



Appeal Decision

Site visit made on 13 June 2022

by S. Ashworth BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8th July 2022

Appeal Ref: APP/V1260/W/21/3285149

16-20a Belle Vue Road, Southbourne, Bournemouth BH6 3DP

- 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 Hurst & Hurst Estates Ltd against the decision of BCP Council.
 - The application Ref 7-2021-20591-C, dated 9 February 2021, was refused by notice dated 30 September 2021.
 - The development proposed is demolition of four existing bungalows and erection of two blocks of flats and three bungalows (a total of 25 units).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The planning application to which this appeal relates was refused planning permission for six main reasons. The appellant has subsequently sought to address two of those reasons relating to impact of the additional pedestrian, cycle and public transport trips on the existing infrastructure, and the impact of the development on the Dorset Heathlands SPA (Special Protection Area), Ramsar Site and Dorset Heaths SAC (Special Area of Conservation). In that respect a completed Unilateral Undertaking has been submitted which would provide a financial contribution, in line with Council policy, to mitigate the identified harms.
3. The Council has raised no objections to the UU in principle, considering that if the required financial contributions can be satisfactorily secured, the proposal would be acceptable in term of its impact on transport infrastructure and on protected heathlands. I will turn to this matter later.
4. Having regard to the provisions of the UU and the comments of the Council, the appeal therefore turns on the remaining reasons for refusal.

Main Issues

5. The main issues are:
 - The effect of the proposal on the character and appearance of the area.
 - The effect of the proposed parking provision on highway safety and convenience in the area.

- The effect of the proposed cycle parking provision on the promotion of sustainable transport options.
- The effect of the proposal on biodiversity.

Reasons

Character and appearance

6. The appeal site presently comprises four detached dwellings and their gardens. The dwellings, which are predominantly single-storey with rooms in the roof spaces, are modest in terms of their size and appearance. They have long rear gardens which back on to the rear of properties fronting Newstead Road, specifically the L shaped garden of No 15. The dwellings are set back from Belle Vue Road behind front gardens and a wide grass verge. They border a further detached bungalow of similar scale to the west and a substantial Victorian dwelling, No 22, to the east.
7. The modest height and size of the existing dwellings and the open space in front and behind them provides this particular part of Belle Vue Road with an open and spacious character. In the wider context there is a greater mix of property types and sizes in the surrounding area including blocks of apartments along Belle Vue Road and adjoining roads towards the sea, and residential development of a more domestic scale and appearance to the rear.
8. The proposal seeks to demolish the four existing dwellings and to replace them with two blocks of flats which would front the highway, and three bungalows to the rear. All properties would be served via a central access point off Belle Vue Road. Parking space would be provided at the front and rear of the frontage blocks and between bungalows.
9. The two blocks of apartments would be substantial three storey buildings that would be highly visible in the street scene. Whilst they would be of a significantly greater scale than the existing buildings, they would be well-proportioned, well-articulated buildings in themselves. Design details including steeply pitched roofs, gabled dormers, decorative ridge tiles and double height bays reflect detailing often associated with traditionally designed properties. In addition to that, the buildings would be set back from the highway on the established building line, behind areas of garden, as such maintaining some of the sense of space apparent along this section of road.
10. Block A would be sited in close proximity to the common boundary with No 14, and it seems to me that given the relative scale of the respective buildings, the space between them would be limited. Nevertheless, the set back of the side wing of the building, coupled with the lower eaves and ridge heights would ensure that the building did not dominate its neighbour. However, on the opposite side, Block B would sit well forward of No 22 and its side elevation would be prominent in views along Belle Vue Road travelling from the east. As a result of the limited separation distance of 3.8m to the eastern boundary, and the overall scale and forward position of the flats, it seems to me that the development would dominate and thereby visually overwhelm No 22. Whilst I recognise that No 20a already sits forward of that building, its significantly smaller scale ensures that it does not dominate its neighbour.
11. No 22 is highly regarded locally and is considered by some to be a local heritage asset, although it is not a listed building nor on the Council's register

of locally listed buildings. The building, and that at No 10/12, clearly indicate the historic development of the town and form positive elements in the street scene. Whilst any significance derived from the setting of the buildings is already limited by the presence of the existing buildings, it seems to me that the scale and position of Block B would undermine the positive visual contribution No 22 makes to the street scene.

