prior to occupation of each building the sustainability and energy measures for that building set out in the Sustainability and Energy Statements prepared by ICEN Projects Ltd dated March 2015 shall be implemented, maintained and retained thereafter.

**Reason:** In the interests of encouraging the provision of sustainable homes, premises and the provision of renewable and low carbon energy sources and infrastructure in accordance with the aims of policies CS2 & CS3 of the Bournemouth Local Plan: Core Strategy (2012).

23) The first 4.5 metres of the access crossing and drive shall not exceed a gradient of 1 in 15.

**Reason:** In the interests of highway safety and in accordance with Policy CS14 of the Bournemouth Local Plan: Core Strategy (2012).

24) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) there shall be no vehicular or pedestrian access to or from any site forming part of this development other than those proposed and shown on the approved plans. All existing and previously existing access(es) on a site forming part of this permission shall be closed and the footway and verge (if applicable) reinstated to the specification and satisfaction of the Local Planning Authority prior to occupation of any buildings on the site to

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which the works relate, unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** In the interests of highway safety and in accordance with Policy CS14 of the Bournemouth Local Plan: Core Strategy (2012).

25) Prior to their installation within the development, details of appropriate Entry and Exit Only signs and markings for that site shall be submitted to and approved in writing by the Local Planning Authority.

**Reason:** In the interests of highway safety and in accordance with Policy CS14 of the Bournemouth Local Plan: Core Strategy (2012).

26) Notwithstanding the submitted plans, before the commencement of development at a site forming part of this development, unless otherwise agreed in writing by the Local Planning Authority, details of the specification (a typical cross section of the surfacing is required) of the access and areas for turning at that site, parking for that site including the marking out of spaces, shown on the approved plans for that site shall be submitted to and approved in writing by the Local Planning Authority. The details, for the underground car parks and for the site to which the approval relates, shall be generally in accordance with the technical guidance set out by the Institute of Structural Engineers "design recommendations for multi-storey and underground car parks". These areas and car parks shall be constructed and surfaced in accordance with the approved details and permanently retained and kept available for the residents, occupants, visitors and staff of the development hereby permitted at all times.

**Reason:** In the interests of highway safety and in accordance with Policies CS16 and CS41 of the Bournemouth Local Plan: Core Strategy (2012).

27) A pedestrian inter-visibility splay of 2m x 2m shall be provided on both sides of the egress on to Oxford Road, the depth measured from the back of the footway into the development site and the width of the splays measured outwards from the edge of the access as shown on the approved plan. No fence, wall or other obstruction to visibility over 0.6m in height above ground level shall be erected within the area of the splays at any time.

**Reason:** In the interests of highway safety and in accordance with Policy CS41 of the Bournemouth Local Plan: Core Strategy (2012).

28) Prior to the occupation of the Holdenhurst Road development, a detailed Parking Management Plan for that site shall be prepared and submitted for written approval of the Local Planning Authority in conjunction with the Local Highway Authority. The approved Parking Management Plan shall be implemented and complied with upon occupation of the development at that site and the Parking Management Plan for that site shall be permanently retained thereafter.

**Reason:** In the interests of highway safety, in accordance with Policy CS41 of the Bournemouth Local Plan: Core Strategy (2012).

29) Prior to commencement of development on a site forming part of this permission, a detailed Construction Management Plan for that site shall be submitted to and approved in writing by the Local Planning Authority acting in conjunction with the Local Highway Authority. The Construction Management Plan shall include safe access to the site for deliveries, loading and unloading of plant and materials and wheel cleansing of vehicles prior to egress from the site onto the public highway. The approved Construction Management Plan shall be implemented and complied with upon commencement of the development at that site and the obligations
within the Construction Management Plan shall be adhered to throughout the construction phase of the development at that site.

**Reason:** In the interests of highway safety, in accordance with Policy CS41 of the Bournemouth Local Plan: Core Strategy (2012).

30) Prior to occupation of development on a site forming part of this permission, a detailed Servicing and Deliveries Management Plan for that site shall be prepared, submitted and approved in writing by the Local Planning Authority acting in conjunction with the Local Highway Authority. The approved Service and Deliveries Management Plan shall be implemented and complied with upon occupation of the development at that site and the Service and Deliveries Management Plan shall be permanently retained thereafter.

**Reason:** In the interests of highway safety, in accordance with Policy CS41 of the Bournemouth Local Plan: Core Strategy (2012).

