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## Appeal Decision

Site visit made on 12 November 2018

**by M Bale BA (Hons) MA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 19<sup>th</sup> December 2018**

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**Appeal Ref: APP/G1250/W/17/3190585**  
**249 Charminster Road, Bournemouth BH8 9QJ**

- 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 M Hallak against the decision of Bournemouth Borough Council.
  - The application Ref 7-2017-10632-C, dated 4 September 2017, was refused by notice dated 27 November 2017.
  - The development proposed is a single storey rear and side extension.
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### Decision

1. The appeal is allowed and planning permission is granted for a single storey rear and side extension at 249 Charminster Road, Bournemouth BH8 9QH in accordance with the terms of the application, Ref 7-2017-10632-C, dated 4 September 2017, subject to the following condition:
  - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: 17:12/02 and 17:12/01/B.

### Procedural matters

2. The development has already been carried out. At my site visit I saw that the submitted plans reflect the overall scale and shape of the extension that has been built, although there are minor differences to the window and door details. I have considered the appeal on the basis of the plans listed in condition 1 above.
3. It has been suggested in the representations that the appeal was made out of time. However, whilst the 'start date' of the appeal was some time after the Council's decision, the appeal was lodged within the required timeframe.

### Preliminary matters

4. The Council and local residents initially raised concerns about the effect of the development on a tree on the neighbouring site that is covered by a Tree Preservation Order. However, the Council have subsequently confirmed in their appeal statement that remedial works have been undertaken to address any damage that was caused. The Council are no longer concerned about the effect on the tree and there is no substantive evidence that leads me to disagree. Given that the Council is now content with the effect on the tree, the alleged conflict with Policy 4.25 of the Bournemouth District Wide Local Plan 2002 relating to trees and landscaping also falls away.

5. An enforcement notice was served in respect of the development and was upheld at appeal<sup>1</sup>. However, the Enforcement Notice appeal proceeded on grounds (f)<sup>2</sup> and (g)<sup>3</sup> only and so did not consider the planning merits of the development. The findings of the previous Inspector, therefore, do not affect my consideration of this appeal which is concerned solely with those planning merits.
6. The property is subdivided into flats. Local residents have raised some concern about this use, including its effect on parking provision. However, the Council in their officer report and appeal statement indicate that the use as flats is lawful. The development relates only to the ground floor flat and does not seek to increase the number of dwellings. I have considered the appeal accordingly.

### **Main Issue**

7. With regard to the above, the main issue is the effect of the extension on the character and appearance of the existing property and the wider area.

### **Reasons**

8. 249 Charminster Road is a detached two-storey property. A private drive leads from the road between it and No. 245. The only part of the extension visible from the street is its front elevation and entrance porch which is at the far end of this drive towards the rear of the main building.
9. A 'false' pitched roof has been added to the front facing part of the extension but the fact that it does not extend over a greater part of the building is not clearly discernible from the street. It is visually well-related to the pitched porch canopy that adjoins it and does not indicate or exacerbate the size of the rear extension when viewed from Charminster Road. My attention has not been drawn to any other public views of the extension and I did not see any. Given the very limited amount of the development that can be seen from the public realm, the extension does not cause any harm to the character and appearance of the area.
10. From the terraced rear garden and surrounding properties the extent of the extension can be seen. It has a stepped rear elevation and is covered with an expansive flat roof. Whilst the extension spans the whole width of the property, it is not disproportionately large when compared to the footprint of the original dwelling. This is especially the case when considered in the context of the detached garage and conservatory that the 'existing elevation' drawings indicate previously stood in its place. There may be a reduction in space about the property compared to the previous situation, but the development is not cramped on its site and still retains a reasonable rear garden area.
11. I note that the Council's "Residential Extensions: A Design Guide for Householders (2008)" advises that the roof design should be in keeping with the building and its surroundings. It explicitly notes that flat roofed additions are normally only appropriate on very small single storey extensions. However, as I have found that the extension does not appear disproportionately large, it does not dominate the host property. The extension as a whole is subservient to the main dwelling and so no harm to its character

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<sup>1</sup> APP/G1250/C/17/3190970

<sup>2</sup> That the steps required by the Notice were excessive

<sup>3</sup> That the time for compliance with the Notice was too short

and appearance arises from the presence of the flat roof in this case. There may be a technical conflict with the aims of the design guide, but this does not in itself amount to tangible harm.

12. The extension has replaced a former bay window, but there is no evidence that this previous rear elevation feature was fundamental to the character of the building or the wider area. Whilst there are a number of rear windows included in the proposal, they are not unusually large or numerous and sit comfortably on the extension. There is no substantive evidence that the development is of a particularly poor quality.
13. Overall, I find that the extension does not harm the character and appearance of the building or the area. It, therefore complies with those aims of Policy CS41 of the Bournemouth Local Plan: Core Strategy (2012) which seek to ensure that all development is well designed and of a high quality, respecting its site and surroundings and contributing positively to the appearance of the public realm.

### **Other matters**

14. The extension is slightly closer to the neighbouring property to the rear on Linwood Road. The Council has not raised any concern about a loss of privacy to neighbouring dwellings and I note that the separation distance and significant change in level is sufficient to avoid any harm in this regard. There is no substantive evidence as to how there would be any increase in noise or light nuisance from the extension, compared to the previously existing configuration of the property.
15. I note that the rear gardens and boundaries may provide a valuable wildlife corridor. However, there is no substantive evidence that this function has been diminished by the development nor that any protected species have been affected. There is also no substantive evidence that the noise buffering effect that the existing dwellings and their gardens perform between Charminster Road and the Linwood Road properties has been diminished.
16. I note the concerns of local residents that work proceeded without planning permission but this does not have a bearing on the planning merits of the case. I also note concerns about noise disturbance from building work, but this effect is short term and, therefore, carries limited weight in my overall decision. Every case must be determined on its own individual merits and, therefore, nothing in my decision would set a precedent for other rear garden development in the area.

### **Conclusion**

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

*M Bale*

INSPECTOR