

# Planning Committee

Application Address	19 Kingswell Road, Bournemouth, BH10 5DF
Proposal	Erection of a dwellinghouse and formation of new vehicular access and parking spaces with car port
Application Number	7-2020-3029-I
Applicant	Merley Design and Construction Ltd
Agent	Martingales Ltd
Date Application Valid	13 October 2020
Decision Due Date	7 December 2020
Extension of Time date (if applicable)	TBC
Ward	Redhill & Northbourne
Report Status	Public
Meeting Date	17 June 2021
<b>Recommendation</b>	<b>Grant in accordance with the details in the recommendation</b>
Reason for Referral to Planning Committee	Called in by Councillor Jackie Edwards (see para. 14)
Case Officer	Charles Raven

## Description of Development

1. Planning consent is sought for the erection of a dwellinghouse and formation of new vehicular access and parking spaces with car port.
2. The applicant has provided the following information:

	Existing	Proposed
Use	1 dwelling	1 additional dwelling
Parking	2 spaces (no.19)	4 spaces
Height	7.8m (no.19) 7.6m (no.15)	7.4m
Depth	9.9m (no.19) 9.1m (no.15)	9.9m
Width	6.7m (no.19) 6.4m (no.15)	5.4m

3. During the consideration of the application, revised plans were submitted which specified the measurements of the proposed dwelling and introduced a car port to the rear parking area.

### **Key Issues**

4. The main considerations involved with this application are:
  - Impact on character and appearance of the area;
  - Impact on residential amenity;
  - Impact on parking and highway safety;
  - Impact on protected heathlands.
5. These points will be discussed as well as other material considerations at paragraphs 17 to 50 below.

### **Planning Policies**

6. **Bournemouth Local Plan: Core Strategy (2012)**

Policy CS4 – Surface Water Flooding  
Policy CS16 – Parking Standards  
Policy CS20 – Encouraging Small Family Dwellinghouses  
Policy CS21 – Housing Distribution across Bournemouth  
Policy CS41 - Design Quality

7. **District Wide Local Plan (2002)**

Policy 6.8 – Infill Development

8. **Supplementary Planning Documents:**

Dorset Heathlands Planning Framework SPD  
Residential Development: A Design Guide – PGN  
Sustainable Urban Drainage Systems (SUDS) - PGN  
Parking Standards – SPD

9. **The National Planning Policy Framework (2019)**

Paragraph 11 sets out the presumption in favour of sustainable development. Development plan proposals that accord with the development plan should be approved without delay. Where the development plan is absent, silent or relevant policies are out-of-date then permission should be granted unless any adverse impacts of approval would significantly and demonstrably outweigh the benefits when assessed against the NPPF.

### **Relevant Planning Applications and Appeals:**

10. 7-2018-2039-H - Erection of a dwellinghouse and formation of new vehicular access and parking spaces – Refused and Appeal Dismissed

Reasons for refusal:

*It is considered that the proposed development, by reason of the layout, form, design and siting, would result in a development which would be out of keeping in the locality and which would result in a poor layout and living environment that would be detrimental to the living conditions of the future occupiers of the development. The development is therefore contrary to the aims of saved Policy 6.8 of the Bournemouth District Wide Local Plan (February 2002), Policies CS21 and CS41 of the Bournemouth Local Plan: Core Strategy (October 2012), the provisions of the adopted document Residential Development: A Design Guide (September 2008), and the NPPF (particularly paragraphs 117 and 127).*

*Furthermore, it is considered that the proposed unit would be harmful to designated Dorset Heathlands SPA (Special Protection Area), Ramsar Site and Dorset Heaths SAC (Special Area of Conservation). The failure to make an appropriate contribution towards mitigation measures would have an adverse effect on the integrity of the sites and is considered contrary to Policy CS33 of the Bournemouth Local Plan: Core Strategy (October 2012) as well as the provisions of the Dorset Heathlands Planning Framework SPD.*

7-2017-2039-G - Erection of a dwellinghouse and 2 bungalows, formation of access and parking spaces - Revised scheme – Refused and Appeal Dismissed

7-2017-2039-F - Erection of a dwellinghouse and 2 bungalows, formation of access and parking spaces – Refused

7-2003-2039-E - Approval in principle- Erection of a dwellinghouse, garage, formation of new vehicular access and parking spaces – Granted

7-1997-2039-D - Erection of two bungalows and garages and formation of new vehicular access (extension to Hendford Gardens) - Granted

## **Representations**

11. Site notices were posted in the vicinity of the site on 10/11/2020 with an expiry date for consultation of 12/12/2020. Further blue notices were erected on 02/02/2021 with an expiry date for responses of 16/02/2021.