31) Notwithstanding the submitted plans, and prior to the occupation of the Holdenhurst Road development, details and amended plans of the proposed cycle parking provision for that site shall be submitted to the Local Planning Authority for approval in writing. The proposed cycle parking provision shall be implemented in accordance with the approved details and permanently retained, maintained and kept available for the residents, occupants and staff of the development hereby permitted at all times.

**Reason:** In the interests of highway safety and in accordance with policies CS16, CS18 and CS41 of the Bournemouth Local Plan: Core Strategy (2012).

32) Notwithstanding the submitted plans, and prior to the occupation of the Holdenhurst Road development, details of the car park entry/exit barriers for that site shall be submitted to and approved in writing by the Local Planning Authority. The car park entry/exit barriers for that site shall be implemented on that site in accordance with the approved details and permanently retained, maintained and kept available for the residents, occupants and staff of the development hereby permitted at all times.

**Reason:** In the interests of highway safety and in accordance with policies CS16 and CS41 of the Bournemouth Local Plan: Core Strategy (2012).

33) Before 50% occupation of the building at Site 2 (on Holdenhurst Road), details of a scheme for the provision of up to 81 off-site car parking spaces within 800 metres of Site 2 of the development shall be submitted to and approved in writing by the Local Planning Authority. The off-site car parking spaces (or part thereof) shall be provided in accordance with the approved scheme. The number of spaces required will be a maximum of 81 at any particular time and the exact figure will be based on the required amount demonstrated by the Travel Plan details and appropriate Travel Plan Surveys at any particular time. Off-site parking will be required only in the event that Site 2 is used for Class B1 office purposes. The off-site car parking spaces shall become available, as and when required prior to the use or occupation of the office floorspace (or part thereof) to which the off-site car parking spaces relate. The scheme shall continue unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** In the interests of highway safety, in accordance with Policies CS16 and CS41 of the Bournemouth Local Plan: Core Strategy (2012).

34) Prior to occupation of the development at Site 1 (Oxford Road) the noise mitigation measures as stated in the Ambient Noise Assessment March 2015
section 5.1.1 shall be implemented in order to meet the internal noise level of 35dB(A) in the daytime (0700-2300) and 30dB(A) in the night time (2300-0700) in accordance with BS8233:2014. Any variation of the detail will require the prior approval by the Local Planning Authority. The approved scheme shall be implemented prior to the occupation/commencement of the use at Site 1 (Oxford Road) and be permanently used, maintained and retained thereafter.

**Reason:** In order to protect the residential amenities of the occupiers of the proposed dwellings and in accordance with Policies CS38 and CS41 of the Bournemouth Local Plan: Core Strategy (2012).

35) Prior to occupation of the student and hotel accommodation of the development at Site 3 (Christchurch Road), the noise mitigation measures as stated in the Ambient Noise Assessment (March 2015) for the student and hotel accommodation shall be implemented in order to meet the internal noise level of 35dB(A) in the daytime (0700-2300) and 30dB(A) in the night time (2300-0700) in accordance with BS8233:2014. Any variation of the detail will require prior written approval by the Local Planning Authority. The approved scheme shall be implemented prior to the occupation/commencement of the use of the element of the development at Site 3 (Christchurch Road) to which it relates and be permanently used, maintained and retained thereafter.

**Reason:** In order to protect the residential amenities of the occupiers of the proposed dwellings and in accordance with Policies CS38 and CS41 of the Bournemouth Local Plan: Core Strategy (2012).

36) Before the commencement of the development on a site forming part of this development there shall be submitted to and approved in writing by the Local Planning Authority for that site:

1) a site investigation report documenting the ground conditions of the site, and incorporating a "conceptual model" of all potential pollutant linkages, detailing the identified sources, pathways and receptors and basis of risk assessment.

2) a detailed scheme for remedial works and measures to be taken to avoid risk from contaminants or gases when the site is developed (if appropriate).

3) a detailed phasing scheme for the development and remedial works (if appropriate).

The approved remediation scheme for a site forming part of this development shall be fully implemented before the development hereby permitted at that site is first occupied. Any variation of the scheme shall be agreed in writing by the Local Planning Authority in advance of works being undertaken. On completion of the works written confirmation shall be provided to the Local Planning Authority that all works for that site were completed in accordance with the agreed details.

**Reason:** To ensure that the development is carried out safely in the public interest and in accordance with best practice and with Policy 3.20 of the Bournemouth District Wide Local Plan (February 2002).

