

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/17/3205286

53 East Avenue, Bournemouth, BH3 7BT

- 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 Mitchell against the decision of Bournemouth Borough Council.
 - The application Ref 7-2018-7433-E, dated 31 January 2018, was refused by notice dated 28 March 2018.
 - The development proposed is described as alterations and extensions to dwellinghouse - revised scheme.
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Decision

1. The appeal is allowed and planning permission is granted for alterations and extensions to dwellinghouse - revised scheme at 53 East Avenue, Bournemouth, BH3 7BT in accordance with the terms of the application, Ref 7-2018-7433-E, dated 31 January 2018, subject to the conditions set out in the attached Schedule.

Preliminary & Procedural matters

2. So as to address a point raised in the Council's officer report on the application, the appellants have produced a revised set of elevational drawings. They request that the revised drawing (Ref 1139.107c) replaces that originally determined by the Council (Ref 1139.107).
 3. Since the amended drawing does not contain a revised proposal, but addresses a relatively minor discrepancy, I am satisfied that I may accept the revised drawing without causing injustice to any party.
 4. The parties have referred to the planning history of the site, in particular the planning permission granted fairly recently for the dwelling's alteration and extension (Ref 7-2017-7433-D, dated 24 October 2017). I have been provided with copies of the decision notice and approved plans in respect of this permission.
 5. The scheme granted permission in 2017 is identical in all respects, bar one, to the scheme subject of this appeal. The one difference relates to the length of the proposed rear extension. The appellants wish to adopt a longer rear extension than previously approved, affecting the south-western corner of the building.
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6. The 2017 permission remains extant, comprises the appellant's reasonable fall-back, and it, or what it permits, attracts substantial weight as a material consideration in my consideration of this appeal.

Main issue

7. Having regard to the appeal dwelling's siting within the Meyrick Park and Talbot Woods Conservation Area (CA), the main issue is whether the proposed development would serve to preserve or enhance the character or appearance of the CA.

Reasons

8. The appeal property is a substantial detached dwelling set in East Avenue, which as its name implies, is an attractive tree-lined street. Its design was clearly influenced by the Arts and Crafts movement.
9. As already explained, the Council granted planning permission last year for a virtually identical scheme, and does not object to those aspects repeated in the current submission. I have no reason to disagree with its stance in this regard.
10. The Council's sole objection relates to the proposal to elongate the proposed rear single storey extension. The Council says that:

'the scale, design, materials and horizontal emphasis of the proposed rear extension and oversailing roof would be an unsympathetic addition which would neither preserve or enhance the character of the principal building,' and

'the incongruous design of the flat roof in conjunction with the traditional catslide is particularly noticeable from the proposed west side elevation. The large flat oversailing roof spanning the width of the single storey extension at the rear is also considered inappropriate in respect of the above.'
11. The Council clearly has no objection in principle to the use of a flat oversailing roof on this property, since it has already approved a considerable length of it. The additional section is small in comparison with that already approved, but the Council's main concern is that it would be visible from East Avenue, from where it is alleged that it would be viewed as an incongruous addition.
12. I do not share the Council's concerns. A small section of the additional length of roof could be seen from a very limited part of the highway outside, but in my view that which could be seen would not prove particularly noticeable or catch the eye. The Council, particularly having regard to that already permitted, has in my view exaggerated the effect of the revised proposal both in relation to the host property and the wider scene.
13. I conclude that the proposal would sit acceptably in its visual context without harming the visual qualities of the host property or CA, whose character and appearance would thus be preserved. Accordingly, no conflict arises with those provisions of Policies CS39 & CS41 of the Bournemouth Core Strategy (CS) directed to the achievement of high quality design and protecting the Borough's heritage assets from inappropriate development.

Conditions

14. The Council's suggested condition in respect of materials is imposed in the interests of visual amenity.

15. In the interests of certainty it is necessary that the development shall be carried out in accordance with the approved plans.
16. A condition additional to those suggested by the Council is imposed so as to protect the site's trees during the construction period. I note that the Council imposed such a condition on the 2017 permission.

Other matters

17. All other matters raised in the representations have been taken into account, including the various references to the CA Character Appraisal.
18. Reference has been made to other development plan policies, but those to which I have referred are considered the most relevant, taking account of the thrust of the Council's reasons for refusal.
19. Both parties have referred to the now withdrawn *National Planning Policy Framework 2012*. Its recently published replacement, however, contains broadly similar guidance relating to the government's commitment to conserving and enhancing the historic environment. This has been taken into account as a material consideration.
20. I have also taken account of the representations made by local residents, and I have already dealt with some of the planning related issues raised. With regard to issues of potential loss of privacy, the Council raised no objection on this basis, and I have no reason to question or dispute its stance.
21. 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: 1139r1.100; 1139r1.101; 1139r1.102; 1139r1.103; 1139r1.104; 1139r1.105; 1139r1.106; 1139.107c & 1139r1.108.
3. Save where otherwise provided in the application form, the materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
4. The tree protection measures detailed in the Arboricultural Method Statement Ref. DS/64317/AL dated 18 August 2017 and prepared by Treecall Consulting Ltd shall be implemented in full in accordance with the approved timetable and retained and supervised until the completion of the development.