
Appeal Decision

Site visit made on 4 July 2017

by J J Evans BA (Hons) MA MRTPI

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

Decision date: 21 July 2017

Appeal Ref: APP/G1250/W/17/3172756

2a King George Avenue, Bournemouth, Dorset

- 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 Mr Tony Phillips of Pentagon Poole Ltd against the decision of Bournemouth Borough Council.
 - The application Ref 7-2017-8237-S, dated 5 January 2017, was refused by notice dated 3 March 2017.
 - The development proposed is alterations and extensions at first floor level to form a pair of 2 bedroom semi-detached houses.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. From my site inspection of the property it was apparent that one of the residential units was being used for storage for the neighbouring heating/gas/water merchant. Notwithstanding this, I have confined myself to the consideration of the appeal proposal before me, rather than what has occurred on site.
3. The original application form referred to the appellant as being Mr Philips, rather than as Mr Phillips as stated within the appeal form and the grounds of appeal. As the latter spelling is more frequently used by the appellant, I have cited it above.

Main Issues

4. The main issues are *firstly*, the effect of the alterations and extensions to form a pair of semi-detached houses on the character and appearance of the area; *secondly*, the effect of the proposal on the living conditions of existing and future residents, having particular regard to privacy, access and outlook; and *thirdly*, whether the proposal would make adequate contributions to mitigate the effects of the scheme on designated biodiversity interests.

Reasons

Character and Appearance

5. The appeal property is a single storey building attached to the rear of 843, 845 and 847 Wimborne Road. This is a two storey building occupying the corner formed by the junction of Wimborne Road with King George Avenue, with a heating/water/gas merchant within the ground floor. Wimborne Road is a busy

- road along which there are a variety of shops and services. To its rear are a number of residential streets, of which King George Avenue is one.
6. 2a King George Avenue is a flat roofed building set back within its plot and fronting the highway behind an area of hardstanding and a small garden. To its eastern side a narrow gap separates it from the neighbouring detached house, which is the first in a long row of similar styled and sized houses along the Avenue.
 7. The proposed extension would add a first floor over much of the existing two flats to form a pair of semi-detached houses. The extension would be constructed of brick to match that already present and would have a slate pitched roof. Surrounding much of this new floor would be the flat roof of the existing building. Whilst the flat roof would separate the first floor from the neighbouring buildings, it would have a contrived and incongruous appearance, with the extension having a piecemeal relationship with the ground floor.
 8. The proposed landscaping would improve the appearance of the site frontage. Nevertheless, the extended building would have an unbalanced appearance, with the size and form of the ground floor being dominant. Moreover, the resultant complexity of the form of the building would exaggerate the contrived nature of its appearance, as would the provision of an oriel window. The dwellings would appear disjointed, comprising a number of elements that would respond to the constraints of the site rather than the character and appearance of the surroundings. As such the form of the extended building would be at harmful odds with the conventionally styled houses and buildings that characterise the area.
 9. The appellant has drawn my attention to a number of other return developments nearby. In most cases these were very different to the appeal proposal in that they were either separate from the main building or fully integrated with it. As such they are not directly comparable to the proposal before me. Nor does the scheme compare directly with the 2015 permission upon the site for a pair of semi-detached dwellings to replace the existing building. Furthermore, each appeal has to be considered on its individual merits in accordance with the requirements of the current development plan and all other material considerations, as I have undertaken in this instance.
 10. Thus the proposal would unacceptably harm the character and appearance of the area. This would be contrary to Policies CS21 and CS41 of the Bournemouth Local Plan: Core Strategy (2012) (CS), Policy 6.8 of the Bournemouth District Wide Local Plan (2002) (LP), and the guidance within the Council's Residential Development: A Design Guide (2008) (DG). These seek amongst other things, high quality and well-designed development that contributes and responds to the character of an area, thereby reflecting objectives of the National Planning Policy Framework (the Framework).

