



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.
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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 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 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

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 roofspace 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 occupiers. 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

² Recorded in September 2016

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 Plan³, 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.

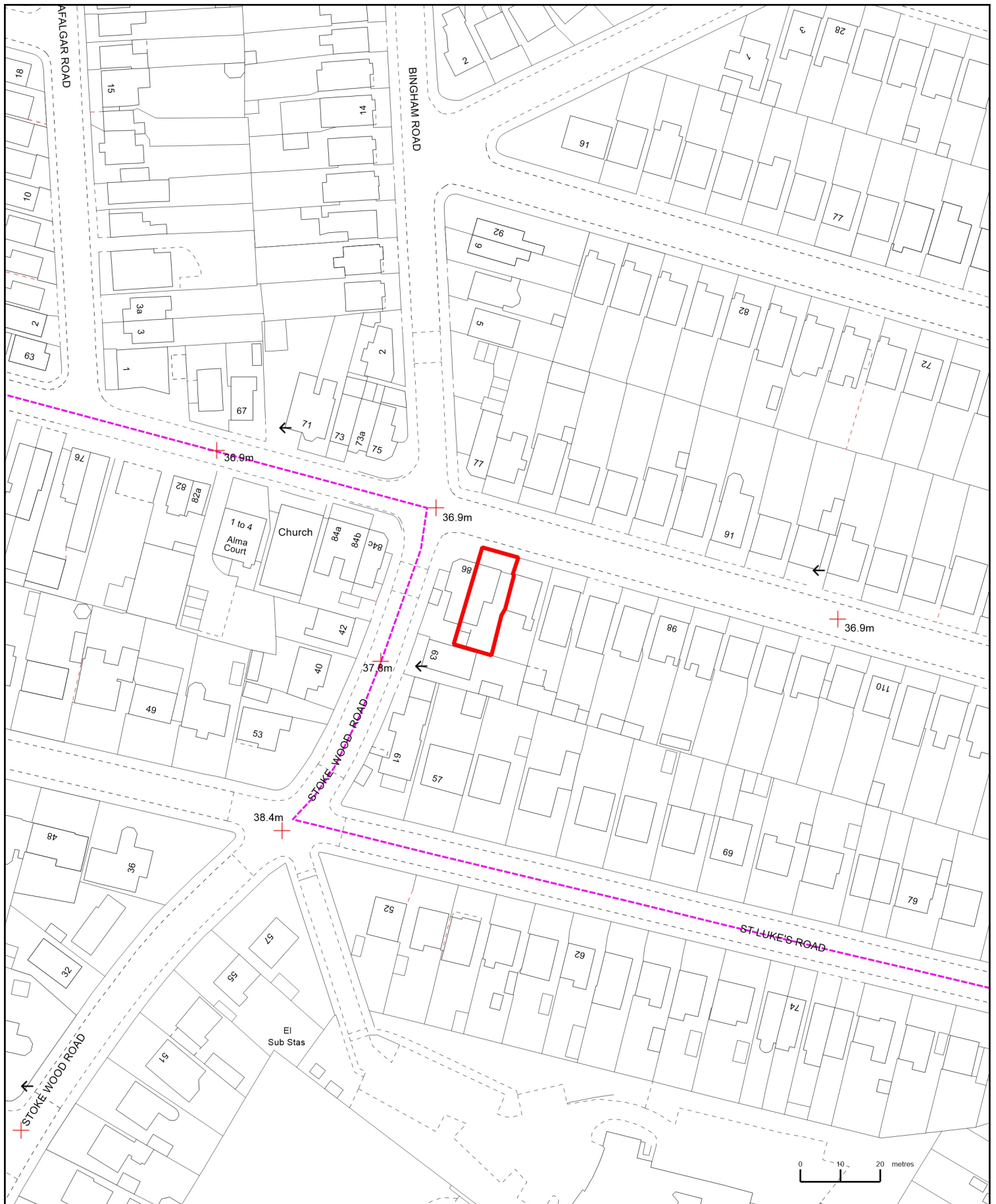
Overall conclusion

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

³ Adopted February 2002



88 Alma Road



Scale: 1:1250 @ A4
Date: 30 October 2019
Creator: USER NAME

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Proposed Block Plan 1:200



SITE LOCATION PLAN 1:1250

Rev. A – 19.10.19. Parking space and front softscaping, including the wall amended. ART

Do not scale off this drawing. All Dimensions to be checked on site by the contractor.

