



Appeal Decision

Site visit made on 8 October 2019

by Andrew Tucker BA (Hons) IHBC

an Inspector appointed by the Secretary of State

Decision date: 31 October 2019

Appeal Ref: APP/G1250/W/19/3233664

41 Southbourne Coast Road, Bournemouth BH6 4DA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr T Hughes against Bournemouth, Christchurch and Poole Council.
 - The application Ref 7-2019-23703-G, is dated 8 March 2019.
 - The development proposed is described as 'Enlarged hall ground floor. Revised first floor layout. Roof alterations'.
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Decision

1. The appeal is dismissed and planning permission for 'Enlarged hall ground floor. Revised first floor layout. Roof alterations' is refused.

Preliminary Matters

2. On 1 April 2019 Bournemouth Borough Council merged with Borough of Poole Council and Christchurch Borough Council to become Bournemouth Christchurch and Poole Council. The development plans for the merged local planning authority remain in place for the former area of Bournemouth Borough Council until such a time as they are revoked or replaced. It is therefore necessary to determine this appeal with reference to policies set out in the plans produced by the now dissolved Bournemouth Borough Council.
3. The appeal results from the Council's failure to determine the planning application within the prescribed period. There is no formal decision on the application, as jurisdiction over that was taken away when the appeal was lodged. However, I note the assessment and conclusions submitted in the Council's statement, which sets out its concerns regarding the effect of the proposal on the character and appearance of the area and the living conditions of neighbours.
4. The appellant has submitted three sets of revised plans with the appeal. The Council confirms that these amended plans were part of its ongoing discussions with the appellant. However, none were formally accepted by the Council and consulted on and I cannot therefore be satisfied that third parties with a legitimate interest in the case have had the opportunity to comment on any of the revised proposals. I accept that some of the revisions shown are relatively minor, which may mean they could be taken into account without prejudicing a third party. However, only amended elevation drawings have been submitted, whereas a revised roof plan and small adjustments to the first floor plan would

need to be submitted to make up a full amended proposal. It would not be appropriate for me to request further plans during the appeal process as an appeal should not be used to evolve a scheme. Therefore, I am unable to take the amended plans into account and must base my assessment of the proposal on the plans originally submitted to the Council. For clarity these are drawings 001, 002, 003 and 004.

Main Issues

5. The effect of the proposal on:

- a) the character and appearance of the area, and
- b) the living conditions of the occupiers of neighbouring properties.

Reasons

Character and appearance

- 6. The appeal property is in an area characterised by single storey detached dwellings of various designs. Most have first floor accommodation. Many have been redeveloped in recent times with large areas of glazing and balcony's facing out to the south to make the most of the view. The appeal property already has an upgraded and modern appearance as a result of alterations that were carried out a few years ago. It has a wide and low-pitched front facing gable, with large areas of glazing to the front and a prominent balcony with a glazed balustrade. Beyond the front gable its roofs are hipped.
- 7. The proposal includes significant alterations to the roof of the dwelling. The roof would have a steeper pitch and would take on a gable form to the rear, which would be wider than the existing hipped roof, and the hip to the side would be replaced with a wider west facing cropped gable with a flat roof section. Such changes would significantly increase the scale of the building. The dwellings to the east of the property are closely spaced, and together with the appeal property present a consistent front facing gable form to the street. I am not convinced that a steeper roof and taller front facing gable would be problematic in this context.
- 8. Similarly, the formation of a rear facing gable would be unacceptable, taking into account the forms of the neighbouring properties to the east. The flat roof dormer extension to serve the first floor bathroom would not be prominent from the road at the rear as it would be set back from the north facing gable and obscured by the forward position of No 31 Dalmeny Road to the northwest.
- 9. Two large side facing dormers are proposed on the east roof slope. These would be comparable with the large side facing dormers of neighbouring properties to the east. To the west the bulk of the building would be increased, with a cropped gable end that would be close to the neighbour. The neighbouring property has a small flat roofed section adjacent to the appeal site, which would allow a gap to be retained between the main roof areas of the two properties, ensuring that the proposal would not result in a terracing effect.
- 10. The flat roof to the top of this west facing roof extension would be visible from the street to the southwest owing to the forward position of the proposed south facing roof slope. I could see no other examples of similar roof forms in the

area where the top of a gable or hip has been truncated and topped with a section of flat roof. I consider this to be a poor design element which would appear contrived and would give the impression that the plot is not large enough to successfully accommodate this level of extension. It would not relate well to the conventional gable and hip roof forms found in the area.

