
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: 04 September 2017

Appeal Ref: APP/G1250/W/17/3169901
18 Purbeck Road, Bournemouth BH2 5EF

- 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 Mrs C Hibberd, Purbeck Properties Ltd against the decision of Bournemouth Borough Council.
 - The application Ref 7-2016-16228-F, dated 23 November 2016, was refused by notice dated 24 January 2017.
 - The development proposed is demolish single-storey studio flat and first floor extension to house, replace with two-storey one-bedroom flat and enlarged first floor extension to house.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Although not forming a reason for refusal, in its Statement of Case the Council indicated that it considered that the proposal represented the provision of an additional unit of residential accommodation which would have, in combination with other plans and projects, a significant effect on the integrity of the Dorset Heathlands¹. This was disputed by the appellant. An appeal under Section 78 of the Town and Country Planning Act 1990 (as amended) is not the appropriate mechanism to determine whether the existing use of the land is lawful. In the event because of my conclusions on the main issues whether the existing use is lawful or not does not need to be resolved in this appeal.
3. The appeal site lies within the Poole Hill and West Cliff Conservation Area (the PHWCCA). In its reason for refusal the Council indicated that it considered that the design would be out of keeping and detrimental to the character of the area but did not specifically refer to the PHWCCA. Given that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area² I consider in this respect the consideration should relate to those effects.

Main Issues

4. The main issues are the effect on:

¹ Dorset Heathlands Special Protection Area, Dorset Heathlands Ramsar Site, Dorset Heathlands Special Area of Conservation and Dorset Heathlands Special Area of Conservation (Purbeck and Wareham) and Studland Dunes.

² See Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended)

- the living conditions of the occupier of the existing ground floor accommodation in terms of outlook; and
- the character and appearance the PHWCCA.

Reasons

Living conditions

5. The proposal would construct a two storey structure to provide a small unit of residential accommodation with a bedroom on its first floor and the remaining accommodation below replacing a single storey structure, along with the re-provision of a w.c. and shower room to the main building. It would be located to the rear of the building where the ground level is below that both to the front in Purbeck Road and to the rear in South View Place.
6. At this ground level there is currently a patio door and associated window to the residential accommodation in the main building. This door and window would be replaced by a single window slightly to one side in the rear elevation.
7. The proposed two storey element would be noticeably closer to the main rear elevation of the appeal property than the existing single storey element which returns behind the main building. This would result in the harmful and unacceptable overbearing effect and loss of outlook for the room behind the new window when compared with the existing situation.
8. While there is currently the equivalent of a three storey building beyond the property (10 South View Place) there is a greater distance to this property and that structure does not restrict the outlook within the room behind the patio doors in the same way as would be the case with the proposal. Similarly, while at the time of the site visit the view is restricted to this room by way of some sort of 'blackout' screen or curtains this is a matter of choice for the occupier. The planning system works in the public interest and in that interest the outlook of the accommodation should not be restricted in the way proposed.
9. Consequently, the proposal would be harmful to the living conditions of the occupier of the existing ground floor accommodation in terms of outlook. It would therefore be contrary to Policies CS21 and CS41 of the Bournemouth Local Plan: Core Strategy (October 2012) (the CS) which requires development to be designed to respect residents' amenities, and provide a high standard of amenity to meet the day to day requirements of future occupants. It would also be contrary to saved Policy 6.10 of the Bournemouth District Wide Local Plan (February 2002) (the LP) that requires that flatted development respects the living conditions of the occupiers of buildings in the vicinity. Finally it would be contrary to paragraph 17 of the National Planning Policy Framework (the Framework) which indicates that a good standard of amenity for all existing occupants of land should be sought.

Conservation Area

10. The PHWCCA includes the highly urban area around the appeal site along with the commercial areas to the north and less dense development to the south and west including to the sea cliff. The form of development in the immediate area consists of three and four storey accommodation with a number of extensions to the rear of those properties.

11. The road layout in the area means that these rear elevations are in the public domain from places like South View Place and the West Hill car park. The vast majority of these extensions have flat roofs. The Council indicates that some of these were constructed utilising permitted development rights and others may be immune from enforcement due to the passage of time. The Council has not indicated that is seeking to take enforcement action about any of them. I, therefore, am of the view that these should be taken into account in assessing the character and appearance of the area and thus the significance of the PHWCCA.
12. In coming into South View Place the end vista is taken up by a large single storey building across the end of the cul-de-sac. As noted above there are a significant number of flat roofed extensions on both sides, including a significant number at second floor level.
13. 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 line with paragraphs 17 and 64 of the Framework which indicate that planning should always seek high quality design and that development should be refused for development of poor design 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. This indicates that large flat roof extensions are to be avoided. However the Guide and its guidance need to be read in the context of the site and it cannot be determinative.
14. Due to the reduced ground level the structure would appear as if single storey from South View Place which is effectively the only location where it would be possible to view the structure from the public domain. It would in keeping with the large single storey structure at the end of the cul-de-sac. There are also numerous other flat roofed extensions in the immediate vicinity, including those at greater height, and the proposal would be in keeping with the overall appearance of the area.
15. Consequently the overall character and appearance of the PHWCCA, and thus its significance, would be preserved. As such the proposal, in this regard, would comply with Policies CS21 and CS41 of the CS which states that all development should contribute positively to the character of the neighbourhood, be well designed and should through its scale, layout and siting be designed to respect the site and its surroundings. It would also comply, as regards this main issue, with Policy 6.10 of the LP in that would respect the character and appearance of the area. While it would not comply with the terms of the Design Guide, I am satisfied that within the context of the appeal site the proposal would not be unacceptable. The proposal would also comply with paragraphs 17, 64 and 131 of the Framework, both as set out above, and as it would sustain the significance of the PHWCCA as a designated heritage asset.

Other matters

16. As noted above in the Council's Statement it indicated that there was no record of the existing accommodation being a separate unit of residential accommodation. The Council was thus concerned that the proposal, by adding to the number of dwellings, the proposal would have, in combination with other

plans and projects, a significant effect on the integrity of the Dorset Heathlands.

17. In light of my conclusion that the proposal would have an unacceptable effect on the living conditions of the occupiers of the existing building I need not take this further.

Conclusion

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

RJ Jackson

INSPECTOR