

# Appeal Decision

Site visit made on 29 January 2019

**by Martin Andrews MA(Planning) BSc(Econ) DipTP & DipTP(Dist) MRTPI**

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

**Decision date: 27 February 2019**

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## **Appeal Ref: APP/G1250/W/18/3213590**

### **Flat 12, Studland Dene, 2 Studland Road, Bournemouth BH4 8DP**

- 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 and Mrs M Al Asfoor against the decision of Bournemouth Borough Council.
  - The application, Ref. 7-2018-4671-W, dated 29 June 2018, was refused by notice dated 21 August 2018.
  - The development proposed is removal of existing roof and walls. Replacement with new raised roof and walls and internal reconfiguration of accommodation. Revised Scheme further to planning permission 7-2016-4671-S.
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## **Decision**

1. The appeal is dismissed.

## **Preliminary Matters**

2. There are two spellings of the appellant's surname in the appeal documentation. In the heading above I have used the version in the appellant's email correspondence and architect's drawings.
3. The appeal scheme seeks planning permission for a variation to the proposal allowed on appeal on 8 September 2017 following the Council's refusal of planning application ref. 7-2016-4671-S. This approval is the appellant's fallback position and is therefore a material consideration in this appeal.

## **Main Issues**

4. The main issues are (i) the effect of the proposal on the character and appearance of the host building and its surroundings, and (ii) the effect on the living conditions as regards outlook for the occupiers of Flat 11.

## **Reasons**

### *Issue (i): Effect on host building and its surroundings*

5. The appeal scheme proposes alterations and extensions to Flat 12, a third floor apartment in the Studland Dene development. These would involve the building up of the existing walls to provide a fourth floor to this part of the building and a mezzanine level for the flat itself, accessed from a reconfigured third floor.
  6. On the first issue, paragraph 6.6 of the grounds of appeal argues that the effect of the proposal on the exterior of Studland Dene would be '*to change it in a*
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*manner that is respectful of the overall architectural form and styling of the building'. Paragraph 6.8 adds that 'It is also relevant to note that the proposed extension is not readily visible from the surrounding area ..... Glimpses of the appeal property from the surrounding area will be attractive and will certainly not harm the overall appearance of the building or the character of the surrounding area'.*

7. These assertions are made within an approach that relies substantially on the merits of a scheme that has evolved from the appeal permission. However, whilst this is a 'fallback' there is no certainty that it would be implemented either by the appellant or any future owner of the flat. Accordingly, in the first instance I consider that the current proposal should be assessed on its effect on Studland Dene as it currently exists.
8. Turning firstly to whether or not the proposed extension would be 'readily visible from the surrounding area', the appellant's claim that it would be not and the supporting references to just 'glimpses' of the appeal property appear to me to be contradicted by the application drawings themselves; the Council's evidence, and my own observations on my visit.
9. As regards the application, Drawing No. 5824 -PL-012 displays two Computer Graphic Illustrations ('CGIs') or 'Indicative Perspectives' of the proposals. The CGI from 'across Alumhurst Road' appears to be based on a photograph from or very close to the footpath / seating area which appears to be a well-used public vantage point. The CGI from 'across Alum Chine' is doubtless based on a photograph from West Overcliff Drive, clearly another important viewpoint. In both these perspectives I consider that the proposed additions and alterations are particularly prominent and will therefore affect the character of the surrounding area.
10. Turning secondly to whether the effect of the proposal on the exterior of Studland Dene would be respectful of the overall architectural form and styling of the building, the photographs in Appendix 1 to the Council's appeal statement have also been taken from West Overcliff Drive. Although the east elevation of the building is largely hidden from closer quarters in the Alum Chine car park as a result of fall in land level and mature trees, these photos show that from the cliff top on the other side of the chine the building is a particularly prominent part of the landscape, rising above the tree line to dominate the landward part of the skyline.
11. I have little doubt this is a view seen on a daily basis by a great many residents and holiday visitors to Bournemouth and currently it clearly illustrates the design quality and architectural integrity of Studland Dene. The triple wave curved roof with its pleasing symmetry is an apt representation of the seaside position of the building. And the curvature and lower overall height of the roof provides a pleasing contrast with the higher, more dominant and essentially rectilinear appearance of the seaward section of the complex.
12. The proposed (largely) flat roof and additional height would eliminate the visual benefits of the roof's existing set down and curvature and result in this part of Studland Dene being of a scale and design that would draw the eye as a disproportionately large and bulky addition out of keeping with the rest of the building. And as the Council has observed, the remaining roof wave would

appear at odds with the appearance of this elevation as the continuity and symmetry would have been lost.