11. The poor roof form of this part of the building would be compounded by the close spacing of the two front facing dormers. Section 3.3 of the Council's design guide for residential extensions (DG) suggests that too many dormers on a roof should be avoided. The appellant suggests that they would be subservient and provide balance to the large area of glazing in the principle south facing gable. However I find that, owing to their very close spacing and differing scale, these two elements would be difficult to detail successfully and would result in a cramped and rather complex arrangement of dormer extensions that would be prominently positioned on a forward facing roof slope. They would not relate well to the simple roof arrangements of most properties in the area.
12. Therefore, owing to the form of the west facing roof and the arrangement of the two dormers, the proposal would harm the character and appearance of the area, which would not accord with Policy CS41 of the Bournemouth Local Plan Core Strategy adopted 2012 (LPCS) which seeks to ensure that development should be designed to a high quality and, through scale, character and appearance, be designed to respect the site and its surroundings.

Living conditions

13. The Council suggests that the existing hipped roof form was deliberately conceived so that it would not be overbearing or oppressive to the occupiers of neighbouring properties, which are closely sited to the east, west and north. The increased bulk of the appeal property would be apparent from the rear garden of the neighbouring property to the east, however as the properties are side by side and largely align at the rear I am not satisfied that the change would be overbearing or oppressive.
14. Two dormers would face out to the east towards this neighbouring property. The northern dormer would face towards the side of the neighbouring property but would result in some overlooking towards the neighbouring garden at an angle. However, I am satisfied that the effect of this could be overcome by using obscure glazing and a restricted opening system were I to allow the appeal.
15. The relationship between the appeal property and the neighbour to the west is however noticeably different, as the appeal property steps back considerably beyond the rear elevation of its neighbour. There is already a clear view of the west facing hipped roof and dormer from the rear garden of the neighbouring property. The existing roof has a shallow pitch that rises away from the neighbour. It does not intrude on the environs of the neighbouring property. The increased scale of the west facing portion of the appeal property, which would take the form of a vertical wall close to the boundary, would have a significant impact on the neighbouring rear garden, even when the modest level difference between the properties is taken into account.
16. Furthermore, I note the scale of No 31 Dalmeny Road, which is immediately to the north of this neighbouring property. This is on higher ground and already

significantly encloses the rear garden of the neighbouring property. The scale of the proposed west facing cropped gable extension in such close proximity to the neighbour would exacerbate this sense of enclosure. It would be overbearing and oppressive to users of the neighbouring garden, contrary to part 3.2 of the DG. I am not satisfied that this impact would be successfully mitigated by the use of a mute cladding material and I have taken into account the fact that the existing eaves line would be cut back.

17. In terms of overlooking however, I am satisfied that the two small windows that face in this direction could be detailed sufficiently to avoid opportunities for direct overlooking, and would be modestly scaled to the extent that users of the neighbouring garden to the west should not have a perception of being overlooked.
18. There would be some opportunity to look out from the rear gable window towards the neighbouring rear garden to the east, however this would be towards the less private areas of the garden and would be typical of the level of overlooking many of the gardens in the area receive. I am satisfied therefore that this relationship would not be harmful. No 31 Dalmeny Road is close to the rear of the appeal property to the northwest and has a large area of glazing facing out to the east. This dwelling stands offset and perpendicular to the rear elevation of the appeal property. I am satisfied that mutual overlooking between the properties would be minimal and no more significant than the existing level of overlooking, taking into account the existing rear dormer at the appeal property.
19. In summary, although I have not found that the proposal would harm the living conditions of neighbouring occupiers to the rear or to the east, I have found that the living conditions of the neighbouring occupiers of the dwelling to the west of the appeal site would be harmed. This would be contrary to Policy CS41 of the LPCS which seeks to ensure that development proposals that would be detrimental to amenity will not be permitted.

Other Matters

20. The appellant has explained how the proposal would make better use of the first floor area, improve ventilation, provide a larger lighter hallway and has suggested that it would modernise the property. Whilst I do not doubt that these would be benefits to the occupiers of the appeal property, these matters are not sufficient to outweigh my findings on the main issues.
21. The appellant has highlighted his disappointment with how the Council handled the planning application prior to the submission of the appeal. However, in determining the appeal I can only have regard to the planning merits of the case, so am unable to give any weight to these particular concerns.

Conclusion

22. For the reasons above the appeal is dismissed, and planning permission is refused.

Andrew Tucker

INSPECTOR