12. 11 representations have been received from separate households, all raising objection. The issues raised comprise the following:-

*Out of character*

*Cramped development*

*Noise and disturbance*

*Pollution*

*Overlooking/Loss of privacy*

*Loss of green space*

*Unusable garden residual spaces*

*Previous Inspector's concerns not overcome*

13. A comment has been received from the Bournemouth Civic Society stating:

*The built footprint would be similar in size to that of adjacent houses and to the rear of the site there would be gardens for no. 19 and no. 17 and a parking area just beyond. The*

*principal façade would encompass a two storey bay window with a prominent hipped roof above. Irrespective of local fears about the lack of privacy, the Society finds what is proposed quite acceptable since what is proposed is no different to what would now be built on this site if normal planning arrangements had been followed when this neighbourhood was originally built. Consequently, we have decided that since this proposal conforms to the townscape policies of the Bournemouth Local Plan, it should be allowed.*

14. The application was called in by Councillor Jackie Edwards on the following grounds:

*The proposed house will be a metre narrower than neighbouring properties thus out of keeping in the street scene. It gives the house a cramped appearance not totally mitigated by just adding grass which of course could at a later date become hard standing.*

*The amenity of a good sized garden has been considerably been compromised by providing parking for four cars and a turning area. Future occupants could have a poor living environment due to the excess part of the rear garden been given over to hard standing.*

*At least 5 neighbouring gardens will be spoilt by the noise, pollution and vehicle manoeuvres at the rear of the property. This will affect the enjoyment of their gardens. No other property in the vicinity has parking at the rear.*

### **Consultations**

15. Highways Officer – no objections following submission of revised plans

### **Constraints**

16. Heathland mitigation buffer zone

### **Planning Assessment**

#### **Site and Surroundings**

17. The area is residential in character and contains mainly two storey detached dwellings of a traditional appearance, although there is some variety in the specific detail of finishes and roof forms with examples of hipped roofs and gable features. There is also evidence of further infill development in the locality. The application site has a wide, almost double width plot. Interestingly, there is no No.17 Kingswell Road, which is an indication that a new dwelling in this position was historically expected. Outline approval has been granted in the past for a two storey dwelling to the side of number 19 Kingswell Road (2003). The principal of additional residential development on the site is not precluded and has previously been accepted.
18. Consent was previously refused by the Planning Board of the former Bournemouth Borough Council and a subsequent Appeal was dismissed. The appeal decision is a material consideration in the consideration of this application, which aims to address the issues raised by the Inspector. A copy of the appeal decision is provided at the end of this report.

