
Appeal Decision

Site visit made on 15 August 2017

by R J Jackson BA MPhil DMS MRTPI MCMI

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

Decision date: 25 August 2017

Appeal Ref: APP/G1250/D/17/3176656

19 Chine Crescent Road, Bournemouth BH2 5LG

- 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 Adrian Eldridge against the decision of Bournemouth Borough Council.
 - The application Ref 7-2016-5231-C, dated 22 June 2016, was refused by notice dated 12 April 2017.
 - The development proposed is to construct extensions to dwelling (demolish existing garage). Including replacement windows.
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Decision

1. The appeal is dismissed.

Main Issue

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

Reasons

3. The appeal site lies on the southeastern side of Chine Crescent Road. The majority of the properties on this road are large blocks of flats, but there appear to be three single family dwellinghouses on this side of the road of which the appeal property is in the middle. Generally there are significant spaces between the properties which, with the extensive vegetation in the vicinity, give the area a spacious feel. The trees are covered by an area Tree Preservation Order¹ (the TPO) protecting the trees in existence when the Order was made.
4. The proposal is in effect to build a first floor side extension over an existing flat roofed side element to the house currently providing garaging, as well as a two storey extension behind this and the enclosure of a small section on the ground floor to the rear of the living room.
5. The Council has published a document entitled "Residential extensions – A Design Guide for Householders" (the Design Guide) to seek to improve the quality of design in its built environment. This is in accordance with paragraphs 17 and 64 of the National Planning Policy Framework (the Framework) which indicates that planning should always seek high quality design and that development should be refused for development of poor design

¹ The Borough of Bournemouth (West Cliff Road Area 4) Tree Preservation Order 1982.

that fails to take the opportunities for improving the character and quality of an area. In light of this, and as this document was adopted following public consultation, I am able to give it significant weight.

6. At present the property covers the vast majority of the width of the property with only little space to the boundaries. However, this does not give a cramped appearance as the garage element is only single storey allowing the vegetation to the rear to be seen over it. The proposal would result in two storey building across more or less the whole width of the appeal site and would significantly and harmfully result in a loss of space around the property resulting in a cramped appearance. As I have identified above, this sense of space is one of the defining characteristics of the area and as such the proposal would be harmful to the character and appearance of the area.
7. There are five significant trees in the area between the appeal property and the adjoining property to the southwest, No 17. The application was accompanied by a Tree Report and later supported by a number of additional tree assessments including an Arboricultural Method Statement pursuant to British Standard 5837:2012² (the BS). All of these five trees are of some age and are protected by the TPO.
8. The middle three trees, a Horse Chestnut (T2) and two Limes (T3 and T4) are of lesser quality than those at either end, the Survey Schedule categorising them at C1, that being trees of low quality with an estimated remaining life expectancy of at least 10 years being categorised through their arboricultural qualities. The two Lime trees were managed in the past by pollarding, but this has not been undertaken in recent years. All the trees are on a bank, although tree T5 is close to street level as the level of the appeal property is set down slightly from the road.
9. As set out above the proposal is "in effect" for a first floor element since there is some dispute as to the method of construction as to whether the existing single storey structure would need to be replaced. Whatever the situation, the branches of T3 would need be significantly pruned to facilitate the development as these branches currently extend into the area where the proposal would be located.
10. Tree T3 is within the garden of No 17 and thus any pruning could only be to the boundary unless the owner of No 17 was to give consent. I have not been provided with any information that additional works would be permitted by the owner. In any event, the grant of planning permission only allows for such work to protected trees as is necessary to implement the planning permission, not for additional works. The effect of this would be to leave this tree with an asymmetric crown. While these works would partially replicate previous pollarding of the tree, this would have been done on a symmetrical basis and therefore would not be an equivalent. That T3 (and T4) would need to be pollarded as part of normal management is a different consideration.
11. The new two storey element would extend into the Root Protection Areas (RPAs) of both trees T1 and T2. The Horse Chestnut T2 bifurcates approximately 1 m from the ground meaning that there will be inherent structural concerns. However, tree T1, a Lime, is categorised at B1 using the BS, meaning that it is of moderate quality with an expected life expectancy of

² 'Trees in relation to design, demolition and construction – Recommendations'

at least 20 years being categorised through its arboricultural qualities. The BS notes that the default position should be that structures are located outside the RPAs of trees unless there is an overriding justification. No such justification has been demonstrated to show that this is the only location where the building could be extended.

12. That being the case the proposal would result in the potential harm to the health and longevity of protected trees. The loss of these trees would add to the harm that I have identified above from the width of the proposal.
13. I therefore conclude that the proposal would be harmful to the character and appearance of the area. As such the proposal would be contrary to Policy CS41 of the Bournemouth Plan - Core Strategy (October 2012) which requires development to be designed to respect the site and its surroundings. It would also be contrary to Policy 4.25 of the Bournemouth District Wide Local Plan (February 2002) which requires sufficient land for planting and landscaping, this must include for the retention of existing landscaping. It would also be contrary to section 3.2 of the Design Guide which indicates that side extensions should be set at least 1.0 m from the side boundary to make sure the street does not become cramped. It would also be contrary to paragraphs 17 and 64 of the Framework as set out above.

Conclusion

14. For the reasons given above, and taking into account all other matters raised, I conclude that the appeal should be dismissed.

RJ Jackson

INSPECTOR