Living Conditions

11. The proposed extension would be separated from 843-847 Wimborne Road by the flat roof and the proposed parking and service area. The bin store would be adjacent to the living room windows of Unit 1. Apart from a roof lantern, these windows would be the only ones serving this room, and their close juxtaposition with the bin store and the door of the neighbouring property

- would give an overbearing and restricted outlook for future residents, as well as occupiers having to experience frequent noise, nuisance and disturbance.
12. Furthermore, I share the concerns of the Council that the bin store would not be sufficiently large to serve the needs of the scheme. In addition to bin storage, the area has to accommodate parking and provide access to both the store and to the doors of the neighbouring property. Means of access for both would neither be obvious nor convenient, as users would have to walk around parked vehicles and the bin store.
 13. The appellant has pointed out that it is the norm to have bins stored in full public view. However, in this instance the nature of the proposal is such that bin storage could not occur to the rear of the units. Even though the proposal is to extend the existing dwellings, their size would increase from one to two bedrooms, with a potential to be occupied by several people. It is not unreasonable of the Council, particularly having regard to the constrained nature of the site, to seek to protect the character and appearance of the area through the provision of an adequate bin store.
 14. Turning now to matters of privacy for the occupiers of nearby properties, it was apparent from my site inspection and the evidence before me, including that provided by the appellant, that there is residential accommodation within the first floor of Nos 843-847. There are two first floor obscure glazed windows near to the road, with a further window that is recognised by the appellant as serving a habitable room. The outlook from this window would be onto the proposed extension and also over the flat roof.
 15. The appellant considers the provision of a blank-cheeked oriel window would prevent direct overlooking. Nevertheless, the precise relationship of the flat's window with the proposed oriel window has not been demonstrated, nor was it apparent with any certainty from my ground level inspection. Obscure glazing to the staircase would protect privacy. Although the neighbouring residents have not objected to the scheme, in view of the very close proximity of the buildings I cannot be sure on the basis of the evidence provided that the design of the oriel window would provide adequate privacy for the occupiers of either property.
 16. To the rear of the extension there would be a rooflight serving the second bedroom of Unit 2. The occupiers of 855 Wimborne Road are concerned that the extension would cast a shadow and cause a loss of sunlight and privacy, and I note that the Council consider this rooflight would be "unneighbourly" with regard 849 and 851 Wimborne Road. As this rooflight would be the main window serving this bedroom it would provide direct views into neighbouring gardens. A degree of overlooking is often in the case in residential areas, but in this instance due to the size and positioning of the rooflight future occupiers would look directly over neighbouring properties, and the consequential loss of privacy to nearby residents would be unacceptable. However, the proposed roof form and position of the extension would not cause a significant reduction in daylight and sunlight to neighbouring properties.
 17. Thus the proposal would not provide satisfactory living conditions for existing and future residents with regard to privacy, access and outlook. This would be contrary to CS Policies CS21 and CS41, LP Policy 6.8, the guidance within the DG, and objectives of the Framework. These seek, amongst other things a high standard of amenity for future and neighbouring residents.

Biodiversity Impact

18. The Council have identified a need for the scheme to make contributions towards the mitigation of the impact of future occupiers upon the Dorset Heathlands Special Protection Area, Ramsar Site and Dorset Heaths Special Area of Conservation. At the time of the Council refusing the application, the appellant had not committed to making an appropriate contribution towards mitigation measures to safeguard the integrity of these sites. Under the Conservation of Habitats and Species Regulations 2010 (as amended) planning permission has to be refused where development would be likely to have a significant adverse impact on the integrity of the European protected sites, such as those referred to above.
19. The appellant has indicated a willingness to enter into a planning obligation to make the appropriate level of contribution to mitigate the impact of the development upon the Heathlands. An obligation has not been provided as the appellant considers an allowance has to be made to the amount required reflecting the presence of the existing dwellings.
20. The Council have stated the reason for refusal with regard to heathland mitigation was an error. Nevertheless, the guidance in the Dorset Heathlands Planning Framework 2015 – 2020 Supplementary Planning Document (2016) (SPD) refers to adjustments to be made to mitigation contributions with regard to both net dwellings and also net increases in resident population levels. As the proposal would extend flats into houses there could be an increase in occupation of the property, which would have an impact on the integrity of the Heathlands.
21. Thus on the basis of the evidence before me, the proposal would fail to accord with CS Policy CS33 and the SPD, which require that development will not lead to an adverse effect upon the integrity of the Dorset Heaths.

Other Matters

22. The appellant considers the dwellings would meet housing demands, providing homes in an accessible location, close to key public transport services, local shops, services and facilities. These would be positive attributes of the scheme, but their benefits would be modest, and would not outweigh the harm I have found with regard to the main issues.

Conclusion

23. For the reasons given above and having regard to all other matters raised, the appeal is dismissed.

J J Evans

INSPECTOR