



Appeal Decision

Site visit made on 12 May 2009

by **Stephanie Chivers BA(Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State
for Communities and Local Government

The Planning Inspectorate
4/11 Eagle Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

☎ 0117 372 6372
email: enquiries@pins.gsi.gov.uk

Decision date:
28 May 2009

Appeal Ref: **APP/G1250/A/09/2095210** **285-289 Castle Lane West, Bournemouth, Dorset BH8 9TG**

- 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 European Equities PLC against the decision of Bournemouth Borough Council.
- The application Ref 7-2008-13676-J, dated 29 July 2008, was refused by notice dated 26 September 2008.
- The development proposed is to demolish existing chalet bungalow and garage and erect a block of 10No. self contained flats (2 bedrooms each) with car parking, bicycle store and bin store.

Decision

1. I allow the appeal, and grant planning permission for demolition of existing chalet bungalow and garage and erection of a block of 10No. self contained flats (2 bedrooms each) with car parking, bicycle store and bin store at 285-289 Castle Lane West, Bournemouth, Dorset BH8 9TG in accordance with the terms of the application Ref. 7-2008-13676-J dated 29 July 2008, and the plans submitted with it, subject to the conditions in the Schedule to this Decision.

Main issues

2. The main issues are the effect of the proposed development on the character and appearance of the area, on the living conditions of neighbours, on the safety of pedestrians and cyclists and on nature conservation and the aims of policy to provide for transport and open space infrastructure.

Reasons

Character and appearance

3. The site is in a residential area predominantly of detached dwellings of a mixture of styles, ages and sizes, including two storey houses, bungalows and chalet bungalows. The plot is large and is about twice as wide as, and deeper than, others nearby. It contains a substantial chalet bungalow set, somewhat incongruously, towards the rear of the plot with its front elevation well behind the rear elevations of adjacent dwellings. I share the view of the Inspector in a previous appeal concerning 10 flats on the site (APP/G1250/A/07/2037458) that the plot is of sufficient size to accommodate a more extensive form of development than the existing bungalow. The site is in a sustainable location with shops and other facilities within walking distance and a number of bus
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services along Castle Lane West and Charminster Road. There are relatively recent developments of flats nearby at 256 Castle Lane West and at the junction of that road and Charminster Road, and I consider that the principle of flatted development on the site would be acceptable.

4. The footprint of the existing bungalow and its large garage would not be much smaller than that of the proposed development. The proposed rear communal garden, excluding car parking and turning space and other incidental landscaped areas around the building, would be considerably larger than most back gardens of dwellings in the neighbourhood. There would be a minimum of 1.6m between the south east flank elevation of the building and the adjacent two storey house No.291, and some 5m-6m between the north west side elevation and the bungalow No.283. I consider that this would not be out of keeping with the typical spacing between dwellings in the area, many of which, including Nos.291 and 293 and several dwellings opposite, are built up to their boundaries on one side. I find that the scheme would not represent overdevelopment of the site.
5. The building would contain three floors of accommodation in the form of two storey development with rooms in the roof space. The eaves line of the main roof would be lowered, at one and a half storey level. Three storey development would be expressed only by second floor windows in the shallow gabled bays to front and rear, and a number of roof lights. The ridge height of the hipped main roof would be less than that of the adjacent house No.291, assisted by a local lowering of ground level which I find would not appear incongruous in the street scene in the light of the ample depth of frontage. The ridge would be higher than that of the adjacent bungalow No.283, but the separation between the buildings would avoid a cramped appearance and the roof form would provide an effective transition between Nos.291 and 283. The main part of the front elevation would be forward of that of No.283 but in line with that of Nos.291 and others, and the building would be set well back from the frontage, even after taking into account the potential highway improvement line.
6. At the rear of the proposed development, the north east corner of the building would project just over 1m beyond the rear elevation of the adjacent house, and the north west corner would lie a little more than that beyond the neighbouring bungalow, but with a significant degree of separation. The rear elevation would be stepped so that its maximum extent would lie up to approximately 3.3m and 3.5m beyond the rear of Nos.291 and 283 respectively, but at some distance from the side boundary in each case.
7. Overall, I consider that the siting, height, mass, scale and rearward projection of the development would be acceptable in the context of this large site, and would not be over-dominant in relation to the street scene or the scale of adjacent dwellings. The mass of the building would be reduced significantly adjacent to No.291 when compared to the previous scheme, and the extent of rearward projection would also be reduced in relation to both neighbouring dwellings. The previous appeal proposal showed a stepped roofline, so that in the current scheme the full ridge height would be slightly closer to No.283. However I consider that this would not be significantly harmful, and that the main concerns of the Inspector in the previous appeal have been overcome.