12. I note the Inspector in the previous appeals for retirement flats on the site¹ found no harm to the character and appearance of the area. However, the buildings proposed in those cases were of a different scale and appearance to that before me and, moreover were to be set further away from No 22 such that they would not have had the same impact. The Inspector in those cases did, however, find that the loss of the existing dwellings would cause harm to the availability of family housing in the area and by extension, the overall mix of housing elsewhere. The appellants have sought to address the issue by the inclusion of 3, 3-bedroomed bungalows within the development. No objection has been raised by the Council to the mix of houses now proposed. In purely numerical terms I have no reason to disagree.
13. However, the introduction of the bungalows would produce a 'tandem' arrangement which would not reflect the prevailing pattern of development where buildings are generally set out in a linear form on distinct building lines and have a frontage to the street. The bungalows would be set 19m from the rear of the flats, which as an interface distance between a 3 storey-building and a single-storey building, would be limited. As such the flats would appear to dominate the bungalows and the site as a whole would appear cramped. In addition, there would be a significant amount of parking space with associated vehicle activity, hard surfacing and limited opportunity for landscaping between the two groups of buildings exacerbating the poor spatial relationship between them. The flats would largely screen the bungalows from view from the road but nevertheless they would still be seen in passing through the central vehicular access point and from surrounding residential properties. Accordingly, the tandem pattern of development would be apparent and at odds with the prevailing character of the area.
14. Drawing these reasons together, I find that the proposal would conflict with the relevant part of Policies CS6, CS21 and CS41 of the Bournemouth Local Plan: Core Strategy (2012) (the Core Strategy) and Policies 6.8 and 6.10 of the Bournemouth District Local Plan (2002) which together seek to ensure that new development respects the character and local distinctiveness of the area.
15. I note the Council has found no conflict with Policy CS19 which encourages small family dwellings on suitable sites. However, criteria 2 of that policy requires that such development is not out of character with the local area. For the above reasons, whilst the proposal would retain 3 small family dwellings, the proposal also fails to comply with Policy CS19.

The effect of the proposed parking provision on highway safety and convenience in the area.

16. The proposal would provide car parking space within the site for use by residents and visitors. However, the level of provision equates to a shortfall of one parking space when considered against the standards set out in the

¹ Appeals ref: APP/G1250/W/19/3225225 & AAP/ V1260/W/19/3237444

Council's recently adopted Parking Supplementary Planning Document 2021 (the Parking SPD). The Council is concerned that the, albeit modest, deficit in on-site parking would exacerbate existing pressures locally.

17. I noted at my site visit that Belle Vue Road is subject to parking restrictions on both sides of the road in the form of double yellow lines for some distance in both an easterly and westerly direction. The nearest available on-street space is on Grange Road and Marine Road which in turn lead to the road along the clifftop. From all I have seen and read there is already considerable demand for parking space along these streets, and given the proximity to the beach, I have no doubt that demand for parking increases at the weekends and in the summer months.
18. Evidence provided by the Council indicates a high number of indiscriminate parking incidents reported to the Police and it seems to me these incidents are likely to be underreported. On Grange Road parking bays are marked out to avoid parked vehicles oversailing residential driveways. On Marine Road parking is limited to one side of the road only. Such evidence demonstrates the high degree of parking stress in the area.
19. I acknowledge that the site lies in a sustainable location with good public transport links, including a bus route with regular services to neighbouring towns, and access to local services and facilities. However, the Council advises that this was taken into account in formulating the parking requirements based on locational criteria. The Parking SPD refers to the provision of parking space as an 'optimum' standard. However, there is no convincing evidence before me as to why that optimum standard cannot be met within the proposed development, particularly given the size of the site and the opportunity that the redevelopment of the site presents.
20. In that context the shortfall in parking provision on site set against the standard in the SPD, is likely to result in increased demand for space on street, exacerbating existing parking stress and resulting in inconvenience for both existing residents and occupiers of the proposed development.
21. For these reasons the proposal would be contrary to policy CS16 of the Core Strategy which requires that parking provision for new development shall be in accordance with the Council's adopted parking standards.

The effect of the proposed cycle parking provision on sustainable transport provision.