37) Prior to occupation of the student and hotel accommodation of the development at Site 3, an air quality mitigation measures scheme shall be submitted as stated in the Air Quality Assessment March 2015 section 7.2 (prepared by Wardell Armstrong LLP) in order to ensure the future occupiers of the student and hotel accommodation building(s) are not exposed to exceedances of the annual mean NO2 objective. Any variation of the detail of the scheme will require prior written

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approval by the LPA. The approved scheme shall be implemented prior to the occupation/commencement of the use of the element of the development at Site 3 (Christchurch Road) to which it relates and be permanently maintained thereafter.

**Reason:** To protect the amenities of occupiers of the development in accordance with Policies CS38 and CS41 of the Bournemouth Local Plan: Core Strategy (2012).

*End of Schedule*
Appeal Decision
Site visit made on 27 February 2018

by JP Roberts  BSc(Hons) LLB(Hons) MRPI
an Inspector appointed by the Secretary of State for Communities and Local Government
Decision date: 22nd March 2018

Appeal Ref: APP/G1250/D/17/3184070
118 Wick Lane, Bournemouth BH6 4LT
- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr and Mrs Giles against the decision of Bournemouth Borough Council.
- The development proposed is to raise roof and new room in roof with balcony.

Decision

1. The appeal is allowed and planning permission is granted to raise roof and new room in roof with balcony at 118 Wick Lane, Bournemouth BH6 4LT in accordance with the terms of the application, Ref 7-2017-8609-F, dated 24 April 2017, subject to the following conditions:
   1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
   2) The development hereby permitted shall be carried out in accordance with the following approved plans: 983/1 & 983/2a
   3) Notwithstanding the details included on the application form, the materials and colours to be used in the construction of the external surfaces of the extension hereby permitted shall match the roof material & elevations to which the extension is to be added and such work shall be completed prior to occupation of the development granted by this permission.
   4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development Order) 2015 (or any order revoking and re-enacting that Order with or without modification), no additional windows including roof lights shall be installed and no dormer windows shall be constructed.

Application for costs

2. An application for costs was made by Mr and Mrs Giles against Bournemouth Borough Council. This application is the subject of a separate Decision.

Main Issues

3. The main issues are:

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i) the effect of the proposal on the character and appearance of the surrounding residential area, and

ii) the effect of the proposal on the living conditions of the occupiers of 120 Wick Lane, with particular regard to outlook and visual impact.

Reasons

**Character and appearance**

4. Wick Lane is a mainly residential road, lined with dwellings of diverse sizes and design. Along its length, there are two storey houses, chalet bungalows and single storey bungalows, several juxtaposed with dwellings of a contrasting height and design. The appeal site lies towards the end of Wick Lane, near a point where the road turns sharply to the south-west, before turning to a footpath just after the entrance to a mobile home park. From the point where the lane turns, there are dwellings only on the west side of the road, with the eastern side bordering onto the open countryside.

5. Along this stretch of Wick Lane, the dwellings are all bungalows with no rooms in the roofspace. Beyond the last bungalow on Wick Lane is a row of 4 bungalows which back onto the lane, accessed from Roscrea Drive, and these more or less continue the roof heights of the Wick Lane bungalows. This consistent roof height differs from the more varied character of Wick Lane to the north-west, and the lack of visual connection with this more disparate form of dwellings gives this stretch of road a more uniform character.

6. Whilst there is a 1½ storey dwelling on the opposite side of the road, on the outside of the sharp corner at 119 Wick Lane, it is seen more in the context of the line of dwellings which front the northern leg of the lane, rather than part of the group which includes the appeal site. Even so, it forms part of the mixed site context and lies within the visual envelope of the site. Moreover, views along this part of the road are affected by boundary fencing and planting, which limits the ability to see the bungalow roofs in a single vista. There is also a mobile home on higher ground to the south-west has which has its roof ridge well above that of the bungalows, and whilst it is some distance away, it nevertheless adds to the variation in roof heights in the street scene.

7. The proposal would involve raising the walls of the bungalow and providing a higher roof along much of its length, stepping down towards the rear. The ridge height of the roof would be about 1.3m higher than the existing roof, which is roughly in line with those of its neighbours. A void created by the recessed balcony on the front elevation would reduce its bulk at upper floor level.

8. The Council’s *Residential Extensions: A Design Guide for Householders*, at section 3.3, provides specific guidance on roof extensions, but does not refer in any detail to cases of raising the height of roofs. Of more relevance is the general guidance in section 2, which asks whether a proposal would spoil the proportions of the house or look out of place in the street.