8. I conclude on this issue that the proposed development would not be out of keeping with the character and appearance of the area, and would comply with Policies 4.19, 6.2 and 6.8 of the Bournemouth District Wide Local Plan.

Living conditions

9. For the reasons set out under the previous issue, I find that the rearward projection, height and bulk of the proposed development would not appear overbearing in the outlook from the adjacent dwellings or their gardens, and would offer significant improvements over the 2007 scheme. The building would be likely to cause some overshadowing of adjacent parts of the gardens of the neighbouring properties, in the early part of the day in relation to No.283 and towards the end of the day in regard to No.291, but not to an extent which I consider significantly harmful or which would justify withholding planning permission.
10. The existing substantial chalet bungalow on the site, and its large garage, are located towards the rear of the plot. This existing outlook onto built form would be replaced in the proposed development by the openness of the communal garden and the rear parking area. Whilst this does not differ from the previous scheme I find that it tells in favour of the development.
11. The Inspector in the 2007 appeal concluded that no significant harm from loss of light would occur to side elevation windows of the neighbouring dwellings, and the Local Planning Authority raise no objection in regard to light or privacy. I agree: No.291 has a number of small windows in the facing flank elevation, but apart from an obscure-glazed study window the habitable room windows are secondary to the large bay windows on the front elevation. The side elevation lounge windows to No.283 would be at a greater distance from the building, are to the north west of the site and are obscure glazed.
12. I consider that the proposed development would not be harmful to the living conditions of the occupiers of the neighbouring dwellings, and would thus comply with Policies 4.19, 6.2 and 6.8 of the Local Plan.

Safety of pedestrians and cyclists

13. The access drive to the rear parking area would be a minimum of about 3.2m wide where it passes front and rear bays of the north western flank of the proposed building, and somewhat wider in the middle of that elevation. This would not be of sufficient width for two cars to pass each other, according to Fig. 7.1 of the government publication *Manual for Streets*, or for a car and bicycle to pass according to Dorset County Council's *Guidance for Estate Roads*.
14. However those dimensions apply to adoptable streets rather than private drives. There would be free visibility along the drive and sufficient space on site at each end of the building for a driver to wait safely for clear passage. The cycle store and the main entrance to the building would be at the rear, so that pedestrians and cyclists would need to pass down the drive on entering or leaving the site. I recognise that the two bedroom flats could be occupied by small families. However, visibility down the access would be clear, the two pinch points of the drive would be relatively short and the central embayment of the elevation would provide a refuge. I distinguish between this appeal and that at Sheepwash Flats, drawn to my attention (APP/G1250/A/07/2056268).

The Sheepwash scheme differs in siting and circumstances, particularly because the access drive in that appeal is also a public right of way, likely to be used by the public in general in addition to occupiers of the proposed flats and their visitors.

15. I consider therefore that the proposed development would not present a threat to the safety of pedestrians or cyclists, and would comply with the underlying aims of Policies 8.37 and 8.38 of the Local Plan to provide safe facilities for cycle users and pedestrians.

