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# Appeal Decision

Site visit made on 17 January 2019

**by John D Allan BA(Hons) BTP MRTPI**

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

**Decision date: 1 February 2019**

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**Appeal Ref: APP/G1250/D/18/3216632**

**40 Wordsworth Avenue, Bournemouth, BH8 9NS**

- 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 Mrs Cheng against the decision of Bournemouth Borough Council.
  - The application Ref 7-2018-10793-A, dated 10 July 2018, was refused by notice dated 19 October 2018.
  - The development proposed is the erection of clear and obscure glass balustrade and composite decking board to existing accessible flat roof.
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## Decision

1. The appeal is dismissed.

## Preliminary Matter

2. The appeal property is a two-storey detached property with a single-storey, flat roof extension across the full width of the rear elevation. There is access to this roof space from a door to one side of a first-floor bay window to a bedroom. At the time of my visit the entire surface of the flat roof had been overlaid with decking boards and there was a glass panelled balustrade around the perimeter edge of the roof area, the side panels of which were fitted with etched glass. These were all approximately 1m high and supported by stainless steel tubular posts arranged at regular intervals.
3. The proposal that is before me differs from the existing arrangement. The area of accessible decking would be shrunk back from the sides of the roof area and new glass panels would be installed. According to the plans these would be 1.1m high to the side and back adjacent to 38 Wordsworth Avenue and 1.75m high to the sides and back adjacent to 42 Wordsworth Avenue. The panels to the side adjacent to No 38 would be etched glass, as would those taller panels adjacent to No 42, including those that would wrap around the rear elevation.

## Main Issues

4. The main issues are the effect of the proposal on the character and appearance of the appeal property and the wider area, and upon the living conditions of adjoining occupiers at Nos 38 and 42 Wordsworth Avenue, with particular regard to privacy.

## Reasons

5. Despite their detached forms, the dwellings along this side of Wordsworth Avenue are set reasonably close together. Their original alignments would have provided some mutual overlooking from first floor windows obliquely across the gardens of each other, common for most sub-urban areas. However, this would be in a manner more likely to be fleeting, from an occasional glimpse out of a bedroom window for example, rather than sustained, from any outside area intended for recreational use. Many properties locally have been extended or altered beyond their origins in a variety of ways but, except for the current arrangement at the appeal property, I saw none from my observations of the immediate locality that appeared to have significantly changed the levels of privacy enjoyed by neighbouring occupiers. Neither have any such examples within the immediate locality of the appeal site been brought to my attention.
6. During my visit, I was able to access the roof area at No 40 and see for myself the relationship of this space with both adjoining properties. I found its use both unnatural and uncomfortable, particularly in relation to No 42, where there was a close and awkward proximity to a flank first floor bathroom window to the neighbouring property and sight over a fairly significant portion of this neighbouring garden. The situation with No 38 was markedly different, with no flank windows affected, and sight over the garden largely obscured by the existing arrangement of outbuildings to the rear of these properties.
7. Although the appeal proposal would change the existing arrangement, I am not persuaded that the alternative scheme before me would entirely mitigate the harm to No 42. I accept that there would be little chance of anyone gaining sight of anyone using the adjoining bathroom, due to the height of the proposed screen to this side. However, the obvious presence of persons occupying the roof space for recreational and social purposes, and reasonably close to persons using the private bathroom space at No 42, would remain to be unsettling and intrusive for the neighbours. This could not be avoided and in addition to an unneighbourly presence, it would also be likely to unreasonably require the neighbours to keep their bathroom windows closed when using the facilities. In addition, despite the additional screen height that is proposed, there would still be an opportunity for people using the roof space to overlook the lower parts of the garden to No 42 to a degree that would be considerably more invasive than would normally be associated with a conventional outlook from a rear bedroom window. It would also be from an elevated position that would exaggerate the degree of overlooking, unlike any possible sight into the neighbours' garden over the low height of the common boundary fence that exists towards the end of the gardens.
8. Turning to the aesthetics of the proposed balustrade, the increased height to part of the structure would appear unbalanced and unnaturally contrived. There would also be an awkward intersection with the existing bay window, with the taller glass panel at this point cutting across the glazing. In my view the structure as a whole would be poorly related to the form of the existing dwelling, detrimental to its visual character. Although not openly seen in a wider context, the poor design would be noticeable from neighbouring plots to some degree and adds to my overall concern that the proposal would fail to display the design quality that is required by Policy CS41 of the Bournemouth

Local Plan: Core Strategy (2012) and by Policy 4.19 of the Bournemouth District Wide Local Plan (2002) in order to ensure that development appropriately respects the site and its surroundings, including amenity.

*Other Matters*

9. The appellant has drawn my attention to roof terraces that exist at properties in the locality, particularly at 70 Feversham Avenue, 88 Feversham Avenue, 79 Parkway Drive and 76 Normanhurst Avenue. Although these are within the general locality of the appeal site, none of them exist along Wordsworth Avenue. Moreover, I do not know the precise planning history to the majority of these and neither do I know the exact contextual situation of any, including the site-specific relationships with neighbouring properties. In this current appeal case I have considered the proposal having regard to the specific circumstances of the case and the fairly intimate relationship that exists between the dwellings along this particular part of Wordsworth Avenue. The examples given do not alter my conclusions that the appeal proposal would appear inharmonious with the original dwelling and would unacceptably impact upon the living conditions of neighbouring occupiers beyond circumstances that would have originally prevailed or which would be reasonably expected.
10. I appreciate that the appellant has made several alterations to their scheme in consultation with officers of the Council. However, the planning application was ultimately refused, and I have considered the appeal based on the proposal that was determined by the Council.
11. I have noted the large amount of objection letters that were received by the Council in relation to the planning application. Their numbers have not influenced my decision, which is based on the specific circumstances and context of the appeal site and its relationship with its neighbouring properties.

**Conclusion**

12. For the reasons given I find that the proposal would harm the character and appearance of the appeal property and the wider area, and the living conditions of adjoining occupiers. Accordingly, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

*John D Allan*

INSPECTOR