
Appeal Decision

Site visit made on 22 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: 08 September 2017

Appeal Ref: APP/G1250/W/17/3171059

Studland Dene, 2 Studland Road, Bournemouth, Dorset BH4 8DP

- 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 & Mrs M Al Asfor against the decision of Bournemouth Borough Council.
 - The application Ref 7-2016-4671-S, dated 8 February 2016, was refused by notice dated 14 October 2016.
 - The development proposed is removal of existing roof and walls. Replacement with new raised roof and walls and internal reconfiguration of accommodation.
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Decision

1. The appeal is allowed and planning permission is granted for removal of existing roof and walls. Replacement with new raised roof and walls and internal reconfiguration of accommodation at Studland Dene, 2 Studland Road, Bournemouth, Dorset BH4 8DP in accordance with the terms of the application, Ref 7-2016-4671-S, dated 8 February 2016, subject to the conditions in the Schedule to this decision.

Procedural matter

2. Amended plans were submitted during consideration of the then application by the Council and the Council made its decision based on those amended plans. I too have used them in this decision.

Main Issue

3. The main issue is the effect on the living conditions of the occupiers of Flats 7, 8, 11 and 14 by reason of privacy and outlook.

Reasons

4. Studland Dene is a large building occupied both residentially and as holiday lets. It is located at the corner of Studland Road and Alumhurst Road. It is a multi-storey building with a number of different elements on each elevation to break up the overall mass of the building. It is built on a podium to level the building as the site slopes significantly down to Alum Chine with an area of woodland between the building and the car park at the chine. The balconies on the southeastern side of the building look out over Poole Bay and Alum Chine.
5. The appeal proposal relates to Flat 12 which is located on the third floor. The proposal is to reconfigure this flat and its balconies adding a floor above.

6. I will consider the effect of the proposals on the occupiers of the existing flats on the third floor, Flats 11 and 14 first, and then consider the effects on the occupiers of Flats 7 and 8 on the second floor.
7. Looking out across Alum Chine Flat 11 is to the left of Flat 12. It has a balcony looking to the southeast in the direction of the Isle of Wight from its living room and kitchen. To its right hand side currently is an effective single storey wall of Flat 12, and this would be increased for just under half its length by an additional storey. While this would increase the amount of building adjacent to the flat it would not create an unacceptable overbearing effect as the main open aspect out over Alum Chine and to the Isle of Wight would remain.
8. A new balcony would be created for the new upper storey of Flat 12 beyond the end of the new wall described in the previous paragraph with access to the balcony from one of the bedrooms. Anyone going on to this balcony would be able to look down on the existing balcony of Flat 11. The concern is whether the amount of overlooking would lead to an unacceptable loss of privacy.
9. The occupier of Flat 11 makes the point that they are currently on the top floor of this section of the building and consequently any existing overlooking could only be obtained by looking along the building or upwards from balconies further down the building. Due the current arrangement of balconies it is only possible to see the end portion of the balcony in question from a balcony on the same floor, and there would inevitably be an increase in overlooking, particularly from above, where such overlooking does not currently exist.
10. However, this is not a totally private space. As part of my site visit I viewed the site from the other side of Alum Chine from the public spaces off West Overcliff Drive. While views were intermittent due to vegetation and at a distance the balcony in question could be seen. The end section of the existing balcony can already be seen from two of the balconies of Flat 12. A balcony is not normally used as intensively as a room, even where it provides the outdoor space for a flat. Taken together, although there would be some loss of privacy, I am satisfied that the living conditions of the occupiers of Flat 11 would be respected and that a good standard of amenity would remain.
11. In respect of Flat 14 this is located to the right of Flat 12 when looking out over Alum Chine. The side wall would be relocated a short distance to the side, an existing balcony raised slightly and the new upper floor created above it. The balcony would essentially replicate the current situation and no material additional loss of privacy would occur.
12. The proposal would introduce a new 'wave' section of roofing over the new floor, and this is shown as being finished a mixture of "copper effect" and glazing, although the junction point is not clear. Whatever the material, which can be controlled through a planning condition, I am satisfied that there would be sufficient separation not to lead to an unacceptable overbearing effect.
13. The occupiers of Flats 7 and 8 on the second floor have also objected to the proposal on similar grounds. As with Flat 14 the proposed balconies essentially replicate those existing and no additional material overlooking would occur. While there would be new structure for two floors above these flats where there is only one at present given the nature of the roof form this would not give rise to an unacceptable overbearing effect leading to a loss of outlook.