22. To promote sustainable transport, the Parking SPD also sets out the minimum requirement for cycle parking both in terms of the number of spaces required and their spatial arrangement. In this case 48 spaces would be provided for residents within the building, plus additional external spaces for visitors and 12 additional spaces for the houses. In purely numerical terms this exceeds the requirement for cycle parking provision.
23. However, the SPD also requires that unfettered access is provided between the cycle store and the highway and specifically sets out that an unobstructed width of 1.5m is required as standard, increased to 2m where the path is located between solid objects. It is clear that there would be unfettered access to the flats and visitor cycle spaces. However, the cycle spaces for use by occupiers of the detached bungalows would be provided at the rear of the

proposed units, accessed by a driveway at the side of the properties which also serves as a parking area. That driveway, which could accommodate 2 cars tandem style, would be a standard 2.6m in width with space of 0.5m either side of it. If cars were parked on the driveways, likely to be in a central position rather than to one side or the other, that space would fall short of the Council's standard.

24. I have taken into consideration the appellant's point that the parked cars would be in the control of the occupiers. However, it seems to me that the restricted space, particularly if two cars were parked, would be likely to prevent ready access to the cycle parking and thereby deter cycle usage which the Council seeks to promote. Whilst I acknowledge the shortfall in provision to be limited, the justification for the reduction in width of the access over the Council's standard is unconvincing.
25. For this reason, whilst there would be a benefit from the number of cycle spaces proposed, the proposal considered as a whole would not satisfactorily promote the use of sustainable transport. Accordingly, the proposal would be contrary to Policy CS18 of the Core Strategy which requires all new developments to provide adequate cycle storage in accordance with the Council's adopted standards.

The effect of the proposal on biodiversity.

26. The existing gardens are generally open, mature and free from built development, except for outbuildings of a domestic scale, and include areas of lawn, small trees and shrubs. Accordingly, I have no doubt that the area currently accommodates a mix of species. The proposal would see the loss of much of that open area and its replacement with buildings and hardstanding, although grassed areas would be retained at the front of the flats and at the rear of the bungalows.
27. However, the site, which is limited in area, is not a designated wildlife area and the appellant's ecological assessment indicates that no BAP Priority Habitats were identified at the site and no evidence of bats, dormice, great crested newts, badgers or other protected species was identified. Although the Council refers to a wildlife corridor along the clifftop area, and the site is close to the SAC, SPA and Ramsar Site amongst other statutorily protected sites, it is unclear from the evidence before me how the site is linked to these areas in terms of habitat provision and what specific harm would arise from the proposal in that respect.
28. I note the anecdotal evidence submitted by third parties and whilst I accept that some habitat would be lost there is no qualitative biodiversity assessment other than that of the appellant before me. Moreover, benefits of the scheme in terms of biodiversity include the provision of bee bricks; a bat tube and landscaping including a considered mix of planting to encourage biodiversity and hedgehog friendly fencing. A bird nesting compensation strategy for loss of the bird boxes and mitigation for vegetation clearance has been set out. In addition to that, the gardens to the rear would continue to link with the gardens of neighbouring properties to maintain a wildlife corridor.
29. Therefore, on the basis of the evidence before me I am unconvinced there would be any net loss in biodiversity. In that respect the proposal therefore complies with Policy CS30 of the Core Strategy which seeks to provide a well-

connected and distributed green infrastructure network that connects and enriches biodiversity and wildlife habitats. It would also not conflict with the National Planning Policy Framework which, at paragraph 174, amongst other things, requires that decisions should minimise impacts on and provide net gains for biodiversity.

Other Matters

30. Third parties have raised concerns about the impact of the proposal on Council services and medical facilities, on drainage and water pressure as well as the impact of the development on the mental health of residents. Whilst I have taken these issues into account there is no convincing evidence that the proposal would cause any significant harm in these respects. These matters are therefore neutral in my considerations.
31. No objection was raised by the Council in terms of the impact of the development on the occupiers of adjoining residents. Nevertheless, I note that this is a concern of third parties. No 14 adjoins the site to the west side. From what I could see this dwelling has no habitable room windows in the side facing the site. The west side of Block A of the development would contain habitable room windows at ground floor only. Accordingly, there would be no direct overlooking. Whilst there may be oblique views from rear windows into the garden of that property, any loss of privacy arising from that would be limited. Similarly given the distance of the flats from the rear of properties on Newstead Road, the single storey nature of the bungalows and the opportunity for boundary screening, I am unconvinced that occupiers of dwellings on Newstead Road would suffer significant harm to their living conditions.
32. As set out above, to the east of the site, No 22 is set back further from the road and Block B would in part, project forward of it. There are a number of side facing windows in No 22 and a projecting double height bay window at the front. Those windows are already overlooked to a degree by a dormer window in No 22A. However, Block B would include several bedroom and bathroom windows in its east side elevation although I acknowledge the floor layout has been carefully planned so that the habitable room windows are furthest away from the windows in No 22. Accordingly, whilst there may be oblique views into those windows, given the distance between them I am satisfied that there would be no direct overlooking of the house itself. However, opportunities for direct overlooking of the front garden at close range, albeit that that garden is visible from the road, would be significant. Moreover, given the scale of the building, its proximity to No 22 and the number of side facing windows it seems to me that the development would appear overbearing and in that way would cause harm to the living conditions of the occupiers of that property. Nevertheless, as I am dismissing the appeal for other reasons, this matter is not in itself decisive.
33. As set out above the site lies in close proximity to designated European Nature Conservations Sites. Accordingly, in accordance with the Habitats Regulations and the Council's Dorset Heathlands Supplementary Planning Document 1994 a financial contribution is required to mitigate the adverse effects of the development on the integrity of the wildlife sites. In a similar way, contributions to mitigate the effects of the development on the highway infrastructure are required.