13. Furthermore, it is not just in this longer aspect that the harmful effect of the extension would be seen. I consider that the indicative perspective from the other side of Alumhurst Road (referred to in paragraph 9 above) and from a much closer position clearly illustrates that the proposal would visually compete with the central tower and be at odds with, rather than complement, the existing appearance of the building. This is not just because of its bulk but, as the Council observes, because the apparently more than double storey height glazing panels would be incongruous when seen against the more domestic scaled fenestration details of the original building. Nothing I have read in the Design and Access Statement and the grounds of appeal, including that the previous Inspector observed the building as a whole is made up of different elements, alters my view that this would be an addition that would fail to read comfortably with the existing built form and, indeed, fail to an extent that would compromise its architectural integrity.
14. Turning to the appellant's fall back of implementing the approved scheme, I note that the effect on the character and appearance of Studland Dene and its surroundings was not a main issue in the previous appeal decision. I am also aware from the Council's evidence in this appeal that the officers had negotiated a 'wave type roof' into the scheme and additionally that the previous Inspector considered that this would be acceptable.
15. Whilst not entirely in agreement with this conclusion, essentially for the same reasons as explained in paragraphs 11-13 above, I do endorse the Council's view that the current proposal would be substantially different and have a negative impact when compared with the existing permission. In the appellant's appeal statement, there is a sequence comprising a photograph of the exterior of Flat 12 as existing; an illustration of the building with the extension permitted on appeal, and an illustration of the building with the current proposal.
16. I do not have details of the fenestration detail of the approved scheme but nonetheless these illustrations confirm my view that, my reservations notwithstanding, the wave roof of the approved scheme reads as having a reasonably sympathetically designed and appropriately scaled relationship with this elevation of Studland Dene. In contrast, the current proposal appears rather more of an insensitive and excessively large addition that has had both its design and scale determined primarily by the appellant's aspirations rather than balanced with the capacity of the existing building to 'absorb' change without causing harm to the integrity of the original architectural composition.
17. I acknowledge the points made for the appellant as regards the current proposal being easier to construct than the approved scheme; that it would improve the quality of the internal space, and would make the long term maintenance of the building simpler. However, these do not outweigh the drawbacks as I see them. Accordingly, on this issue I conclude that the proposal would have an unacceptably harmful effect on the character and appearance of Studland Dene and its surroundings – in particular in views from Alumhurst Road and West Overcliff Drive and the other public vantage points nearby. This would be in conflict with Policy 6.10 of the Bournemouth District

Wide Local Plan 2002; Policy CS41 of the Bournemouth Local Plan: Core Strategy 2012, and Section 14: 'Achieving Well-Designed Places' of the National Planning Policy Framework 2018 ('the Framework').

*Issue (ii): Effect on Outlook from Flat 11*

18. Flat 11 adjoins Flat 12 on the third floor of the building and the Council's view is that, as with the approved scheme, the outlook would be restricted by the two storey wall to be constructed immediately adjacent to the main balcony in Flat 11. The previous Inspector concluded (paragraph 7 of his Decision) that whilst the additional storey would increase the amount of building adjacent to Flat 11, it would not fundamentally affect the open aspect over Alum Chine towards the Isle of Wight. The Council accepts the Inspector's judgement but argues that the appeal scheme's proposed mezzanine level balcony would further overhang the balcony of Flat 11 and increase the height of the flanking wall.
19. Application Drawing No. 5824-PL-013 Rev. A, with its comparisons between the approved and proposed Sections, shows that these differences are not large. However, in a situation where the effect on the outlook from the balcony of Flat 11 was previously a main issue, albeit judged acceptable by the previous Inspector, it seems to me that even modest further restrictions can tip the balance between acceptable and unacceptable.
20. I consider this to be the case here, especially as it might reasonably be argued that in a development of flats the inter-relationships between the apartments in terms of such matters as outlook and privacy are inherently more finely balanced than between houses and any changes made correspondingly more likely to have a material effect. And reasonable perceptions of harm caused will be even more likely to occur given that it is particularly unusual for any flat occupier to be affected by a proposal for an additional level of accommodation, as is the case here.
21. On balance on this issue, I conclude that the appeal scheme would have an unacceptable impact on the living conditions for the occupiers of Flat 11 by reason of the effect on outlook. This would be in conflict with the aforementioned development plan Policies 6.10 and CS41 and also with paragraph 127f) of the Framework.

**Other Matters**

22. Objections to the scheme were also made by the owners and occupiers of Flats 4, 7, 8, 14, 16, 18 and the two penthouse flats, Nos. 23 & 24. For the most part the objections related both to the main issue in this appeal and the effect of the development on the particular flat of the objector. As part of my visit I was invited to assess the effect of the proposal on Flats 8, 11 and the penthouse flats.
23. Whilst I acknowledge that there are matters of substance in respect of these objections, I have decided that it would be inappropriate to add further comment and reach any conclusions. This is firstly because it will be clear that the appeal fails on the two main issues and any further findings are therefore 'academic' to my Decision. Secondly, other than Flat 11, I do not have access to the floor plans of the apartments referred to. And in a building that has a complex layout I would need to both have sight of these plans and arrange for a

further visit, to include all the flats of objectors and with the plans at hand in order to come to conclusions with the necessary certainty.

24. In fairness to the appellant, I consider it likely that in these circumstances his representatives would need the opportunity to make further representations and given the stage of the appeal process this would be procedurally difficult. In addition, I am aware from the appeal documents that there is a dispute between the appellant and the owner of the penthouse flats and I am reluctant to express views that could in due course be prejudicial to either party's interests.
25. In summary, and for the avoidance of doubt, I have reached my Decision on the main issues in the appeal as identified in paragraph 4 above.

### **Conclusion**

26. For the reasons explained, the appeal is dismissed.

*Martin Andrews*

INSPECTOR