



Appeal Decision

Site visit made on 26 June 2018

by J J Evans BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10th July 2018.

Appeal Ref: APP/G1250/W/17/3188016

28-30 Sea Road, Boscombe, Bournemouth BH5 1DF

- 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 European Emerging Markets Ltd against the decision of Bournemouth Borough Council.
 - The application Ref 7-2017-6346-N, dated 10 May 2017, was refused by notice dated 13 September 2017.
 - The development proposed is alterations, conversion and extension of third floor office to a 2 bedroom flat & roof terrace with screen.
-

Decision

1. The appeal is dismissed.

Application for Costs

2. An application for costs was made by European Emerging Markets Ltd against Bournemouth Borough Council. This application is the subject of a separate Decision.

Main Issues

3. The main issues are firstly, the effect of the proposed flat on the character and appearance of the area, including the effect upon nearby trees; and secondly, the effect of the proposal on the internationally important Dorset Heathlands.

Reasons

Character and Appearance

4. The appeal property is a large apartment building occupying the corner formed by the junction of Sea Road with Florence Road. Close to Boscombe centre, 28-30 Sea Road is within a mostly residential area comprising a mix of styles and ages of houses, amongst which are also purpose built blocks of flats. The appeal building fronts Sea Road, set back from the footway behind a row of parking spaces and small garden. To the rear is a parking courtyard and bin store. Within the grounds of the appeal property and also in several gardens nearby there are a variety of mature trees, some of which are protected by Tree Preservation Orders. These trees and those within public footways make an attractive verdant contrast to the buildings.
5. The size, form and corner position of the appeal building makes it prominent within the area, with long views of it available particularly from Sea Road. The

top floor of the building is contained within a deep red-tiled mansard roof. This and the strong horizontal emphasis of the windows within the mansard gives a distinct and dominant termination to the building.

6. Upon the flat roof there is an office, which is set back from the walls of the apartment block. Despite its roof-top position, the office has a subservient relationship with the host building due to its modest size, its box-like shape with its flat roof, and its tiled walls that match the mansard.
7. The conversion, alterations and extension of the office would make the resultant dwelling harmfully conspicuous in the surrounding area. Despite the variety of styles of buildings in the surroundings, they mostly have a traditional form and appearance. The proposed flat would have a number of design elements that would have little reference to the host building nor to those of the houses and apartments nearby. The gull winged roof would not be significantly higher than the existing office roof and it could provide opportunities for solar panels and rainwater harvesting. Nevertheless, the roof and its chimney would be a stridently incongruous and visually confusing contrast to the form of the mansard roof, and because of the flat's elevated position, it would also harmfully conflict with the styles and roof forms of the other buildings nearby.
8. Furthermore, the building would extend across much of the depth of the apartment block. Although the main building has some articulation, the proximity, size and form of the proposed flat and its external amenity space very close to the front and rear elevations would dominate the mansard roof. Irrespective of the disagreement between the parties as to whether the use of weatherboarding was acceptable in the permitted scheme and therefore in the proposed scheme, in this case the size, form and position of the building would harmfully exaggerate its prominence.
9. I appreciate that permission has recently been given for the conversion and extension of the office into a dwelling. This is a fallback position to which I must have regard, particularly as there is a more than theoretical possibility that the development might take place. However, there are a number of differences between the extant scheme and that proposed. The size and form of the approved scheme is similar to that of the existing office, whereas the proposed one would be much larger, with a gull wing roof, an L-shaped floorplan, and with a close proximity to the mansard. The differences between the schemes are such that the appeal proposal would be significantly more harmful than that approved.
10. There are protected trees both within the site and in the neighbouring properties, and also other trees close to the site boundary. All these trees make a positive contribution to the character and appearance of the area, and as such consideration needs to be given to their protection. The use of a single car parking space for construction storage and compounds has been suggested. However, because of its limited size and walled constraints it would be unlikely to meet the needs of the development. Moreover, this space is close to the walls and windows of the main building and its use would be adjacent to its residents. Having regard to the current uses and constraints of the site as a whole, an arboricultural impact assessment and method and protection statement would be a requirement to ensure that the development would not

harm the health and well-being of the trees and their contribution to the character and appearance of the area.

11. Thus the proposed flat would unacceptably harm the character and appearance of the area, and it has not been demonstrated that nearby trees would be protected. This would be contrary to Policy CS41 of the Bournemouth Local Plan: Core Strategy (2012) (CS), Policies 6.10 and 4.25 of the Bournemouth District Wide Local Plan (2002), and the Council's Residential Development Design Guide (2008). These seek, amongst other things high quality development that respects or enhances the site and the character and appearance of an area, including taking account of important trees, thereby reflecting objectives of the National Planning Policy Framework (the Framework).

Dorset Heathlands

12. The site is within 5km of the Dorset Heathlands and the national and international importance of these areas is reflected in their designation as a Special Protection Area, Special Area of Conservation, Ramsar site, and Site of Special Scientific Interest. CS Policy CS33 seeks the protection of the special interest and integrity of the heathlands, with guidance provided in the Dorset Heathlands Planning Framework Supplementary Planning Document (2016) (SPD). This protection is sought in a number of ways including through the provision of avoidance and mitigation measures to address the increased pressures occurring from future residents.
13. Although the appellant has stated a willingness to enter into a legal agreement to secure mitigation and avoidance measures, none has been provided. In the absence of a means of securing such measures, I am not satisfied that the impact of the proposal on the internationally important heathlands would be adequately mitigated or that their integrity would be protected. The scheme would therefore have an adverse impact on the heathlands, and this would be contrary to the objectives of the CS Policy CS33, the SPD, and also to those of the Framework that seek to conserve and enhance the natural environment.

Other Matters

14. Local residents have raised a number of other matters, including increased traffic and parking on the public highway. However, following my findings on the main issues, I have no need to consider these further.

Conclusion

15. Thus, for the reasons given above and having considered all other matters raised, the appeal is dismissed.

J J Evans

INSPECTOR