## Key Issues

### Impact on character and appearance of the area

19. The 2003 consent, although now expired and not implemented, had a two-storey dwelling sited adjacent to the eastern boundary and of a width and design that was similar to the traditional style of others in the street. It had a central shared driveway to a garage at the rear of the dwellings, which was narrow and would not meet current standards in terms of width of access and turning. However, that application was otherwise very similar overall so the principle of a single dwelling in this location has previously been accepted. The need for adequate width of parking access has dictated the dimensions of the dwelling here. The proposed dwelling would be the same depth as No.19 and a little deeper than No.15 but not excessive or noticeably so. There are examples of properties throughout the area with noticeably deeper footprints.
20. It is clear reading the appeal decision that there was not one determining factor that resulted in the Inspector dismissing the appeal, but that taking all of the minor negative issues collectively, the scheme could not be supported.
21. As with the previous scheme, the current proposal is for a two storey three bedroom house to the street frontage. The proposed house has the same eaves level of adjacent properties and is sited on a similar building line to the front. As with the previous scheme, it is around 1 metre narrower than the others, which would affect its proportions slightly (5.4m wide compared to 6.4m and 6.7m of the properties on each side), and consequently resulting in a marginally lower ridge height as the pitch of the hipped roof is the same as adjacent. The design includes a hipped roof and canted bay windows, which would be in keeping with the original properties in the area. Your officers consider here, as well as under the previous application, that the width of the building would not be cramped or out of character. There are many house types of varying widths throughout Kingswell Road and the surrounding area. There is not one predominant homogeneous building type to dictate what must be acceptable in this location, both in terms of appearance and scale. Whilst a contrary view was taken by Bournemouth Planning Board and the Inspectorate, the narrower form alone is not considered to harm the character and appearance of the area where it would share an otherwise similar design. It would actually be more in keeping than a number of existing dwellings within the area, the closest being No. 21 Kingswell Road, which is a newer property with a different and weaker design. It is maintained that the development would be in keeping with the character and appearance of the area.
22. The current scheme provides a landscaped area to the front of both properties where previously there was a car space proposed. This would soften the impact of the development, would be entirely in keeping with the character of the area and result in a less cramped appearance than previously considered.
23. The applicant provided amended plans during the consideration of the application which provided a car port over the proposed rear parking area. The car port would be of a timber structure with a sedum/green flat roof. The structure would be single storey with a maximum height of 2.7m and would be open sided. The car port would be set in from the side boundaries by 2.5m and from the rear by 4.5m. Whilst the car port is large, providing cover for up to four vehicles, car ports are not uncommon in urban areas. Given the single storey nature of the structure, and its siting set well away from boundaries, there are no planning grounds to object. It should be noted that if the height of the car port were to be 20cm lower, it would likely be permitted development and could be erected without the

need for specific planning permission under the permitted development rights enjoyed by the existing dwelling. Similarly, if it were to be re-designed with a pitched roof and an eaves height of up to 2.5m, the maximum height of that roof could be up to 4m and erected under the permitted development rights of the existing dwelling.

24. Approximately 43% of properties within Kingswell Road have off street car parking facilities located behind the rear elevation of the dwelling, effectively within the rear garden areas. These are a combination of garages, car ports, and open parking areas. In response to a number of comments received, to say that the principle of the car parking proposed to the rear of the two dwellings is uncharacteristic is factually incorrect.
25. The current scheme has addressed the majority of the concerns raised by the Inspector, the only outstanding issue is now the width of the building which was considered to contribute to the overall impression of a cramped appearance. Given that all other issues that had contributed to this impact have been successfully addressed, by reason of the reasoning discussed in para 21 above, it is considered that this revised scheme would not appear cramped or out of character and would not have an adverse impact on the character or appearance of this area.
26. The proposed dwelling is considered to be a small family sized dwellinghouse for the purposes of your Policy CS20, which states that there will be a presumption in favour of the redevelopment of sites for small family dwellinghouses as opposed to other forms of residential development where:
  - the site is capable and suitable for accommodating small family houses; and
  - the resulting development will not be out of character with the local area.
27. As discussed, the site is capable of providing this small family dwelling, which has been shown not to be out of character with the local area. The development is considered to satisfy the requirements of this policy and the provision of family housing should be supported.
28. For the reasons discussed, it is considered that the development would be in keeping with the character and appearance of the area, compliant with the requirements of your Policies CS19, CS21, and CS41 of the Core Strategy, saved Policy 6.8 of the Local Plan, and the provisions of the NPPF.

#### Impact on residential amenity

29. In dismissing the previous appeal, the Inspector cited two issues relating to residential amenity:
30. Firstly, the position of a window serving a bedroom in the east facing flank elevation of the proposed dwelling would result in overlooking and a loss of privacy to the detriment of the future occupiers and also of the occupiers of No.15 Kingswell Road. In response, the current scheme has been amended to only provide secondary windows at first floor level in this elevation, serving a bathroom and an en suite. Both windows serving these rooms would be fitted with obscure glazing and fixed shut. There would therefore be no opportunity for any overlooking and consequently, no loss of privacy. The requirement to provide mechanical ventilation would be dealt with under the Building Regulations and is entirely common in urban areas.

