

Appeal Decision

Site visit made on 16 August 2018

by G Powys Jones MSc FRTPI

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

Decision date: 30 August 2018

Appeal Ref: APP/G1250/D/18/3204621

12 Portesham Gardens, Muscliff, Bournemouth, BH9 3QN

- 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 Simon Funnell against the decision of Bournemouth Borough Council.
 - The application Ref 7-2018-26929, dated 26 February 2018, was refused by notice dated 23 April 2018.
 - The development proposed is a two storey side extension (partially over existing garage); single storey rear extension (replacing extg conservatory), and realignment of rear boundary wall.
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Decision

1. The appeal is allowed and planning permission is granted for a two storey side extension (partially over existing garage); single storey rear extension (replacing extg conservatory), and realignment of rear boundary wall at 12 Portesham Gardens, Muscliff, Bournemouth, BH9 3QN in accordance with the terms of the application, Ref 7-2018-26929, dated 26 February 2018, subject to the conditions set out in the attached Schedule.

Main issue

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

Reasons

3. The appeal property is a detached two-storey dwelling with a contemporaneously built attached single storey garage. The next-door property, No 14, appears to be of an identical design. Both properties are set within a relatively modern residential estate displaying a variety of house types and designs. For example, the dwellings immediately to the north comprise what appears to be a pair of semi-detached dwellings with prominent front protrusions, but which are in fact a small block of 4 flats. To the south, including No 16 and beyond, house type design varies, as do the materials of construction. The same is true on the opposite side of the street.
 4. The appellant proposes extensions to the property. The proposed rear extension has not drawn objection, but the proposal to extend above the garage has. In order to maintain the character of the street, and to avoid development having a cramped appearance and/or that giving rise to a terracing effect, the Council relies on the guidance on side extensions provided
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in its Householder Design Guide (2008) (HDG). This contains several 'tests' of acceptability.

5. With regard to the tests of design and subservience the Council considers the appellant's scheme to fall foul of the guidance, particularly since the extension's front wall would be flush with that of the extant front elevation, and the ridge line would continue at the same level. The Council also expresses concern at the loss of the gap above the garage, which it says contributes to '*a regular and pleasant pattern in the street*'. Its loss, in the Council's view would give rise to a terracing effect.
6. I find the design of the proposal to be perfectly acceptable – the finished product would look virtually the same as that which is seen in an adjoining street at 24 Thorncombe Close – where the original detached dwelling was extended in a similar manner to that proposed here. The development at Thorncombe Close is unobjectionable, even though it does not strictly follow the HDG's prescriptive advice. However, the visual contexts of the respective properties differ.
7. In this case, the extension would take two-storey development to within a metre or so of No 14's side elevation. The smallness of the gap in the Council's view would lead to the creation of a terracing effect.
8. To my mind, in future oblique views along the street, the extension, if built, would be barely distinguishable in the wider street scene, and would not draw the eye. Viewed from the south, the extended dwelling would be easily distinguished from the small block of flats beyond. Viewed from the north, the extended appeal property would tend to merge with No 14, but beyond, properties are of differing designs and built in different materials, and would be as clearly distinguishable in future as they are now. Moreover, they are set on a different building line to Nos. 12 & 14, as the road curves. Accordingly, in the light of these factors taken in combination, I do not subscribe to the view that the development would, in itself, give rise to a terracing effect. The loss of the gap above the garage would not therefore prove harmful in townscape terms.
9. This is therefore a case where the specific empirical guidance contained in the Council's HDG may be appropriately and exceptionally relaxed, since the development would not, in practice, give rise to the effects that concern the Council.
10. As to the Council's objection to the realignment of the rear boundary wall, I noted that further along Shillingstone Drive the treatment of this means of enclosure varies, with lengthy sections being composed of brickwork alone, unpunctuated by timber panels. Those sections do not appear to me to be either '*harsh*' or '*awkward*', the terms used by the Council to describe the effect of the appellant's proposal. So long as an appropriate brick is used, I regard the appellant's proposals as unobjectionable.
11. I conclude that the proposals would sit acceptably in their respective visual contexts without harming the street scene. Accordingly, no conflict arises with those provisions of Policy CS41 of the Bournemouth Local Plan: Core Strategy (CS) which provide that development should, through its scale, density, layout, siting, character and appearance be designed to respect the site and its surroundings.

Conditions

12. The Council's request for a condition to be imposed in respect of materials is necessary in the interests of visual amenity. However, I shall impose a different condition to that suggested by the Council since it should ensure consistency and matching materials.
13. In the interests of certainty it is necessary that the development shall be carried out in accordance with the approved plans.
14. Despite the Council's indication to the contrary, I shall impose the statutory time-limiting condition relating to the commencement of development.

Other matters

15. All other matters raised in the representations have been taken into account, including the various references to the National Planning Policy Framework (2012). The Framework has been replaced, but nothing in the replacement suggests to me that the government's commitment to achieve high quality of design has been diminished.
16. I have noted the appellant's references to other completed developments regarded as similar, and to the Council's reference to two historical appeal decisions. These have been taken into account, and they attract some weight, but this appeal, as required, has been treated on its merits.
17. The comments made by a local resident and councillors have also been taken into account. No other matter is of such strength or significance as to outweigh the considerations that led me to my conclusions.

G Powys Jones

INSPECTOR

Schedule of Conditions

1. The development hereby permitted shall begin not later than three years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: J384-001; -002; -003 & -004.
3. Prior to the commencement of development samples of the roof tiles and brickwork to be used on the development hereby permitted, including the rear boundary wall, shall be submitted to the Council for its approval, which shall be obtained in writing. Thereafter, the development shall be carried out in accordance with the approved samples.