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## Appeal Decision

Site visit made on 13 March 2018

**by Mrs J Wilson BA BTP MRTPI DMS**

**Inspector appointed by the Secretary of State**

**Decision date: 2<sup>nd</sup> July 2018**

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**Appeal Ref: APP/G1250/D/17/3188620**

**140 Alumhurst Road, Bournemouth BH4 8HW**

- 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 and Mrs Whyman against the decision of Bournemouth Borough Council.
  - The application Ref 7-2017-3554-AE, dated 20 July 2017, was refused by notice dated 24 October 2017.
  - The development proposed is alterations and extensions with balustrades to a dwelling.
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### Decision

1. The appeal is allowed and planning permission is granted for alterations and extensions with balustrades to a dwelling at 140 Alumhurst Road, Bournemouth BH4 8HW in accordance with the terms of the application, Ref 7-2017-3554-AE, dated, dated 20 July 2017, and the plans submitted with it, subject to the conditions set out in the attached schedule 1.

### Background and Preliminary Matters

2. Planning permission has previously been granted for an extension at the property of similar general dimensions and bulk which included alterations at first and second floor level. Evidence details that during construction issues arose regarding internal dimensions and the structure subsequently exceeded the scope of that permission. The appeal seeks permission for the structure as built with a further alteration to the roof. Building works were well advanced on site at the time of my visit though alteration to the main roof had not been undertaken. For the avoidance of doubt my decision relates to the proposals shown on the submitted plans. The fact that building works were in progress does not affect my decision.
3. Council Officers recommended that permission be granted for the revised submission, but members of the Planning Board disagreed. The Council has not produced a statement for the appeal, but relies on the Committee minutes. The meeting minutes refer to poor quality design and to conflict with Policy CS41 of the Bournemouth Local Plan Core Strategy 2012 (Core Strategy) though no additional explanation or evidence is given other than in the reasons for refusal. Local councillors and several local residents have submitted representations indicating their strong objection to the proposal, and these have been carefully considered and taken into account.

4. The appellants submitted a costs letter with the appeal however this did not contain any detailed information and I have therefore not considered that matter further.

### **Main Issues**

5. In the light of the above factors the main issues are the effect of the development on: a) the character and appearance of the area, and b) on the living conditions of the occupants of the adjacent properties with regard to privacy.

### **Reasons**

#### *Character and appearance*

6. The site is in a predominantly residential area, properties in this location are angled from one another and irregular in shape. Rear elevations look out to sea and elevated balconies and large windows are a common feature taking full advantage of the sea view. The house is at the end of a short terrace which incorporates offset roofs as frontages both front and back were originally stepped in their design. The attached and adjacent properties have both been altered and include either balconies or enclosed space at first floor level and there is now a variety of detailing to the rear.
7. The main differences between this proposal and that granted in 2016 involve a higher roofline, alteration and enlargement of windows at the rear, soffit alterations, roof-lights, amendments to a glazed stairwell and the alteration to the height of a flue.
8. The view from where the increased ridge height would be most visible is that approaching from the north where the terrace of properties is seen face on. That increase would be modest in comparison with the overall bulk of the building. I share the Council Officers' view that the overall increase in ridge height would be minor and that it would not appear out of keeping or overly perceptible. Particularly given that any visible increase could be attributed to the perspective created by the staggered form of the individual properties in the terrace. To the south west the profile of the building would appear as a pitched roof, as it does now, albeit with a marginally higher profile and the ridge position set slightly further back. Materials are proposed to match the existing building which would effectively assimilate the proposed change when viewed from the side elevation.
9. Changes to the glazing on the rear and side elevations would alter the visual appearance of the property. However extensive changes have taken place on a number of properties in this vicinity including the addition of a conservatory at first floor level on the attached property and extensive alteration and modernisation involving substantial glazing on the adjacent property at No 41 Sandbourne Road which has been subdivided. In this context the changes, whilst clearly altering appearance of the building, would not materially harm the appearance of the building or the character of the area as a whole.
10. For these reasons, I find no material conflict with the provisions of Policy CS41 of the Core Strategy in so far as it relates to character and appearance.

### *Living conditions*

11. The principal change in relation to window openings is at second floor level. The appellants have approval for full length windows with a glass balustrade. This was detailed as around one third of the width of the roof. The window in the original building was wider but with less depth. In the appeal scheme the window is shown (and has been constructed) across most of the width of the building and is detailed to have a glass balustrades across the whole width with the glazed screen set marginally back from it. There would be no external terrace or standing space. Neighbours raise substantial concerns with regard to the increased overlooking to their garden areas and the fact that due to the floor length windows they will be able to see directly into the second floor bedroom of the appeal property from their gardens. This is considered to be unacceptable as it would compromise the privacy of the appellants.
12. I was able to see on my visit that the view towards the attached property is screened by the existence of the conservatory and by garden vegetation. Moreover the view from the enlarged area of window is not substantially different from that of the centre section and it would not cause a materially greater impact to the extent of the view over the neighbours' garden. I do however recognise that a perceived increase in overlooking from the neighbours' property is understandable. To the west, the view across the neighbours' garden would not be materially different than that already approved from the centre section where there is already a view across the majority of the garden. Indeed this would have been the case from the original window in the second floor of the property.
13. For these reasons I consider that the appeal proposal would not give rise to additional harmful overlooking over and above the extant consent upon which the appellants could clearly rely. In this context there would be no conflict with Policy CS41 of the Core Strategy in so far as it relates to the protection of the amenities of existing and future occupiers.
14. In coming to my conclusion I have borne in mind that the original window at second floor afforded views across the gardens; that there is an extant consent for doors with a Juliet balcony to the second floor; and that the earlier application which proposed these same windows was not rejected on the basis of the effect on residential amenity. In any event I have reached my decision on the basis of my observations on site and the evidence before me.