31. Secondly, the narrow gap between Nos. 17 and 19 and the proposed parking layout would have made it difficult to get in and out of vehicles and also result in difficulties moving bins. The Inspector stated that this was not a determinative matter but weighed against the other issues at the time. In response, whilst the access remains as previous, it no longer serves as a parking area, this has been moved to the rear and together with a turning area, will allow vehicles to enter and exit the site in a forward gear. Rear pedestrian access to the two properties would not be compromised, meaning bins can now easily be moved to the frontage on collection days. This issue has been successfully addressed.
32. Whilst the Inspector has considered all other similar issues and not found any additional harm, the impact of the development, and the associated revisions has been assessed as follows:
33. *15 Kingswell Road* - this two storey detached property is directly adjoining to the east of the proposed dwelling, which is sited almost on the boundary line. The proposed house would extend out further at first floor level than this neighbouring property, but only by approximately 1.5 metres. It would be close to the boundary but adjacent to the driveway of this neighbouring property. There are some side windows to number 15, which are likely to include a kitchen window on the ground floor and a bathroom window on the first floor. The separation distance between flank walls will be approximately 2.5 metres, which is considered acceptable in terms of light and outlook to secondary side windows and is a typical residential relationship. As above, all windows on the flank elevation of the proposed dwelling facing the side of this property would serve secondary rooms and be fitted with obscure glazing and fixed shut. This includes a high level ground floor window serving the kitchen area but would also be fixed shut and fitted with obscure glazing. The provision of car parking to the rear of the frontage buildings is a common feature in this area as previously noted. The car port and parking area is sited away from the immediate boundary so the impact could be arguably better than the norm of having vehicles parked tight to the boundary. Given the anticipated use of the parking area serving two households, the level of activity is likely to be commensurate with existing residential uses and therefore acceptable.
34. *19 Kingswell Road* - this two storey detached dwelling is located to the west of the proposed dwelling and forms part of the application site. Windows on the flank elevation of the dwelling facing this property would serve a ground floor hall and stairwell and would be fitted with obscure glazing and fixed shut. As a rule of thumb, an appropriate size of rear garden for a new development would usually be a similar size to the footprint of the dwelling it serves. The proposed block plan provides a residual rear garden size that is similar to the footprint of the dwelling, approximately 75m<sup>2</sup>. This is considered appropriate.
35. *21 Kingswell Road* - this property is located some distance away from the proposed dwelling, and the alterations to the frontage would not have any impact on this neighbouring property. The proposed parking area would not abut the boundary with this property, and whilst the car port may be visible from rear windows, this is not considered harmful. As above, the proposed level of activity is unlikely to result in any harmful impact.
36. *1a Kingswell Close and 8-10 Hendford Gardens* - these properties are all located some distance from the proposed dwelling and would not be affected by the development in a harmful manner. As above, the car port and parking area would be located off the boundaries with surrounding properties so the physical impact of the structure would be reduced and given its single storey height, cannot be considered harmful.

37. There would not be a detrimental impact on any other neighbouring properties in the locality.
38. *Future Occupiers* – the size of property exceeds the minimum requirements as advocated by the technical housing standards. The private garden area is suitable for the size of property proposed. The development provides two off road parking spaces. The development is considered to offer a good standard of accommodation for the future occupiers.

#### Impact on parking and highway safety

39. Your Highways Officer has assessed the proposed development against the requirements of the recently adopted Parking Standards SPD and provided the following comments:
40. This proposal is to build on severed land of the donor property, a 3 bedroom (5 habitable rooms) property with associated 2 car parking spaces and a secure lockable cycle store sited at the rear of the site, and another 2 car parking spaces for the donor property.
41. The BCP Council adopted the new Parking Standards Supplementary Planning Document (SPD) on 5 January 2021, which came into immediate effect. The SPD takes a new zonal approach to parking standards under which the site falls within Zone D. The benchmark parking standards are outlined in the SPD Table 10 C3: Houses: in zone D the car parking benchmark is 2 for 4 or more habitable rooms. The applicant is providing 2 car parking spaces each for the new and donor dwellings and is therefore policy compliant under the new SPD adopted Jan 2021.
42. Revised plans were submitted during the considered of the application to address issues raised by the Highways Officer who confirms that the required pedestrian visibility splays, access, parking areas and the 2x electric charge point are now provided and does not raise any objections.

