

Appeal Decision

Site visit made on 13 December 2019

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

an Inspector appointed by the Secretary of State

Decision date: 17th January 2020

Appeal Ref: APP/V1260/D/19/3240063

1 Normanton Close, Christchurch BH23 2JD

- 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 J Doyle against the decision of Bournemouth, Christchurch and Poole Council.
 - The application, Ref. 8/19/0731/HOU dated 25 March 2019 was refused by notice dated 12 August 2019.
 - The development proposed is to replace roof; loft conversion with dormer windows to form an additional 2 bedrooms and a bathroom. Remove chimney breast and replace with an aluminium flue to service a log burner (Revised scheme).
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effects of the proposals on (i) the character and appearance of the existing dwelling and its surroundings, (ii) the living conditions as regards outlook for the occupiers of a neighbouring property at No. 27 Darwin Avenue, and (iii) the relationship with a now protected oak tree and any consequential effect on the visual amenity it currently provides.

Reasons

3. On the first issue, I saw on my visit that the appeal site is a corner plot at the junction of Normanton Close with Darwin Avenue. As such, the existing bungalow has two elevations to the public realm and in both cases there is a perception of a fairly limited distance between the existing building and the site boundaries.
 4. This constrained character is further reinforced by the site's tapered shape; the somewhat elevated form of the land; the large oak tree on highway land adjoining the south west boundary, and the close proximity to boundary and the flank wall of the bungalow at No. 27 Darwin Avenue.
 5. Taking these points together and bearing in mind that the immediate built context is mainly one of dwellings of single storey height, I share the Council's view that in terms of the effect on the street scene the proposed larger scale of the building would be inappropriate for this constrained but also prominent site.
 6. Somewhat paradoxically, I consider that the alterations to the front elevation and the raising of the roof and introduction of dormers can reasonably be
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argued to improve the design merit and therefore the appearance of the building itself. However, this is clearly outweighed by the fact that the alterations and additions would result in a building far too visually dominant for the site and its corner position, and thereby appear incongruous in comparison with the predominantly more restrained scale and / or simpler design of nearby development.

7. On the second issue, the existing building extends beyond the rear wall of No. 27 Darwin Avenue and therefore overlaps the small rear garden of that property. Whilst the appeal scheme with suitable conditions imposed need not affect privacy, I am in no doubt that the proposed increased scale, pitch and height of the roof would in combination be overbearing and visually intrusive in the outlook from that garden area, thereby substantially reducing the amenity that the occupiers of No. 27 currently enjoy.
8. I acknowledge that because of modifications in the current proposal the adverse effect would be less than that in an earlier appeal scheme. However, I went into the rear garden of No. 27 as part of my visit and still consider that the view of the enlarged roof in the aspect through the gap between the rear wall of No. 27 and that property's garage would be more dominant and therefore result in an undue sense of enclosure.
9. On the third issue of the relationship with the oak tree, the appellant's professional tree survey shows that as at last June there was a 1.2m gap between the tree canopy and the building. And in my view, by definition the raising of the roof must bring more built form within the scope of this existing relationship, rather than the Council's assessment of actually bringing the building closer. That nuance aside, the Council's position relates rather more to the fear of future owners of the building (perhaps rather than the appellant) that the presence of such a large tree so close to a building requires lopping or substantial pruning to avoid the possibility of damage.
10. However, this is probably already the case with the un-extended building and accordingly I do not regard this issue as materially adding to the Council's case for refusing the application. In short, in technical terms the appellant's arboricultural survey and evidence has demonstrated that as regards this issue, the scheme could reasonably proceed subject to appropriate conditions.
11. Overall, whilst I acknowledge that the proposal has sought to overcome the previous refusals in a form that has in some respects resulted in improvements, I conclude on balance that, because of the harmful effect on the street scene and on the outlook from the rear garden of No. 27 Darwin Avenue, there would be a harmful conflict with Policy HE2 of the Christchurch and East Dorset Local Plan: Part 1 - Core Strategy 2014. There would also be a similar conflict with Section 12: 'Achieving Well-Designed Places' of the National Planning Policy Framework 2019. My favourable conclusion for the appellant on the tree issue alone does not outweigh the harm that would be caused.
12. For the above reasons the appeal is dismissed.

Martin Andrews

INSPECTOR