
Appeal Decision

Site visit made on 25 April 2017

by Rory Cridland LLB (Hons), Solicitor

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

Decision date: 16 May 2017

Appeal Ref: APP/E1210/W/16/3165152

Avon Beach cafe, Avon Beach, Mudeford, Christchurch, Dorset, BH23 4AN

- 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 Avon Beach Ltd against the decision of Christchurch Borough Council.
 - The application Ref 8/16/0622/FUL, dated 11 April 2016, was refused by notice dated 21 September 2016.
 - The development proposed is erection of first floor extension to existing café and restaurant.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the surrounding area.

Reasons

3. The appeal site is located on the beachfront of Avon Beach, adjacent to the car park and within the Mudeford Quay Conservation Area ("the CA"). It is currently occupied by a detached building of chalet design which operates as a café and restaurant. As the only building of its type visible from the promenade, it occupies a prominent position on the beachfront. In addition to the main building, the property benefits from a number of extensions and more recent alterations which have developed in a piecemeal fashion over time. Further along to the east is a long length of beach huts which sit comfortably within their setting and provide picturesque views from the promenade. There is a public footpath to the rear which forms part of the coastal path and provides attractive and panoramic views of the cliffs in the distance.
 4. Policy HE2 of the Christchurch and East Dorset Local Plan – Part 1 – Core Strategy (2014) (CS) requires new development to be of a high quality which reflects and enhances areas of recognised local distinctiveness. Development is only permitted where it is compatible with, or improves, its surroundings. It sets out a number of defined criteria against which proposals will be assessed including its visual impact. Furthermore, CS Policy HE3 requires new development to, amongst other things, protect the landscape character of the area and take account of important views and visual amenity. Similarly, although now of some age, Policy BE16 of the Christchurch Local Plan 2001 seeks to protect existing views of attractive vistas. In addition, LP Policy ENV9
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- requires proposals to respect the scale and character of neighbouring landscape features and seeks to ensure that they do not detract from the visual dominance of the cliffs.
5. The proposal would involve the addition of a first floor extension to the existing café with two flat-roof dormer windows to the front and west side elevations. It would include a large flat roof dormer to the rear and would continue the mansard roof of the existing building, matching both its eaves and ridge height. In terms of its overall design, the Council accepts that it would not impact negatively on the CA. I agree with that assessment. With its matching materials and similar design, it would integrate well with the existing building. Likewise, it would offend none of the key characteristics of the CA, which would, as a whole, be preserved.
 6. Nevertheless, when viewed from the promenade and from along the beach, the increased bulk and size of the extension would result in a building which would dominate the beachfront. The existing building complex is already a prominent feature within the landscape. When taken cumulatively with the extent of existing development, the building would no longer appear subservient to the natural setting of the coastline. It would appear visually intrusive, appearing both out of scale and character with the surrounding landscape features.
 7. Furthermore, from the section of coast path to the rear of the site, its impact would be considerable. The existing extension and the adjacent steps are situated just below a natural gap in the tree line. This enables both pleasant and extensive views across the bay and towards the cliffs in the distance. The existing single storey extension, being sited below the level of the footpath, has only a limited visual impact on these views. While it is visible within the foreground, its impact is dwarfed by the panoramic image of the cliffs in the distance. The addition of a first floor and the continuation of the roof would remove a considerable proportion of this view. This would further erode the character of the surroundings and would negatively impact on local distinctiveness.
 8. While I note the appellant's proposal to relocate the nearby bench to a different location, that would not provide sufficient mitigation for the harm which would arise from the loss of this attractive vista. Likewise, while I accept that this is not the only view towards the cliffs from the footpath, I have seen nothing which would indicate that views were in such abundance that the loss of the view in question would be acceptable.
 9. Consequently, I find that the proposal would erode the character of the surroundings and negatively impact on local distinctiveness. This would be contrary to CS Policies HE2 & HE3 as well as LP Policy ENV9. In addition, it would result in the loss of an attractive vista contrary to LP Policy BE16.

Other Matters

10. I have noted the appellant's references to the need for a larger premises and the increased demand for additional seating. However, these do not, in my view, overcome the harm to the character and appearance of the surrounding area identified above.

Planning Balance and Conclusion

11. I have found above that the proposal would impact negatively on the character and appearance of the surrounding area and result in the loss of an attractive vista. While I acknowledge that the proposal would result in an increase in the number of customers that could be accommodated as well as the additional employment opportunities it would provide, these benefits are limited and I afford them only a moderate amount of weight. On balance, I do not consider that they outweigh the harm identified above.
12. For the reasons set out above, I conclude that the appeal should be dismissed.

Rory Cridland

INSPECTOR