Nature conservation and infrastructure

16. A completed S.106 undertaking was submitted by the appellants, offering contributions towards the provision or improvement of recreation and transport infrastructure and nature conservation in accordance with relevant policy, supplementary planning guidance and the Dorset Heathlands Interim Planning Framework 2006-2009. The contributions would be fairly and reasonably related to the type and scale of development although there is scant evidence about current qualitative or quantitative shortfalls of supply of open space or sustainable transport initiatives in the area, nor a clear and convincing explanation of how the monies are to be spent and on what. However, I consider that the undertaking would broadly meet the tests of Circular 05/2005, and there is therefore no conflict in that regard with the aims of Local Plan Policies 7.21, 3.13, 3.14, 3.15, 8.14 and 8.37.

Other matters

17. I note residents' concerns but I consider that the proposed number and siting of parking spaces, together with the provision for cycle storage and the relatively sustainable location of the site would mean that there would be no need for vehicles to reverse onto the highway and that the development would not result in a significant increase in on-street parking. The additional trips generated by the development would not overload the local highway network nor, because of the location of existing and proposed parking areas, would they result in undue noise or disturbance for neighbours. The Local Planning Authority have no objection to the scheme in relation to those matters.
18. A highway improvement line runs across the front of the site and would clip parking space 10. However I consider that, in the event of the road improvement being implemented, there would be sufficient room within the frontage area to adjust the parking and manoeuvring space without undue loss of soft landscaping.
19. The proposed bin store would be a modest building located towards the south east corner of the site and some 8.5m in front of the front elevation of No.291. It would have a smaller footprint than that of the previous scheme and there is a substantial hedge on the neighbour's side of the boundary. I consider that neither the size of the bin store nor the activity associated with it would be harmful.

Conditions

20. The Council suggested a number of conditions, which I have amended as necessary in the light of guidance in Circular 11/95. I have imposed conditions

concerning external materials, boundary treatment and landscaping in the interests of the character and appearance of the area. The suggested landscape condition required that the details be permanently retained, which is unduly onerous and therefore unreasonable. I have substituted wording based on the model condition in the Circular. A condition restricting hours of construction work is added to protect the living conditions of neighbours, and one concerning cycle storage to encourage sustainable means of travel. Conditions concerning access, parking and visibility splays are imposed in the interests of highway safety.

Conclusion

21. I have considered all matters put before me, but none outweigh those that have led me to my conclusion that the appeal should be allowed.

Stephanie Chivers

INSPECTOR

Schedule of conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) No development shall take place until details and samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 3) For the duration of the demolition and construction period, demolition and construction works and deliveries shall not take place outside 0800 hours to 1800 hours Monday to Friday, 0800 hours to 1300 hours Saturday, and at no time on Sundays or Public or Bank Holidays.
- 4) No development shall take place until there has been submitted to and approved in writing by the local planning authority details of the boundary treatment to be erected. The details shall include positions, height, design and materials of the boundary treatment and a timetable for its implementation. The boundary treatment shall be carried out in accordance with the approved details and retained thereafter.
- 5) No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include planting plans; schedule of plants; implementation timetable. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written approval to any variation.

- 6) No flat shall be occupied until the access and areas for parking and turning, including the marking out of parking spaces, shown on plan No.J.42.2008-02 have been constructed and surfaced in accordance with details submitted to and approved in writing by the local planning authority. The areas for parking and turning shall be retained and kept available for those uses.
- 7) No flat shall be occupied until 2.0m x 2.0m visibility splays are provided at the access. The visibility splay areas shall thereafter be kept clear of any obstruction over 0.6m above the level of the adjoining highway.
- 8) Notwithstanding the details shown on the submitted plans, no development shall take place until details of a secure fully enclosed walk-in cycle store for at least 10 cycles, and associated internal and external lighting thereto, shall be submitted to and approved in writing by the local planning authority. The details shall be implemented as approved before any flat is occupied and shall be retained and kept available for use as a cycle store for residents and visitors to the development thereafter.