### **Other Matters**

15. Representations from a number of occupiers of adjacent properties and the wider locality raise objections on the basis that: the application is part retrospective and this shows a disrespect for the planning process; residents should have an expectation that proper processes will be followed; that neighbours consider the appellants' arguments lack conviction and are based on the fact that they were poorly advised professionally which is not an excuse; that sketch plans are considered inadequate and cannot be relied upon; that the proposal would lead to increased noise and disturbance to neighbours by reason of the enlarged windows; that there is a real possibility that decking will be erected at the end of the garden. In coming to my decision I have taken into consideration these matters however the fact that construction of the building continued beyond the terms of the earlier consent is not a reason, in itself, to dismiss the appeal as development is judged against material planning

considerations. The matter of increased noise from the development is not substantiated, this is a residential property and there is no evidence to substantiate that noise generation is, or would be, an issue. These issues are not sufficient to outweigh the considerations that led me to my conclusion.

### **Conditions**

16. The Council have suggested 6 conditions; the appellants have not provided any comments in relation to their drafting nor have they objected to their imposition. The first relates to plans compliance which is necessary to ensure that development accords with the agreed plans. A second condition relating to matching materials is necessary to ensure that the enlargements match the existing structure. Two further conditions have been suggested relating to obscure glazing to the staircase and obscure glazing to the side of the first floor balcony which are entirely reasonable to ensure that the relationship with the neighbouring properties is completed prior to occupation and maintained in accordance with the agreed scheme.
17. A condition refers to the external terrace serving a first floor flat contains an error and requires rewording as there is no separate flat accommodation proposed or detailed on the plans. The first part of the condition in practice seeks to ensure that the glazed screen to the external terrace is provided which is a duplication of a condition referred to above and I propose to amalgamate these requirements. The second part of the condition relates to a restriction of the flat roof of the ground floor extension to ensure it is not used in the future as a terrace. This is a reasonable and necessary condition to limit the use of additional external space in order to minimise any further effect on the occupants of the adjacent property.
18. A final condition is recommended regarding the implementation of a slope stability report required by condition 4 of the earlier planning permission which seeks to ensure structural stability and to comply with the provisions of the local plan, as such I intend to impose this condition to ensure the requirements are met through the implementation of either permission.
19. The conditions as drafted by the Council have been revised to ensure precision to eliminate duplication and to correct the error referring to a separate flat.

### **Conclusion**

20. For the above reasons, and having regard to all other matters raised, the appeal is allowed and planning permission is granted in the terms of the decision set out above.

*Janet Wilson*

INSPECTOR

### Schedule 1 - Conditions

- 1) The development hereby permitted shall be carried out in strict accordance with the following approved plans: J.73.2015-01A, J.73.2015-03 Q, and J.73.2015.-12-C.
- 2) Notwithstanding the details included on the application form the materials, colours, and architectural details to be used in the construction of the external surfaces of the extensions hereby permitted shall match the elevations to which the extension is to be added and such work shall be completed prior to occupation of the development granted by this permission.
- 3) The materials to be used on the glazed staircase extension shall be strictly as shown on the approved plans. The side elevation shall be glazed in obscure glass as shown on the approved plans to a level equivalent to Pilkington Level 3 or above and shall be permanently retained as such.
- 4) The obscure glazed screen on the eastern side of the roof of the flat roof rear extension hereby approved shall be glazed with obscure glass to a level equivalent to Pilkington Level 3 or above and to the height and profile detailed on the approved plans. The front and west side of the terrace shall be enclosed by glass panels as detailed on the approved plans. Both requirements shall be completely installed in accordance with these requirements before the development hereby approved is first occupied and shall thereafter be maintained and retained in accordance with these details.
- 5) The roof area of the ground floor extension shall not at any time be used as a balcony, roof garden or other amenity area.
- 6) The recommendations and protection measures as detailed in the Slope Stability Report dated 23 May 2016 and prepared by B E Willis Partnership (ref. BEW JMA 2016.783) shall be implemented in full in accordance with additional details submitted under Condition 4 of application 7-2016-3554-AA. The protective measures shall be maintained during the demolition process and throughout the course of the construction hereby approved.

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