34. As set out above, at the time of the application no such contributions, in the form of a legal agreement, had been offered and this formed part of the reason for refusal. However, since that time the required planning obligation which would deliver various highway improvements including a new bus shelter and real-time information at the bus stop opposite the site, as well as a contribution to mitigate effects on the European sites, has been provided. The Council has confirmed that the contributions are correct and the formalities of S106 (9) are met. Accordingly, this overcomes the Council's reasons for refusal in these respects. I have noted the Council's comments about details relating to signatories although I am unconvinced this matter could not have been resolved by the parties.
35. Had I been allowing the appeal it would have been necessary for me to undertake an Appropriate Assessment and consider the likely effect of the proposed mitigation measures. In doing so I would have considered whether there would be significant effects arising from the scheme, either alone or in combination with other schemes, in order to be certain that the integrity of the designated sites would not be adversely affected. In this regard I would have taken into account the mitigation proposed by the UU. However, as I am dismissing the appeal for other reasons, such an assessment has not been necessary.

Planning Balance and Conclusion

36. There is no dispute between the parties that the Council cannot demonstrate a 5 year supply of housing land. Both parties indicate that the figure is less than 3 years. This represents a significant shortfall in provision. In these circumstances footnote 8 of paragraph 11 of the Framework deems that policies that are the most important for determining the application are out-of-date. Consequently, the presumption in favour of sustainable development in the Framework states that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
37. Whilst not a reason for refusal, I share some third party and the Council's concern, as set out in its statement of case, that whilst the bungalows would provide the small family accommodation the Council indicates is required in the area, they may not provide a suitable family living conditions given, amongst other things, the tight layout of the site and the limited interface distances to the rear of the flats. Nevertheless, the proposal would provide a net increase of 21 units in the area. Therefore, in numerical terms, the proposal would assist in boosting the supply of housing in an area where there is significant unmet need. Added to that, the site lies in a sustainable location close to public transport links and services and facilities and is within a location identified in Policy CS21 of the Core Strategy as being appropriate for urban intensification.
38. Accordingly, the provision of housing, in this particular location, is an important factor that weighs in favour of the proposal. In addition, there would be some modest economic benefits associated with the construction and activity of future residents. Cumulatively, and in view of the significant shortfall in housing supply, I attach considerable weight to the overall benefits of the proposal.
39. Balanced against this is the harm to the character and appearance of the area I have identified. The Framework is clear that good design is a key aspect of

sustainable development and further the creation of high quality places in which people can live and work is fundamental to what the planning and development process should achieve². Therefore, the conflict with policies identified above, which are consistent with the Framework in this regard, attracts significant weight.

40. In addition to that, the proposal would fail to provide satisfactory parking provision within the site causing harm to highway safety and convenience in the area. In this respect the Framework advises that patterns of movement, streets, parking and other considerations are integral to the design of schemes and contribute to making high quality places. Furthermore, the failure to meet the Council's guidelines regarding the provision of readily accessible cycle storage, would conflict with advice in the Framework that opportunities to promote cycling should be identified and pursued. The conflicts with the relevant policies as set out above therefore attracts additional moderate weight.
41. Consequently, I find that the adverse impact of the proposal would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. As a result, the presumption in favour of sustainable development does not apply.
42. Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise³. There are no other considerations, including the provisions of the Framework, which outweigh this finding.
43. For these reasons, and taking all other matters raised into account, including the representation of support for the proposal, the appeal is dismissed.

S Ashworth

Inspector

² Paragraph 126 NPPF

³ Section 38(6) Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990.