14. As such the proposal would not have an unacceptable effect on the living conditions of the occupiers of Flats 7, 8, 11 and 14. Consequently, it would comply with Policy CS41 of the Bournemouth Local Plan: Core Strategy (October 2012) which requires development to ensure the amenities of neighbouring residents. It would also comply with Policy 6.10 of the Bournemouth District Wide Local Plan (February 2002) in that it would respect the living conditions of the occupiers of buildings in the vicinity. Finally it would comply with paragraph 17 of the National Planning Policy Framework which seeks to secure a good standard of amenity for existing occupants of buildings.

Other matters

15. Local residents are concerned about the design of the proposal and whether it would be in keeping with the existing building. As noted above the building is made up of a number of elements and the proposal would provide a further element within the overall building form. The new, additional, floor would be lower than the height of the tower element on the corner and the design would replicate parts of the curved roof style, which uses a 'wave' motif. Having viewed the proposal from the other side of Alum Chine I am satisfied that the proposal would be in keeping with the building and the character and appearance of the area.
16. Concerns have been expressed that Flat 12 has never been actually occupied and question the need for the development. It is not necessary to show whether the proposal is needed; rather whether, in determining the proposal in accordance with the development plan unless other material considerations indicate otherwise, the proposed development would have unacceptable planning consequences which should be resisted in the public interest.
17. Similarly, residents are concerned about further building works with the building having recently had scaffolding upon it to undertake the conversion of the former restaurant into two flats. While this is clearly unfortunate, provided the times when building work can take place are restricted this is not a reason to prevent the development taking place. The location of the scaffolding is a private matter and not within the control of the planning system.

Conditions

18. I have considered the conditions put forward by the Council against the requirements of the national Planning Practice Guidance and the Framework. In addition to the standard timescale condition, I have imposed a condition specifying the relevant drawings as this provides certainty.
19. I have also imposed a condition requiring a Construction Method Statement, which will include when building works can take place on site, to be submitted and approved before works commence, in order to protect the living conditions of the occupiers of the building and other nearby residents during construction works.
20. The Council requested a condition to require external materials to match the existing building, but due to the lack of clarity as to the junction on the roof I am imposing a condition that all the external materials are agreed in order to protect the character and appearance of the building and area.

21. In addition, in order to protect the living conditions of the occupier of Flat 8 details of the louvre panel the location of which shown on the relevant drawings need to be submitted and approved before the building works commence.
22. Where necessary and in the interests of clarity and precision I have altered the conditions to better reflect the relevant guidance.

Conclusion

23. For the reasons given above I conclude that the appeal should be allowed.

RJ Jackson

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 4925-PL2-001 Revision A, 4925-PL2-002 Revision B, 4925-PL2-003 Revision *, 4925-PL2-004 Revision *, 4925-PL2-005 Revision B, 4925-PL2-006 Revision B, 4925-PL2-007 Revision B, 4925-PL2-008 Revision B, 4925-PL2-009 Revision A, 4925-PL2-010 Revision A.
- 3) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:
 - i) the parking of vehicles of site operatives and visitors;
 - ii) loading and unloading of plant and materials;
 - iii) storage of plant and materials used in constructing the development;
 - iv) methods to minimise noise during construction operations; and
 - v) delivery, demolition and construction working hours.The approved Construction Method Statement shall be adhered to throughout the construction period for the development.
- 4) No development shall commence until details and samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details and samples.
- 5) No development shall take place until details of the louvres to be installed in the location shown on drawings 4925-PL2-005 Revision B and 4925-PL2-008 Revision B have been submitted to and approved in writing by the local planning authority. The new accommodation shall not be occupied until the approved details have been installed and they shall thereafter be maintained in the approved form.

End of Schedule