#### Heathland Mitigation

43. 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.
44. Therefore, as of 17<sup>th</sup> January 2007 all applications received for additional residential accommodation within the borough is subject to a financial contribution towards mitigation measures (SAMM) towards the designated sites. A capital contribution is therefore required and in this instance is £397, plus a £75 administration fee. A signed legal agreement has been drafted to provide this contribution.

#### Community Infrastructure Levy

45. The development is liable for the community infrastructure levy.



## Presumption in Favour of Sustainable Development

46. Paragraph 11 of the NPPF sets out the presumption in favour of sustainable development stating that plans and policies should apply a presumption in favour of sustainable development. For decision taking this means:
- c) approving development proposals that accord with an up-to-date development plan without delay; or
  - d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
    - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
    - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
47. In the Bournemouth area the Core Strategy is greater than five years old and the Council is also unable to demonstrate a five year housing supply, meaning that the 'tilted balance' of Paragraph 11 (d) applies to this proposal. The site is not located within an area identified under sub section (i) so it is (ii) that is applicable here.
48. Any refusal of consent would need to demonstrate that that any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

## Planning Balance

49. The proposal provides a small family sized dwelling in a sustainable location;  
The impact on the character and appearance of the area is considered to be appropriate;  
The impact on residential amenity has been assessed and considered appropriate;  
The level of car parking provision is policy compliant;  
There is no harmful impact on highway safety;  
The impact on heathlands has been mitigated;  
The issues raised by the Inspector, taken as a whole, are considered to have been addressed.
50. Therefore, 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 recommendation are set out above.

## Recommendation

51. **GRANT permission with the following conditions, which are subject to alteration/addition by the Head of Planning Services provided any alteration/addition does not go to the core of the decision and the completion of a Section 106 agreement with the following terms:**

## Section 106 terms

Heathland Mitigation (SAMM): £397 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: J.37.2020-01, J.37.2020-02, J.37.2020-03a, J.37.2020-04a, J.37.2020.05.

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. Surface Water Drainage (SUDS Implementation)

Before the commencement of development, 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.

#### 4. 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).

### **5. Prior Approval of Materials**

Details of the materials to be used on the external surfaces of the proposed development shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any superstructure works on site. 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).

### **6. 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).

### **7. No Permitted Development for Windows, Dormer windows**

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).

### **8. Windows in Flank Elevations to be Glazed with Obscure Glass & non opening**

The proposed window in the east and west facing flank elevation of the dwellinghouse hereby approved shall be glazed with obscure glass to a level equivalent to Pilkington Level 3 or above (or the nearest equivalent standard) and fixed shut and shall be permanently retained as such.

Reason: To protect the amenity and privacy of adjoining properties and in accordance with Policy CS41 of the Bournemouth Local Plan: Core Strategy (October 2012).

### **9. Bin Collection**

The bins shall only be moved to the front of the properties on bin collection days or the preceding day. All bins shall be returned to the respective owner's properties following collection on the day of collection.

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

### **10. Soft and Hard Landscaping**

Within 3 months of the date of commencement of the development, full details of soft and hard landscape proposals shall be submitted in writing to the Local Planning Authority. The details should include where appropriate:

Surfacing materials; Planting plans; Schedule of plants; Implementation timetable; 5 year maintenance plan. No part of the development hereby permitted shall be occupied or used until details of the soft and hard landscape scheme have been approved in writing by the Local Planning Authority and implemented in full. The landscaping shall thereafter be permanently retained and maintained in accordance with the details as approved.

Reason: To ensure that the proposed development includes a properly designed and suitably landscaped amenity area 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 (October 2012).

#### **11. Boundary /Subdivision Treatment**

Within 3 months of the date of commencement of the development, details of boundary treatment and subdivision shall be submitted to in writing to the Local Planning Authority. Details shall include a plan showing: the positions, height, design, materials. No part of the development hereby permitted shall be occupied or used until details of the boundary treatment and subdivision have been approved in writing by the Local Planning Authority and implemented in full. The boundary treatments shall thereafter permanently retained and maintained in accordance with the details as approved.

