



Appeal Decision

Site visit made on 23 September 2019

by Thomas Bristow BA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 October 2019

Appeal Ref: APP/V1260/D/19/3235912

17 Parkside, Christchurch BH23 4QB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 as amended against a refusal to grant planning permission.
 - The appeal is made by Mr Burch & Ms Dacombe against the decision of Christchurch Borough Council.
 - The application Ref 8/19/0726/HOU, dated 13 March 2019, was refused by notice dated 30 May 2019.
 - The development proposed is described on the application form as 'front, side and rear extensions and alterations'.
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Decision

1. The appeal is dismissed.

Preliminary matters

2. On 1 April 2019 the former Councils of Bournemouth, Christchurch and Poole combined to form a single Authority. However, until superseded, the existing development plan documents of former Councils remain extant. Each proposal must be determined on its merits in accordance with the development plan unless material considerations indicate otherwise. Notwithstanding a review underway, the development plan includes policies of the Christchurch and East Dorset Local Plan: Part 1- Core Strategy (adopted 28 April 2014, the 'CS'). I have also had regard to various material considerations, including the National Planning Policy Framework ('NPPF').

Reasons

3. No 17 is a detached late twentieth century bungalow. It is set in a good-sized, level, rectangular plot of greater length than width, as is typically the case of other nearby properties. It is the north-westernmost property in a row of similar dwellings facing Parkside arranged within uniform plots. In plan view odd Nos 3 to 17 Parkside are essentially two offset squares or rectangles, one further back than the other. Each of those elements has a dual-pitch roof connecting along a central gully. As with several others there is a garage to No 17 aligned with the principal elevation of the original dwelling, serving to enclose a small courtyard around the entrance to the property.¹
4. Highcliffe School is visible, fleetingly, at some distance behind a band of mature trees flanking the opposite side of Parkside. The regular layout of dwellings nearby, mostly single-storey, interspersed with patches of open

¹ In the case of No 17 connected to the house, in other instances garages appear as separate outbuildings.

space and bands of trees lends the area a harmonious, low-density and spacious character. That, in my view, sets the benchmark against which the effects resulting from development should be gauged.

5. There is some, albeit limited, architectural variety to dwellings in the surrounding area. Bungalows around Woodfield Gardens are of a different design, typically with projecting gable elements. No 12 Woodfield Gardens has, instead, a simple rectangular form; No 12a is a relatively newly-created, following planning permission in 2016. There are also chalet bungalows around Forest Close of different sizes and designs, and various properties have been altered over time. In that context, the Council do not argue that the increased bulk of the property, as viewed from along Parkside, would be unacceptable.
6. The appellants imply that No 12a, as built, has a higher roof than approved. There is nothing concrete before me in that regard, nor indication from the Council that No 12a is anything other than compliant with the approved plans. The appellants also refer to some form of agreement with someone at one point connected with No 12a to the effect that no objection would be raised regarding future development at No 17. However if such a thing existed that would be a private matter. It is the role of planning to consider objectively whether or not proposed development would be acceptable, rather than whether it would be unpopular (and as such the presence, or absence, of objections is not determinative).
7. The appellants also explain how the rear dining/ living room extension to No 15, which contains a window facing squarely towards No 17, was built 'virtually on top of our boundary', resulting in a loss of privacy. However I walked between that extension and the boundary with No 17, and, as in respect of No 12a, there is no indication that extension is unlawful. As was the case of the Council's decision, I have also assessed the proposal on the basis of the amended plan ('REV A'). That illustrates the extension as drawn in from the boundary with No 15 compared to that originally proposed. More broadly, if it is the case that other development has occurred which has resulted in negative effects,² that does not justify allowing unacceptable development now.
8. The proposal appears to be to demolish the rear element of the dwelling, which as set out above currently has a dual-pitched roof, and to erect a rear extension. The Council's officer report sets out that extension would project around three metres deeper into the garden than the rearmost elevation at present. However that 'depth' would be significantly greater in parts, given the off-set plan of the original property. Compared to present, the rearmost element of the property would be enlarged to occupy the majority of the width of the plot (an increase given by the Council as some 6.4m). To some extent, the monopitched roof proposed would limit the bulk of the scheme, being about 0.9m lower than the current ridgeline (excluding projecting lanterns).
9. However on account of the eaves height proposed and depth of the extension, the scheme would not fall within the limitations of relevant permitted development rights.³ Based on the Council's officer report, the maximum height of the proposed eaves appears to exceed that of the existing property by

² Although there is no substantive evidence before me in that regard, nor is it within the remit of this decision to reach a judgement in that respect.

³ Schedule 2, Part 1, Class A(A.1)(d) and (f).

around 0.9m.⁴ That is significant in the prevailing context of bungalows of relatively limited height. It also appears that, with a maximum height of 3.2m at the eaves, on account of its proximity to the boundary of the plot, further limitations on permitted development may be transgressed.⁵ That reasoning is 'in theory'; there is neither evidence before me to indicate that permitted development rights are intact, or of what may be permissible.⁶

10. It may be justifiable in certain circumstances to depart from the limitations of permitted development and allow more substantial development. However in this instance, as set out above, the proposal would result in a significant increase in scale and bulk relative to No 17 as it stands, in the context of prevailing low-rise, spacious development. That would be in close proximity to the boundary with Nos 12a and 12 to the north-west and north-east (the former, incidentally, is not shown on the supporting plan). The gardens of both those bungalows are modest, far more so than the level of outside space often associated with properties in the area.
11. Whilst there is some other outside space available to those dwellings, that benefits from lesser privacy (being located by the pavement along Parkside or Woodfield Gardens as the case may be). It is therefore justifiable to pay careful attention to the potential effects of development to the enjoyment of the rear gardens of those properties. I also noted that the row of mature trees on the opposite side of Parkside closes off views in that direction, and likely limits the extent of natural light reaching the rear gardens and rear elevations of Nos 12 and 12a from time to time. In that context a relatively open aspect across the garden of No 17 is of some importance.
12. By consequence of its scale and proximity to Nos 12 and 12a, the proposal would result in an adverse sense of enclosure within elements of the outside spaces of those properties. Use of the rear gardens would become unwelcoming, feeling unduly hemmed in by built development. As reasoned above that change would be incongruous relative to the prevailing nature of the area. Notwithstanding revisions to the scheme, and accepting that the proposal would clearly be personally beneficial to occupants, the extension would nevertheless adversely affect the living conditions of the occupants of Nos 12 and 12a. The proposal therefore conflicts with the relevant provisions of CS policy HE2 'Design of New Development' and NPPF paragraph 127(f). In brief those policies seek to ensure that all development integrates appropriately with its surrounding context, and that a high standard of amenity is achieved.

Conclusion

13. For the above reasons, having considered the development plan as a whole, the approach in the NPPF, and all other relevant material considerations, I conclude that the appeal should be dismissed.

Thomas Bristow
INSPECTOR

⁴ The figures in the Council's officer report are not specifically disputed, with the eaves stated to be 2.3m high presently, rising to 3.2 at their maximum as a result of the proposal.

⁵ Schedule 2, Part 1, Class A(A.1)(i), noting that the separation distance given in the officers' report is around 1.5m.

⁶ Section 192 of the Town and Country Planning Act as amended.