9. Although I consider that the enlarged roof would be noticeable when seen from the street and the open land to the east, the limited increase in height would not make it especially prominent or discordant. Whilst the proposal would interrupt the run of lower roofs, I consider that this characteristic is neither distinctive enough, nor of especial importance in the street scene, to justify its

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preservation. In these circumstances, a degree of variation as proposed would not harm either the street scene or the proportions of the dwelling.

10. I therefore conclude on this issue that the proposal would not materially harm the character and appearance of the surrounding residential area, or conflict with Bournemouth Core Strategy Policy CS41, which deals with quality design.

Living conditions

11. The application was amended to address a neighbour’s concern about privacy, which resulted in the sides and roof of the balcony being enclosed, thereby increasing the bulk of the development. The neighbouring property at 120 Wick Lane has a front facing living room window which is sufficiently far forward in relation to the proposed extension so as to ensure that the enlarged roof would not appear as overbearing or oppressive. The enlarged dwelling would only be seen from a front door which opens out onto a porch that faces the side of the dwelling, and from the front garden, but such viewpoints are not as important as those from habitable rooms, and I consider that the impact of the proposal would not materially affect the occupiers’ ability to enjoy their property. There are no other windows which would be affected by the proposed development.

12. I am therefore satisfied that the proposal would not materially harm the living conditions of the neighbour at 120 Wick Lane with particular regard to outlook and visual impact. Policy CS41, amongst other things, aims to enhance the amenities of future occupants and neighbouring residents, indicating that those proposals which would be detrimental to amenity will not be permitted. The proposal would enhance the appellants’ living conditions and would not materially harm those of neighbours, and thus there would be no conflict with the policy.

Conditions

13. The Council has suggested a number of conditions which I have assessed in the light of national guidance. A condition to require the development to be carried out in accordance with the approved plans is needed to ensure certainty. A condition relating to materials is required in the interests of appearance. A condition restricting the insertion of additional windows and rooflights is justified in order to protect neighbours’ living conditions.

Conclusion

14. For the reasons given above, I conclude that the appeal should be allowed.

JP Roberts
INSPECTOR
Costs Decision
Site visit made on 27 February 2018
by JP Roberts  BSc(Hons) LLB(Hons) MRTPi
an Inspector appointed by the Secretary of State for Communities and Local Government
Decision date: 22nd March 2018

Costs application in relation to Appeal Ref: APP/G1250/D/17/3184070
118 Wick Lane, Bournemouth BH6 4LT
• The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
• The application is made by Mr and Mrs Giles for a full award of costs against Bournemouth Borough Council.
• The appeal was against the refusal of planning permission to raise roof and new room in roof with balcony.

Decision
1. The application for an award of costs is refused.

Reasons
2. The Planning Practice Guidance advises that costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.

3. The appellants claim that the proposal was unjustifiably refused. In respect of character and appearance, I have found that the proposal would not result in material harm. However, I recognise that the Council’s arguments had some force; the officer’s report did not make vague, generalised or inaccurate assertions about a proposal’s impact, unsupported by any objective analysis. The impact was thoroughly assessed against other buildings in the vicinity, and although I have found that it would not result in significant harm, there was nothing in the Council’s report that could be considered to be unreasonable.

4. In respect of the effect on living conditions, the officer’s report spells out that only the effect of the proposal on the outlook from the frontage/garage area serving 120 Wicks Lane that would be un-neighbourly. In my view, such an impact would not give rise to material harm. I acknowledge that the enlarged dwelling would appear bulky from such viewpoints, but took the view that such viewpoints were not of sufficient importance as to detract significantly from the occupiers’ ability to enjoy their property. Such a judgement involves a degree of subjectivity, and I find that the Council did not exercise its judgement in an unreasonable manner in this case.

5. The appellants argue that the Council failed to take a positive and proactive approach to the proposal. However, there is nothing to suggest that greater proactivity would have resulted in a different outcome, avoiding the need for an appeal.

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6. In its decision notice, the Council misquoted the name of its publication *Residential Extensions: A Design Guide for Householders*, referring to it as “the Councils (sic) Householder Design Guide (2008)”. Whilst this is clearly an inaccurate citation, the error falls well short of being unreasonable. The proper title of the document would have been easy to ascertain as it was correctly referred to in the officer report, and certainly would not have resulted in unnecessary cost being expended in bringing the matter to appeal.

7. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated. The application therefore fails.

*JP Roberts*

INSPECTOR