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

#### **12. Access/Turning/ Parking/Visibility Splays/Cycle Stores**

Prior to the occupation of the development hereby approved the car parking access, layout, cycle stores, pedestrian inter-visibility splays and turning areas shall be laid out and constructed in accordance with the approved plans and shall thereafter be retained, maintained, and kept available for the occupants of the development 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).

#### **13. Electric Charging Points**

The Electric Vehicle Charging Points and associated infrastructure details forming part of the planning application submission and indicated on the approved plans shall be implemented and brought into operation prior to the occupation of the residential unit hereby approved. Thereafter the Electric Vehicle Charging Points shall be permanently retained available for use at all times.

Reason: In the interests of highway safety and in accordance with policies CS17 and CS41 of the Bournemouth Local Plan Core Strategy (October 2012).

#### **14. Informative Note: No storage of materials on footway/highway**

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.

#### **15. Informative Note: Highway and Surface Water/Loose Material**

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.

**16. Informative Note: CIL liable development**

INFORMATIVE NOTE: This permission is subject to the Community Infrastructure Levy (CIL) introduced by the Town and Country Planning Act 2008. A CIL Liability Notice has been issued with this planning permission that requires a financial payment on commencement of development. Full details are explained in the notice.

**17. Informative Note: Heathland Mitigation**

INFORMATIVE NOTE: This application and planning permission is subject to a requirement that a capital contribution is/has been made towards heathlands mitigation, in accordance with Policy CS33 and the Dorset Heathlands Planning Framework.

**18. Informative Note: Definition of Superstructure**

INFORMATIVE NOTE: The superstructure is the above ground level element of the building.

## **Appeal Decision**

Site visit made on 11 June 2019

by B Bowker Mplan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 June 2019

## **Appeal Ref: APP/G1250/W/18/3212431**

### **Land adjacent to 19 Kingswell Road, Bournemouth BH10 5DF**

- 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 Merley Design & Construction Limited against the decision of Bournemouth Borough Council.
- The application Ref 7-2018-3029-H, dated 29 May 2018, was refused by notice dated 22 August 2018.
- The development proposed is the erection of a detached dwelling, formation of parking spaces and vehicular access.

## **Decision**

1. The appeal is dismissed.

## **Application for costs**

2. An application for costs was made by Merley Design & Construction Limited against Bournemouth Borough Council. This application is the subject of a separate Decision.

## **Preliminary Matter**

3. Since the submission of the appeal, development for three dwellings at the site has been dismissed at appeal1. As the main parties have had the opportunity to comment on the decision as part of the appeal process, I have taken it into account in my determination of the appeal.

## **Main Issues**

4. Based on the evidence before me, the main issues are:
  - Whether the proposal would result in a satisfactory living environment for future occupants and neighbours residing at 15 Kingswell Road; and,
  - the effect of the proposal on the character and appearance of the surrounding area.

## **Reasons**

### *Living conditions*

5. No 19 Kingswell Road comprises a detached two storey dwelling with rear garden. The proposed dwelling (labelled 'No 17') would be to the side of Nos 19 and No 15. Dwellings here have front elevations that face onto Kingswell Road. The recent appeal at the site included a dwelling of the same design and siting as that proposed in the appeal before me. The Inspector set out a number of concerns in respect of the site layout, including the privacy of future occupants and neighbours residing at No 15.

6. A window serving a first floor bedroom in No 17 would be sited in the east elevation. It would be the only window serving the bedroom and would be sited relatively high up close to the eaves. A window on the side elevation of No 15 occupies a similar position and would be close to the proposed bedroom window. Thus I agree with the previous Inspector that this arrangement would be harmful to the level or perceived level of privacy for neighbouring and future occupants. As the window would serve a bedroom, a condition to secure obscure glazing would not be appropriate.

