



Appeal Decisions

Site visit made on 11 November 2019

by Paul T Hocking BA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 December 2019

Appeal A: APP/G1250/C/19/3221734

Land at 11 Tweedale Road, Bournemouth

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Mr Anthony Rosewarn against an enforcement notice issued by Bournemouth Borough Council.
 - The enforcement notice was issued on 31 January 2019.
 - The breach of planning control as alleged in the notice is: Without planning permission, erection of a single storey side/rear extension to dwellinghouse.
 - The requirements of the notice are: Dismantle the single storey extension in its entirety, remove all resultant materials from the land and restore the building to its original size appearance and finish.
 - The period for compliance with the requirements is 3 months.
 - The appeal is proceeding on the grounds set out in section 174(2) (a) of the Town and Country Planning Act 1990 as amended. Since the appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.
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Appeal B: APP/G1250/C/19/3221733

11 Tweedale Road, Bournemouth BH9 3LL

- 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 Tony Rosewarn against the decision of Bournemouth Borough Council.
 - The application Ref 7-2018-27256, dated 16 November 2018, was refused by notice dated 9 January 2019.
 - The development proposed is single storey side extension.
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Summary of Decision

Appeal A

1. The appeal is allowed, the enforcement notice is quashed, and planning permission is granted in the terms set out below in the Formal Decision.

Appeal B

2. The appeal is dismissed.

Procedural Matter

3. Since the refusal of the planning application and issue of the enforcement notice Bournemouth Borough Council has amalgamated to form BCP Council, which is the operational name for Bournemouth, Christchurch and Poole

Council. No new considerations arise however and so I have proceeded to determine the appeal on the basis of the evidence before me.

Appeals A and B

Main Issues

1. The appeals relate to the same development and so the main issues are the effects of the extension on:
 - i. the character and appearance of the property and area; and,
 - ii. the living conditions of occupiers at No 9 Tweeddale Road.

Reasons

2. The site is located on a corner plot along Tweeddale Road. The immediate area is characterised by two-storey semi-detached properties, finished in both brickwork and render. The development the subject of the appeals is a single-storey side/rear extension, which replaced a former extension with adjoining single-garage. The extension was substantially complete, externally, at the time of my site visit.

Character and appearance

3. The site is differentiated from others along Tweeddale Road as it is on a corner plot and had its vehicular access located to the side. It is also a slightly wider plot than the majority of those along the road.
4. The extension is predominantly sited to the side of the property. Given the previous extension and garage in this location the property did not have a compact footprint in comparison to others along the road. Whilst the extension is wider where it adjoins the front elevation of the property, it appears from the plans provided to be approximately the same width as the former garage. It also does not project closer to the rear boundary than previously. Given its flat roof design, it does not appear as dominant or excessive in size in relation to the original two-storey property as it is set-down. Whilst I acknowledge that other extensions in the area appear to be generally smaller, and despite the increase in footprint and volume contended by the Council, in my view the scale of the extension is not disproportionate and the siting respects the context of the site.
5. The extension lacks some articulation and detailing and could perhaps be said to look utilitarian in some aspects of its design, such as the arrangement of the windows. It however does not have the appearance of a temporary building, given it is finished in matching render and is allied to a building of simple architectural design. Furthermore, the high-level windows at the front of the extension are not prominent within the street-scene and those to the side are neither excessive in scale and nor do they visually compete with those in the remainder of the property. On-balance, the design of the extension is not unsympathetic to the property, despite being flush to the front elevation. Moreover, I have not been persuaded on the evidence before me of other design related harms.
6. The extension is most apparent in views as you first approach the site along Tweeddale Road. It is however set well-back from the footway. Moreover, at the

time of my site visit a large part of the boundary was open, given car parking has been largely relocated from the side to the front of the site.

7. The open boundary therefore has the effect of making the extension appear particularly conspicuous within the street-scene. I am however satisfied that appropriate boundary treatments, which can be secured by suitably worded planning conditions, would ameliorate the presence of the extension within the street-scene, such that it would not be detrimental.
8. I conclude that the extension is not harmful to the character and appearance of the property and area and therefore accords with Policy CS41 of the adopted Bournemouth Local Plan: Core Strategy, October 2012. This policy, amongst other things, requires development to be designed to respect the site and its surroundings. For the same reasons it accords with the provisions of the Bournemouth Borough Council Residential Extensions: A Design Guide for Householders, 2008, and the design objectives of the National Planning Policy Framework.

Living conditions

9. The extension is located to the side of No 9 Tweedale Road. Whilst the extension has reduced what was potentially a more open area at the appeal site, given its linear relationship the physical bulk and mass of the extension is not overbearing to the neighbouring occupants using the side passage and looking out at ground-level. In my view there is therefore not an unacceptable consequential sense of enclosure and it is not visually disconcerting to residential amenity.
10. I conclude that the extension is not harmful to the living conditions of occupiers at No 9 Tweedale Road and therefore accords with Policy CS41 of the adopted Bournemouth Local Plan: Core Strategy, October 2012. This policy, amongst other things, requires development to have regard to the amenity of neighbouring residents. For the same reasons it accords with the provisions of the Bournemouth Borough Council Residential Extensions: A Design Guide for Householders, 2008.

Planning Conditions

11. As the development is substantially complete there is no need for the time limit condition. However, conditions to secure details for the boundary treatments of the site, including implementation and maintenance thereafter, are necessary. I have not been persuaded on the evidence before me that other planning conditions would be necessary or relevant to the development to be permitted.

Overall Conclusion

12. For the reasons given above I conclude that the appeal should succeed and planning permission will be granted. As Appeal B is for the same development, to prevent two identical permissions being created I shall dismiss that appeal.

Formal Decisions

Appeal A

13. The appeal is allowed, the enforcement notice is quashed and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act as amended for the development already

carried out, namely the erection of a single storey side/rear extension to dwellinghouse on land at 11 Tweedale Road, Bournemouth referred to in the notice, subject to the following conditions:

- 1) Within 3 months of the date of this decision details for the boundary treatments of the site shall be submitted to the local planning authority for approval in writing.
- 2) All planting and other works comprised in the approved details for the boundary treatments of the site shall be carried out within 3 months of the date of the local planning authority's approval in writing, or, in respect of planting, the first planting season thereafter. All works shall be retained thereafter and any trees or plants which within a period of 5 years die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Appeal B

14. The appeal is dismissed.

Paul T Hocking

INSPECTOR