PLANNING

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Project
Proposed Alterations and conversion of house to 2 x flats at 88 Alma Road Bournemouth, BH9 1AL

Dwg Title:

Site Location and Proposed Block Plan

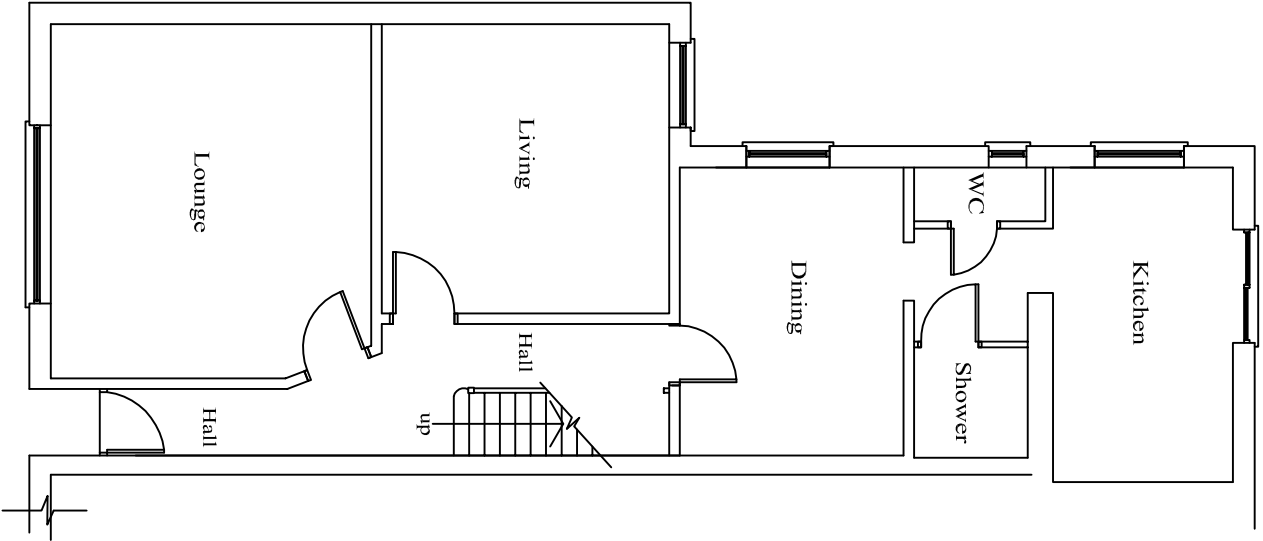
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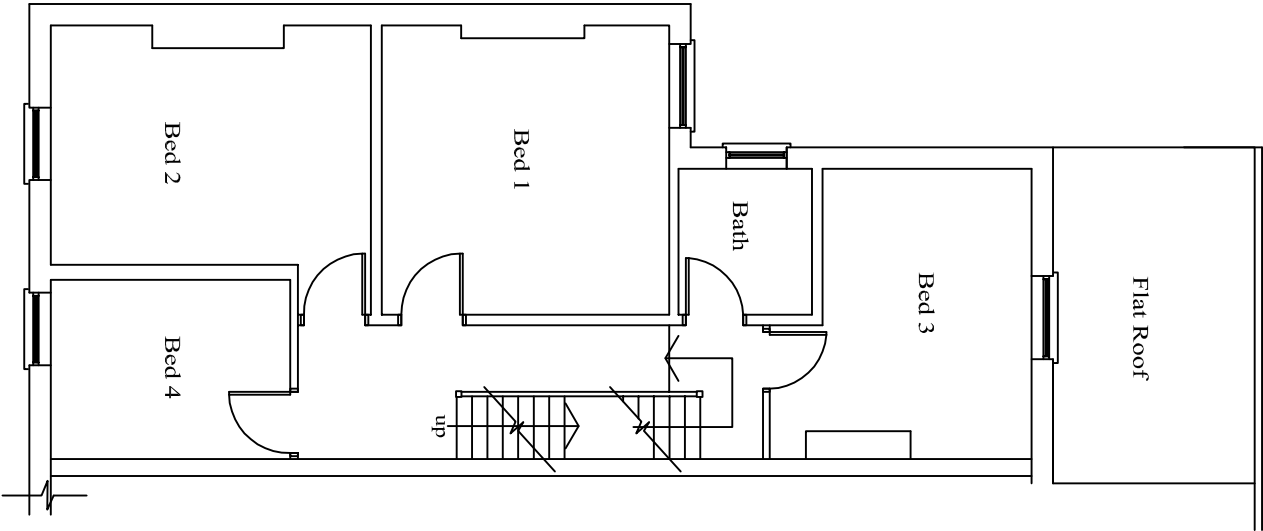
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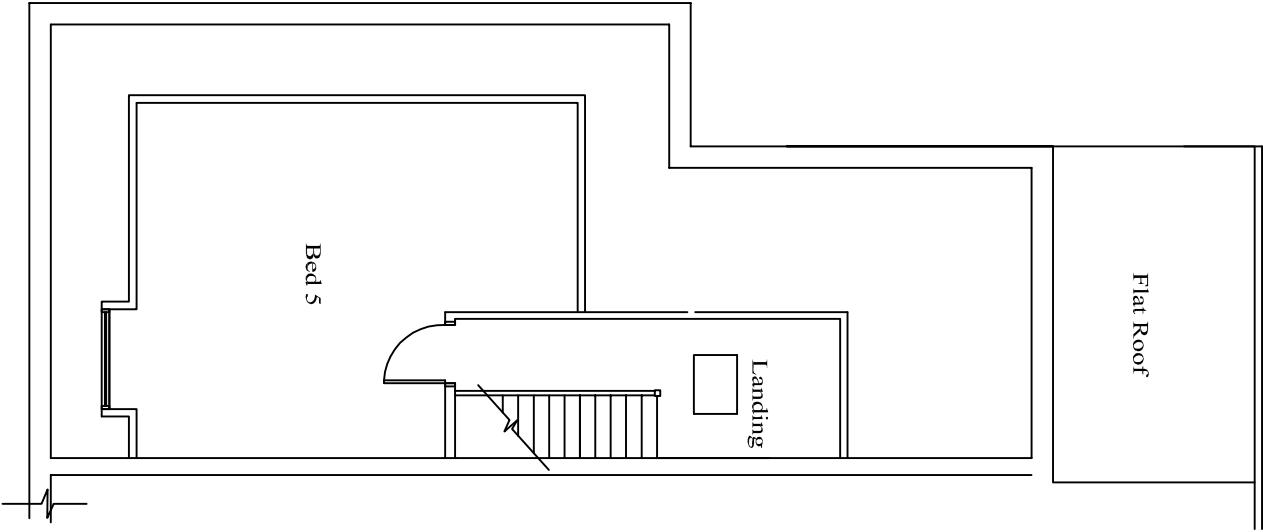
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Rev. A