7. The remaining width between No 19 and No 17 would be narrow, making it difficult to get in and out of vehicles parked between the dwellings. In addition, on bin collection days, the site's poor layout could present some difficulties for future and neighbouring occupants when moving bins to the front of the site. Whilst bins are often stored within residential curtilages, in the context of the proposed site layout, it has not been demonstrated that this matter could be overcome by use of a planning condition. Overall, the layout proposed would provide future and neighbouring occupants with a poor living environment. Whilst this in itself is not a determinative matter, it nonetheless attracts weight against the proposal. Moreover, in this case the harm identified to the privacy of future and neighbouring occupants at No 15 is decisive.

8. Therefore the proposal would provide an unsatisfactory living environment for future occupants and neighbours residing at 15 Kingswell Road. Consequently the proposal would not meet the requirements of Core Strategy (CS) policies CS21 and CS41, saved Policy 6.8 of the Bournemouth District Wide Local Plan (LP), the Residential Development: A Design Guide (RDG) and paragraph 127 f) of the National Planning Policy Framework which are of most relevance to this issue. Insofar as they relate to this matter, these require development to provide a high standard of layout and design that ensures adequate privacy and amenity for future and existing occupiers.

#### *Character and appearance*

9. In the previous appeal, the Inspector was critical of the congested and cramped arrangement of No 17 and the extent of hard surfacing to the front part of the site. In this respect, the proposal remains unchanged from that before the previous Inspector. Nos 1-19 Kingswell Road contain similarities in terms of scale, frontage width, design, siting and overall appearance. Although No 21 differs in appearance from properties to the east, its different design, width, and set back frontage give it a stronger visual association with No 23. Conversely, the location of the proposal and its siting and design would give it a strong visual association with Nos 1-19, rather than No 21 or properties at Hendford Gardens. As such, the proposal is located in a street scene where an ordered character prevails. This is a positive attribute of the area.

10. Based on the measurements contained within the Planning Board Report (not disputed), the width of the front elevation would be 1m narrower than adjacent houses. However, and despite the design, height and siting of the dwelling proposed, when viewed as part of Nos 1-19, the reduced width would be obvious by its proportions and fenestration detailing, giving the proposal a cramped appearance. In addition, the dominant use of hard standing at the front part of the site would further emphasise the cramped appearance of the proposal, which would not be fully mitigated by additional landscaping. The difficulties future occupants would have accessing parked vehicles on the driveway and bin storage identified above are particularly indicative of a cramped design.

11. Drawing the above together, and in the absence of any compelling reasons to the contrary, the concerns of the previous Inspector remain and the proposal would have a cramped appearance in contrast to the ordered character of the street scene and would fail to provide a high standard of design. The expired 2003 outline permission at the site does not alter this conclusion.

12. Therefore the proposal would have a harmful effect on the character and appearance of the surrounding area and would be contrary to CS Policy CS41, saved LP Policy 6.8, the RDG and paragraph 127 (a-d) of the Framework which are of most relevance to this issue. Insofar as they relate to this matter, they seek to ensure that development is of a high quality design that enhances and complements the character of neighbouring development, that will function well and add to the overall quality of the area.

#### *Other Matters*

13. The Council's decision notice refers to the failure to provide mitigation measures in respect of the Dorset Heathlands Special Protection Area, Ramsar Site and Dorset Heaths Special Area of Conservation. However, based on the harm identified above, the provision of such mitigation would not have altered the outcome of the appeal. As such I have not pursued this matter further.

14. A number of benefits are associated with the proposal, which include its contribution of a family home towards housing supply, in a location that has access to services and facilities. The proposal would also support construction employment, local services and facilities, and make efficient use of land.

15. Following changes to the Framework and the Planning Practice Guidance, the Council set out that they are unlikely to be able to demonstrate a 5 year supply of housing land. However, the evidence submitted in respect of housing land supply is not conclusive. In any event, even if I were to conclude there is a shortfall in 5 year supply and that relevant policies for the supply of housing should not be considered up-to-date, the adverse impacts of granting permission identified above would significantly and demonstrably outweigh the modest benefits associated with the proposal. Nor does the support from the Council's planning officers alter the outcome of the appeal.

#### **Conclusion**

16. For the reasons given above, the proposal would not accord with the development plan and the Framework when taken as a whole and no considerations are before me that would alter this finding. As such, the appeal is dismissed.

B Bowker  
INSPECTOR