The Planning Inspectorate

Appeal Decision

Site visit made on 24 May 2017

by Andy Harwood CMS MSc MRTPI

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

Decision date: 12 June 2017

Appeal Ref: APP/G1250/W/16/3165943
1041 - 1045 Wimborne Road, Bournemouth BH9 2BX

- 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 Barolo Ltd against the decision of Bournemouth Borough Council.
- The application Ref 7-2016-565-U, dated 8 August 2016, was refused by notice dated 26 October 2016.
- The development proposed is: "the erection of an outbuilding, re-submission including the reduction in height, partially existing, unauthorised".

Decision

1. The appeal is allowed and planning permission is granted for the erection of an outbuilding, re-submission including the reduction in height, partially existing, unauthorised at 1041 - 1045 Wimborne Road, Bournemouth BH9 2BX in accordance with the terms of the application, Ref 7-2016-565-U, dated 8 August 2016, subject to the following condition:

   Unless within 6 months of the date of this decision the approved scheme is implemented in accordance with the submitted drawing ref "001 revision B" the building shall be demolished and the use ceased.

   In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limit specified in this condition will be suspended until that legal challenge has been finally determined.

Preliminary Matter

2. It is proposed to retain the existing out-building but with a revised roof.

Main Issue

3. The main issue is the effect of the building on the character and appearance of the area.

Reasons

4. The appeal site is located close to the junction between Hillcrest Road and Wimborne Road. Wimborne Road is a busy main route which includes many commercial properties interspersed by dwellings. Hillcrest Road is primarily residential in character. The existing outbuilding is positioned to the side of the 2 storey building that fronts onto Wimborne Road and alongside the garden of the dwelling at No 4 Hillcrest Road.

5. At the moment, the long building has a high pitched roof which stands significantly higher than the block-work wall that defines the boundary between the site and neighbouring properties. It is proposed to remove the pitched roof so that the building would have a flat roof which would be a little higher than the block-work boundary wall.

6. I could not find a location in Wimborne Road from where I could see the existing building. The front of the building is set well back from Hillcrest Road with the 2 adjoining buildings tightly enclosing the driveway that leads to it. Consequently the only public viewpoint I could find of the building is directly in front of the entrance. That limited view is of the narrow front elevation which has the appearance similar to a residential garage which would not look out of place within Hillcrest Road where there are a variety of building styles. This includes a large flat roof commercial building on the opposite side of the road.

7. Given the existing high roof at the moment, the building is likely to be noticeable from adjoining land although I could not enter into those private properties. However, with the pitched roof removed as proposed, even though the structure has a long footprint it will not be prominent when seen from adjoining land as the block-work wall will screen a large proportion of the building.

8. Even though this would remain a large building, with the proposed changes it would be appropriately designed which would respect the site and its surroundings. In relation to the main issue, the building will have an acceptable impact upon the character and appearance of the area. This complies with Policy CS41 of the Bournemouth Local Plan: Core Strategy, adopted October 2012. In these respects, the proposal would constitute a good design, as required by paragraph 56 of the National Planning Policy Framework.

Conditions

9. The Council has suggested a condition that would require the implementation of the changes to the building as proposed. I agree that the condition needs to provide consequences for what should happen if those works are not undertaken. However unlike in the case of an application for planning permission for development yet to commence, in the case of a retrospective grant of permission it is not possible to use a negatively worded condition precedent to secure the implementation of the outstanding matters. The condition therefore provides for the loss of the effective benefit of the grant of planning permission if the development is not carried out as proposed.

10. It is not clear why it is necessary to restrict construction times in addition to the Council's existing environmental controls. I have not attached a condition related to that matter.

Conclusion

11. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be allowed.

A Harwood

INSPECTOR