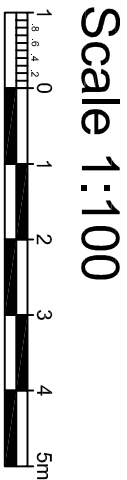
Existing Ground Floor Layout



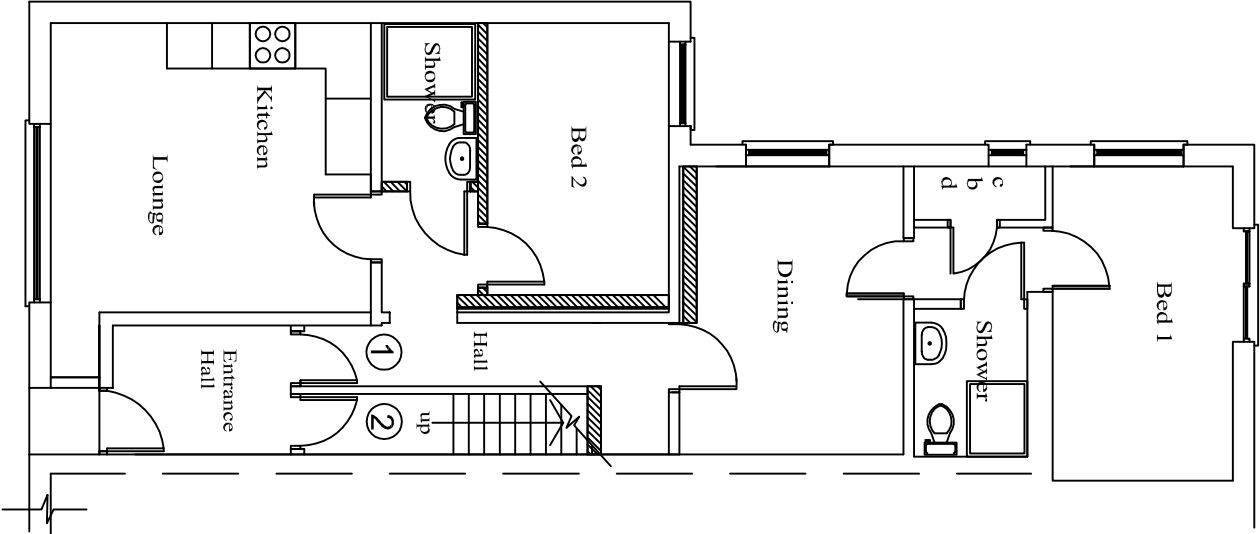
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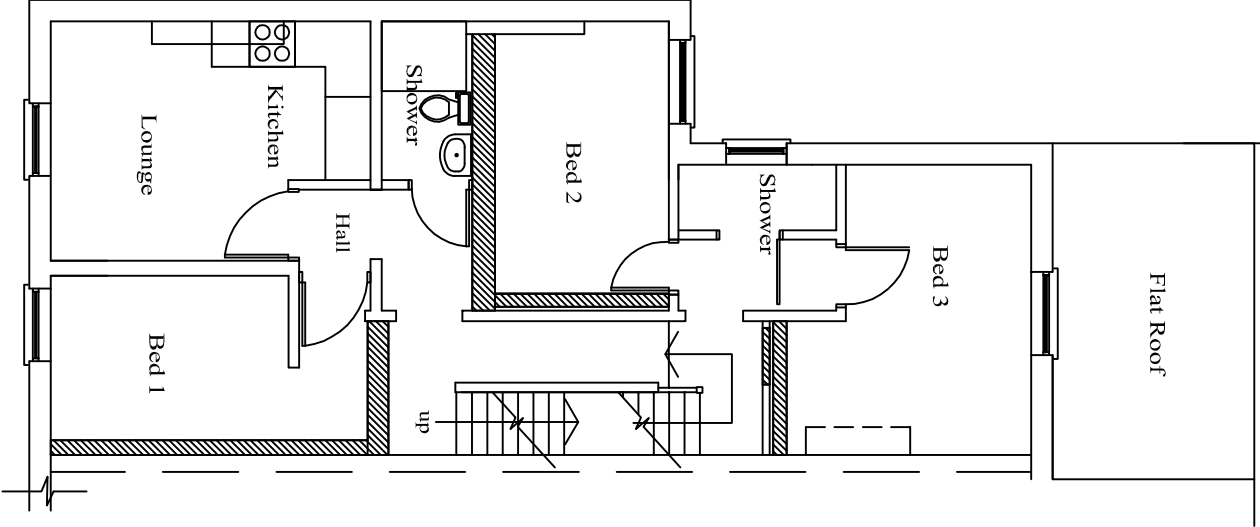
Existing Second Floor Layout



