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# Appeal Decision

Site visit made on 3 October 2016

**by Thomas Bristow BA MSc MRTPI**

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

**Decision date: 10 October 2016**

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**Appeal Ref: APP/G1250/D/16/3155825**

**21 Brightlands Avenue, Bournemouth, Dorset BH6 4HG**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 as amended against a refusal to grant planning permission.
  - The appeal is made by Mr & Mrs M & J Cox against the decision of Bournemouth Borough Council.
  - The application Ref 7-2016-21999-A, dated 10 March 2016, was refused by notice dated 11 May 2016.
  - The development proposed is described on the application form as '*1 & 2 storey rear & side extensions*'.
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## Decision

1. The appeal is dismissed.

## Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the area.

## Reasons

3. No 21 Brightlands Avenue is a detached two storey property of early-to-mid-twentieth century appearance set in a modest rectilinear plot, which hosts an attached garage along its southern side elevation facing neighbouring No 19. The form and design of No 21 alongside its relationship to neighbouring properties is typical of the consistent, if not entirely uniform, nature and pattern of the surrounding built environment: detached properties within modest regular plots which commonly host attached garages and are set back substantially from the carriageway. Whilst properties along Brightlands Avenue are variously single and two storey properties, the pattern of development and spacing between properties nevertheless appeared to me to be strongly consistent.
  4. Certain properties along Brightlands Avenue feature two storey side extensions, notably Nos 5, 6, 16 and 23 which I viewed during my site visit. I will return to these instances later, however such extensions are far from commonplace. Consequently the regular rhythm to the streetscene in part results from the presence of consistent gaps between properties at first floor level above their associated garages. The regular spacing of properties is clearly apparent given that Brightlands Avenue is comparatively wide, as properties are set back
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substantially from the carriageway, and as boundary features are typically low-level. Thus the arrangement of properties and the spaces between them clearly contributes positively to the pleasant, orderly and relatively low density suburban character of the area.

5. Policy CS41 'Quality Design' of the *Bournemouth Local Plan: Core Strategy* adopted in October 2012 (the 'Core Strategy') sets out how all development should respect the site and its surroundings, and that development that would be detrimental to the built environment, amenity or character of the area will not be permitted. Similarly *The National Planning Policy Framework* (the 'Framework') establishes that planning should always seek to secure high quality design, and that decisions should aim to ensure that developments will function well and add to the overall quality of the area.<sup>1</sup>
6. The Council cited in their decision notice that the proposal would conflict with the approach within their document entitled *Residential Extensions: a Design Guide for Householders* adopted on 9 September 2008 (the 'Design Guide'). Of specific relevance to this appeal is that the Design Guide sets out that side extensions should be set at least 1 metre off the common boundary with neighbouring properties to ensure that the 'street does not become cramped', and further indicates at paragraph 3.2 that 'in some instances the character of the street may require a greater distance is left to the boundary, this can be particularly important if a two storey extension is proposed'.
7. Whilst not part of the development plan, the Design Guide nevertheless sets out how development can be brought forward with appropriate reference to its surroundings, and accords with the design principles within the Framework and the *Planning Practice Guidance* (which guides in particular as to how new development can respond appropriately to the existing layout of buildings, streets and spaces).<sup>2</sup> As such the approach in the Design Guide can be accorded due weight. Nevertheless whether a proposal is appropriate is largely a matter of planning judgement based on the nature of the development proposed and its particular context rather than a matter which can be settled with reference to exact metrics.
8. The proposal is chiefly for a two storey side extension to No 21. Whilst a rear extension is proposed, which the Council appears not to oppose, this would be physically connected with the side extension and is therefore not clearly severable as a separate undertaking.<sup>3</sup> The foremost elevation of the first floor extension would be set back slightly from the line of the principal elevation of the property and the ridgeline thereof lower in height than that of the original element of No 21, resulting in an extension which would appear as a subservient addition to the existing property as a whole.
9. Whilst it appears not to be disputed that a one metre separation distance would be achieved between the flank elevation of the extension and the boundary with No 19 at first floor level, nevertheless the proposal would result in infilling of the space currently present above the garage of No 21. I acknowledge that the two storey bay windows of the property would limit certain oblique views of the proposed extension here. However, as identified above, the carriageway is

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<sup>1</sup> Including at bullet point 4 of paragraph 17 and bullet point 1 of paragraph 58 of the Framework.

