

Appeal Decision

Site visit made on 6 June 2019

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

an Inspector appointed by the Secretary of State

Decision date: 17 July 2019

Appeal Ref: APP/G1250/W/18/3208569
76 Wimborne Road, Bournemouth BH3 7AB

- 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 Kate Hickson, Acorn Luxury Care Ltd, against the decision of Bournemouth Borough Council.
 - The application, Ref. 7-2018-3365-P, dated 12 February 2018, was refused by notice dated 10 April 2018.
 - The development proposed is to remove the existing roof, raise wall levels, and provide a new roof to provide additional dementia care bedrooms.
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Decision

1. The appeal is allowed and planning permission is granted to remove the existing roof, raise wall levels, and provide a new roof to provide additional dementia care bedrooms at 76 Wimborne Road, Bournemouth in accordance with the terms of the application, Ref. 7-2018-3365-P, dated 12 February 2018, subject to the conditions in the attached Schedule.

Main Issue

2. The main issue is the effect of the proposed alterations to the existing building on the character or appearance of the Meyrick Park and Talbot Woods Conservation Area.

Reasons

3. In appraising the appeal proposal in terms of the main issue, I consider that there are two main assessments to be made: firstly the effect of the alterations on the intrinsic merit of the building itself and secondly the extent to which this would affect the conservation area in terms of whether its character and / or appearance would be preserved or enhanced.
 4. On the first point, the Council refers to the fact that the building has been identified in the Conservation Area Appraisal 2011 as a 'Positive Contributor', whereas the appellant argues that 'Neutral' would have been more appropriate. As regards the latter, the reasons include the view that the building is to some degree bland; has a 'confused' roof form; it is not an Edwardian villa but of inter-war (1927) origin and has undergone unsympathetic alterations, including plastic window frames.
 5. Be that as it may, I do not take issue either with No. 76's 'positive' status (albeit this is the case with the great majority of buildings in the north east
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sector of the conservation area) or the Council's view that it 'adds interest to the street scene'. As regards the effect of the appeal scheme, I take the view that whereas the existing property, despite its shortcomings, presently reads as a building of reasonably balanced proportions, the effect of the raised eaves height would result in a somewhat contrived design. This would be given further emphasis by the dormers sitting on the eaves and overall No. 76 would look less like an original architectural composition of its inter-war period.

6. Thus, to this extent I consider that the basics of the Council's appraisal are correct and as I accept the view that the proposal would effectively downgrade No. 76 from a Positive Contributor through Neutral to Negative, then both the character and appearance of the conservation area would not be preserved. This would be in conflict with Policies 4.4 & 6.12 of the Bournemouth District Wide Local Plan 2008 and Policies CS39 & CS41 of Bournemouth Local Plan: Core Strategy 2012. However, against this conclusion there are several further factors to be weighed.
7. The existing building has no heritage status, other than being appraised as one of hundreds of buildings of some interest or pleasing appearance in this extensive conservation area. The street scene of which the building is part includes No. 72, the rectilinear block of flats that draws the eye as being wholly out of keeping with both its immediate context and the conservation area. There is also No. 74, which was approved in 2006 and has a particularly bulky appearance and an appearance of somewhat dominating its plot. I have read the Council's rebuttal of the appellant's criticism of No. 74 but do not find it persuasive and note with some surprise its standing as a 'Neutral Contributor'.
8. Furthermore, in contrast to No. 76 the other properties from Nos. 72 to 78 already have a full or part third level of accommodation, whilst if the appeal scheme is implemented the raised ridge would be no higher than that of No. 74 on its southern flank. In addition, the footprints of Nos. 72, 74 and 78 are all closer to the road than the main part of No. 76, albeit not significantly.
9. The Council says that the proposal would fundamentally change the character of the appeal property. However, I disagree with this assessment and whilst I have referred to the somewhat contrived appearance of the extended appeal building, I consider it likely that the alterations would be only discernible to the trained eye of relevant professionals (architects, planners and surveyors) rather than the ordinary passer-by. It is highly debatable whether local residents or visitors to this suburb of Bournemouth would firstly take any notice of the building; secondly realise that it had had a floor subsequently added, and thirdly take the view that it was harmfully inappropriate in this context. Unlike the block of flats at No. 72 which immediately draws the eye as being noticeably at odds with its surroundings, I consider it unlikely that the second and third elements of this thought process would even be engaged.
10. These balancing factors in paragraphs 7 to 9 above in my view significantly mitigate the harm to the conservation area referred to in paragraph 6, albeit still not to the extent that would bring the appeal scheme within the requirements of the adopted policies. However, important though this finding is, it is not in itself determinative, as an overall planning judgement is predicated on the balancing exercise required in Section 16: 'Conserving and

Enhancing the Historic Environment' of the National Planning Policy Framework 2019 ('the Framework').

11. Paragraph 196 of the Framework advises that where a development proposal will lead to 'less than substantial harm' to the significance of a designated heritage asset (in this case the conservation area) , this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
12. I am in no doubt that in this case the harm would be less than substantial. Firstly, as I have mentioned in paragraph 7 above, the appeal building is just one of a great many buildings of some interest in the conservation area and in fact not one of the best examples, particularly given some of the alterations that have already taken place. Secondly, in my opinion the Council has over-emphasised the adverse effect of the additional floor and alterations. Finally, there is mitigation because it is read in a street scene of mixed quality and which includes a strongly negative contributor in the form of No. 72.
13. Against this I consider the public benefit in the form of additional good quality facilities for dementia patients in a long established care home and its optimum viable use to carry significant weight. As the Council will be aware, for some time there has been an ongoing national crisis in such care facilities. And Bournemouth, because of the demographic profile of the town and its surrounding area, is in the forefront of the battle against the disease.
14. The Council says there are other opportunities for providing the additional rooms, but the fact that this is the second recent application and that a scheme that would both work for the appellant and avoid objections from the Council was not negotiated, would suggest otherwise. As I conclude in this case that the public benefit would outweigh the less than substantial harm, I shall allow the appeal.
15. A condition requiring the development to be carried out in accordance with the approved plans is needed for the avoidance of doubt and is in the interests of proper planning. A condition stipulating samples and details of the external materials will assist in providing a harmonious form of development and safeguard visual amenity. As the Council has suggested this condition with a pre-commencement element that is strongly discouraged by the Government, I have re-drafted it.

Martin Andrews

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 shall be carried out in accordance with the following approved plans: Drawing No. Series J.94.2015- & Plan Nos. 02 D; 04 B; 05 B; 06; 07 A;
- 3) Within three months of the date of this Decision or such other period first agreed in writing by the Local Planning Authority, details / samples of the bricks, render, tiles, windows, fascia panels and dormer roof materials to be used on the external surfaces of the proposed development shall be submitted for approval in writing by the Local Planning Authority.
No development shall be carried out other than in accordance with the approved details.