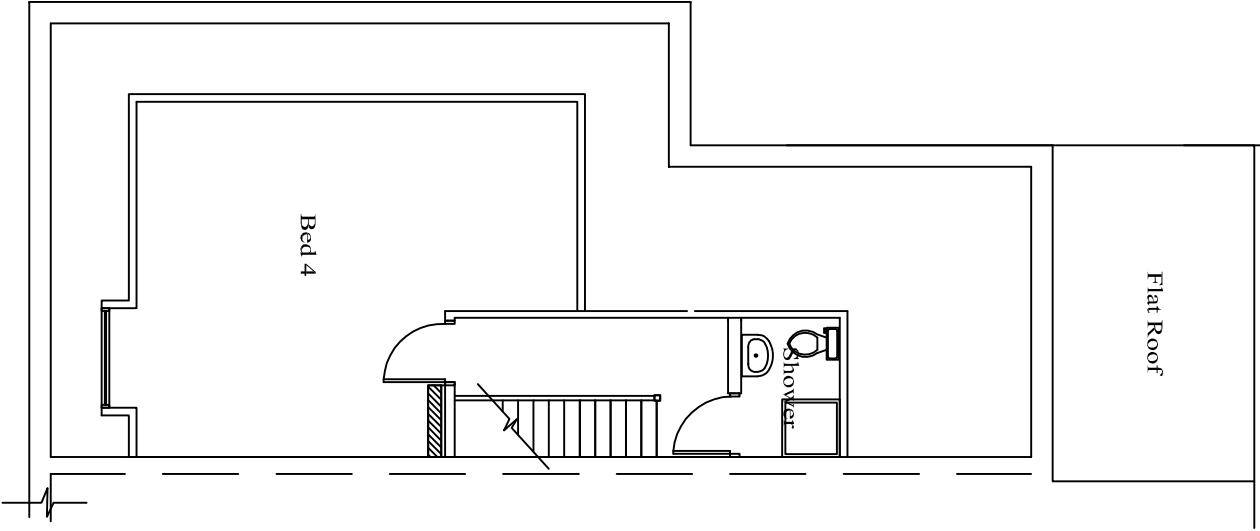
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Project Proposed Alaterations and conversion of house to 2 x flats at 88 Alma Road Bournemouth, BH9 1AL			
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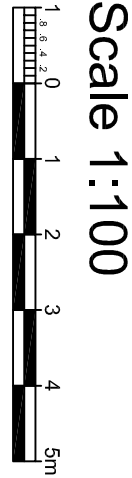
Proposed Ground Floor Layout



Proposed First Floor Layout



Proposed Second Floor Layout



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