



Appeal Decision

Site visit made on 10 December 2019

by James Taylor BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 December 2019

Appeal Ref: APP/V1260/D/19/3237687

40 Wharncliffe Road, Highcliffe, Christchurch BH23 5DE

- 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 & Mrs Ted & Martine Mercy against the decision of BCP Council.
 - The application Ref 8/19/0753/HOU, dated 29 March 2019, was refused by notice dated 3 July 2019.
 - The development proposed is described as 'Creation of new accommodation to second floor level, including new lift shaft to the rear. First floor extension over existing attached garage and minor additions to primary bedroom'.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on i) the character and appearance of the area, and ii) the living conditions of the occupiers of 38 and 42 Wharncliffe Road with particular regard to loss of privacy.

Reasons

Character and appearance

3. Wharncliffe Road has a residential character with a wide variety of building types, forms and scales. Many of the original properties have been either altered and extended or replaced. The original variety has been added to with contemporary development. The street scene includes large blocks of flats, generally with flat roof forms and multiple storeys. It also includes bungalows and houses within their own plots. A defining characteristic of the latter is the use of pitched roof details, some with habitable accommodation within the loft space. The dwellings are generally set-back from the road, detached and with space to the shared boundaries. This generates a sense of spaciousness.
4. The appeal property is a two-storey detached dwelling with a pitched roof sited within a row of detached dwellings. The neighbouring property of no 38 is a chalet bungalow with planning permission for a replacement pitched roof dwelling. However, I have no evidence to indicate if, or when, the approval may be implemented. To the other side, no 42 is a replacement, two-storey dwelling with accommodation in the pitched roof space.

5. The proposal would obviate the host building's pitched roofs over the ground-floor garage and the first-floor accommodation with replacement flat roof extensions. These vertical extensions would radically alter the character and appearance of the host building and be prominent alterations within the street scene of largely pitched-roof housing.
6. The extensions would raise the height of the built form and bring it forward at second-floor level beyond the plane of the roof. Furthermore, the proposal would project partially over the existing first-floor's open balcony at the front. Additionally, the first-floor extension over the garage would add to the mass and bulk of the building, extending the first-floor all the way to the shared boundary with no 42. Whilst no 42 is set in from the boundary, the proximity of these contrasting forms would appear awkward. Moreover, the proposal would significantly erode the sense of spaciousness through the forward and side projections.
7. The proposal would not bring the footprint of the dwelling further forward and would not be higher than the ridge of no 42. However, the height and mass compared to the existing would be greater, concentrating the extension to the upper floors. The proposal would appear dominant on the host building and would not be mitigated by the use of floor to ceiling glass on the front elevation. It would appear significantly bulkier than the existing development, particularly at no 38. Cumulatively the various additions would significantly increase the mass of the built form and erode the spaciousness of the street scene. The additional mass, siting and form at the upper-storey levels would appear incongruous.
8. The appellants have highlighted a recently allowed appeal¹, and how the general character of the street scene has evolved to form a greater scale and mass, with striking development at the upper-floor level. I have seen the completed development at no 22, noting its flat roof upper-floors are set-back and subservient. I have also observed the examples the appellants provided² of development with 'striking' upper-storeys, noting that they utilise pitched roof forms. Furthermore, within the street scene I have observed a number of much more modest properties which equally contribute to the character of the area as the larger replacement developments do. Moreover, the proposal and its context are not identical to any of the examples cited or the developments I have observed. Therefore, I have assessed the proposal on its own merits.
9. I have also had regard to the National Planning Policy Framework. This sets out at paragraph 130 that permission should be refused for development of poor design that fails to take opportunities available for improving the character and quality of an area.
10. In conclusion on the first main issue I find that the proposal would harm the character and appearance of the area and in this regard would be contrary to Policy HE2 of the Christchurch and East Dorset Local Plan Part 1 – Core Strategy – Adopted April 2014 (CS) and 'saved' Policies H12 and ENV9 of the Borough of Christchurch Local Plan – Adopted March 2001 (LP). These policies seek, amongst other aims to promote high quality design, compatible with neighbouring buildings, the immediate locality and the surroundings.

¹ 22 Wharnccliffe Road, LPA Ref: 8/16/1183/FUL

² Appellants' Statement of Case and appendices dated September 2019

Furthermore, I find conflict with section 12 of the National Planning Policy Framework.

Living conditions

11. To the rear, the host building has first-floor windows serving a bedroom, a landing and a bathroom. These cause a degree of overlooking to the enclosed back gardens of nos 38 and 42. However this is from an oblique angle and only one of the windows serves a habitable room. The proposal would provide three additional windows at second-floor level. However, the submitted plans show that they would serve a dressing room, a stairwell and a laundry room. Even if I were to consider these habitable, they would cause overlooking from an oblique angle only. I find that such mutual overlooking of the adjoining neighbour's gardens, from oblique angles, is characteristic of the area.
12. To the front, the second-floor extension that would project over the existing first-floor balcony would have floor to ceiling glass in the flanking elevations. This would afford opportunity for direct overlooking to nos 38 and 42's front gardens and the forwardmost part of their houses. However, the neighbour's front gardens and balconies are an open part of the street scene and lack privacy. Additionally, the front gardens are currently open to overlooking from the host building's existing balcony which has no flanking privacy screens. Furthermore no 42's corner window has obscure glazing to the flank side preventing inter-visibility.
13. Therefore, in conclusion on the second main issue I find that the proposal would not harm the living conditions of the occupiers of 38 and 42 Wharncliffe Road with particular regard to loss of privacy. As such, in this regard, I find that the proposal would not be contrary to Policy HE2 of the CS or 'saved' Policy H12 of the LP. These policies seek, amongst other aims to protect living conditions of neighbouring property occupiers having regard to matters including privacy.

Conclusion

14. Whilst I have found that the scheme would be acceptable in terms of the living conditions of occupiers of the adjacent dwellings, this does not mitigate the harm that I have found in regard to the character and appearance of the area. Therefore, for the reasons given above I conclude that the appeal should be dismissed.

James Taylor

INSPECTOR