<sup>2</sup> Reference ID: 25-024-20140306.

<sup>3</sup> With reference to Section 79(1)(b) of the *Town and Country Planning Act 1990* which makes provision for a decision at appeal to reverse or vary any part of the decision of the local planning authority.

relatively wide, properties are substantially set back from it, and there are few natural or man-made features that would notably obscure the extension from public vantage points.

10. Consequently in my view the first floor element of the proposal would be clearly apparent and serve to enclose a significant proportion of the gap currently present between Nos 21 and 19. It would thereby represent an incongruous addition with reference to the consistent form and pattern of dwellings in the area, materially harming the existing ordered and low density suburban character of the area as described above.
11. I note the appellants' contention that not all of the occupants of nearby properties may wish to undertake similar development, and hence the effect on the streetscene of one extension would be limited. Nevertheless given the largely consistent pattern and spacing of properties nearby there is no clearly apparent visual difference between No 21 and many other properties along Brightlands Avenue. Consequently I am mindful of the pressure that may arise for similar development nearby were this appeal to be allowed, development which could cumulatively lead to a further erosion of the present character of the area.
12. I acknowledge that the proposal would be beneficial to the appellants in providing for more spacious and modern living accommodation, including facilitating the creation of an additional room above the garage, and indeed that paragraph 4.6.15 of the Core Strategy sets out that '*development should, at an early stage, consider the lifestyle choices of residents*'. However the benefits of the proposal are chiefly private, whereas the harm would be public. Moreover there is limited information before me in respect of alternative options for the provision of additional accommodation that have been considered, or of the necessity of pursuing this particular scheme.
13. The appellants aver that policy CS41 of the Core Strategy broadly reflects the approach within policy 4.19 '*Amenity/ Townscape*' of the *Bournemouth District Wide Local Plan* adopted originally in February 2002, and as such the material planning considerations relating to extensions approved under policy 4.19 are in essence the same as those that apply currently.
14. It appears, however, from the limited information before me in respect of the other two storey side extensions undertaken to properties along Brightlands Avenue referred to in paragraph 4 above, that all were approved before the Council's adoption of the Design Guide and Core Strategy (and indeed precede the publication of the Framework and the Guidance). I must determine the proposal on the basis of the information before me, and in this context the presence of extensions nearby which may not comply with the current approach of the Council or current policy does not justify unacceptable development in the present. Indeed there is little information before me as to the planning considerations relevant to the extensions undertaken to other properties nearby.
15. For the above reasons I therefore find that the proposal would have a detrimental effect on the character and appearance of the area and that the proposal therefore conflicts with the relevant provisions of CS41 of the Core Strategy and with relevant elements of the Design Guide, the Framework and the Guidance.

### **Other Matters**

16. The appellants draw my attention to development permitted by the Council at No 7 Wick Lane under Ref 7-2014-3639-N, which they contend represents incongruous development. Nevertheless the development proposed in that instance relates to the construction of a replacement dwelling at some distance from the appeal site, and consequently is not directly comparable with the circumstances that apply in this case.
17. I note that there is reference within the Council's officer report associated with the application to the potential effects of the proposal in respect of surface water run-off, the living conditions of occupants of neighbouring properties, and in relation to highway safety and efficiency. However these matters did not feature as reasons for refusal within the Council's decision notice, and have consequently not influenced my decision.
18. I acknowledge that the Framework sets out that local planning authorities should approach decision-taking in a positive way and look for solutions rather than problems. However the Framework does not provide surety that all proposals can be rendered acceptable through discussion, and the appellants' concerns in this regard are chiefly procedural rather than bearing on the substantive planning issues in dispute. Therefore neither this matter, nor any other, is so significant as to outweigh my finding on the main issue.

### **Conclusion**

19. For the above reasons, and taking all other matters into account, the proposal conflicts with the development plan taken as a whole and with the approach in the Framework, and I therefore conclude that the appeal should be dismissed.

*Thomas Bristow*

INSPECTOR