



Appeal Decision

Site visit made on 6 January 2020

by M Bale BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 January 2020

Appeal Ref: APP/V1260/W/19/3238314

Flat 2, 18 West Overcliff Drive, Bournemouth BH4 8AA

- 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 Mrs Joan Lardy against the decision of Bournemouth, Christchurch and Poole Council.
 - The application Ref 7-2019-17333-S, dated 29 June 2019, was refused by notice dated 12 September 2019.
 - The development proposed is to replace rotten wooden posts with powder coated steel posts, with glass panels and manifestations to retain original appearance.
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Decision

1. The appeal is dismissed.

Procedural and preliminary matters

2. The description of development on the application form also includes the words 'repairs only to balcony with previous owners'. Such is noted, but as it is not an act of development and is written separately to the main description, it is not included within my description of development, above.
3. The development to which this appeal relates has already been carried out. As only photographs of the development were provided, I have considered the appeal on the basis of the development that I saw at the site.

Main Issue

4. The main issue is the effect on the character and appearance of the conservation area.

Reasons

5. The site is within the West Overcliff Drive Conservation Area. Whilst I understand that there is no formal conservation area character appraisal setting out important features of the area, the appellant has indicated that Appendix I of the Bournemouth District Wide Local Plan (2002) (LP) provides a mini character appraisal. Such indicates that the area was developed primarily between 1900-1925 with Edwardian mansion houses of great character set in large grounds. It goes on to say that by virtue of its attractive cliff top setting, heavily wooded scenic chines, curved roads, and generous landscaping, this locality is set apart as being of unique character.
6. The above description accords with my own observations at the site visit. No.18, is one of 4 large mansions, now subdivided into flats, set between a

footpath known as Cherry Tree Walk and the cliff top, within a curved sweep of the road. They have generous grounds and, although they have been subject to modern additions, alterations and the notable subdivision of the grounds into smaller private gardens, still display many historic features and a rich architectural detailing.

7. The LP description of the conservation area signifies that its character and appearance goes beyond the buildings themselves. However, from my own observations it is the buildings in their setting together with their detailing that illustrate the historic development, and thereby greatly inform the significance, of the area as a designated heritage asset.
8. I note that UPVC windows and a solar panel have previously been permitted at the site. The Council has advised that the windows, in part, replaced some other less sympathetic UPVC windows and that overall the alterations did not harm the character and appearance of the building. A solar panel would be read as an addition to the building and so carries little weight in my assessment of the balcony which, whilst not an original feature, appears as an integral part of the building's fabric. In any case, I must consider the effect of the proposal before me.
9. I understand that the original balcony was permitted as a timber structure. Whilst that material may have been required by planning condition, that is not to say that other materials may not be appropriate. Indeed, balconies with metal railings are clearly evident on the adjoining mansions at Nos. 14 and 16. However, the balustrades of those balconies, as seen from the public realm, are divided up by the individual vertical railings such that the detailing remains small-scale and typical of the fine detail displayed by each of these mansions.
10. By contrast, the balcony subject to this appeal is formed of a metal framework and single glass sheets that span the width of the balcony and each return. Such is at odds with the finer architectural detailing that characterises the host building, many others nearby, and thereby the overall character of the area.
11. Since the balcony was constructed, white adhesive tape has been stuck to the glass at regular intervals. However, whilst this may momentarily trick the eye into believing the balcony had vertical railings, the two-dimensional nature of the tape is clearly visible giving the balcony a flat appearance in contrast to those three-dimensional metal railings on the adjoining mansions. The balcony, therefore, disrupts the historic integrity of the building and diminishes its refined architecture.
12. Having walked around the area, I acknowledge that there are very few public places that the balcony can be seen from. However, there are glimpsed views between the substantial boundary trees looking alongside No.16 from close to the clifftop, and from the footway on the public highway close to the driveway of No.16. Despite the distance, from here, the glass gives the balcony a slightly reflective finish across its whole width such that the adhesive tape imitation railings are clearly read as stuck on features.
13. The balcony at flat 2 is a small component of the mansion at No.18. However, for the reasons given there is harm to the architectural character and appearance of the mansion. No.18 itself is just one small component of the conservation area. The harm to the conservation area as a whole, therefore, is

small, but given the harm to the building, I still conclude that the development fails to preserve its character and appearance.

14. As I have found that the significance of the area is partly derived from the architectural qualities of the buildings there would also be harm to the significance of the heritage asset. Again, due to the scale of development and limited views, in terms of the policies of the National Planning Policy Framework (the Framework), such harm would be less than substantial. Given the scale of development and very limited public views, the harm to the significance is towards the lower end of this category.
15. In such circumstances, the Framework sets out at paragraph 196 that the harm must be weighed against the public benefits of the proposal. In this regard, I acknowledge the maintenance benefits offered by the glass and steel construction over those of painted timber, especially in this exposed location. However, this is essentially a private benefit to the owner/occupier of Flat 2 and there is no compelling evidence that, if appropriately maintained, a timber balcony would need replacing every 10-15 years as suggested by the appellant. Indeed, there were over 20 years between permission being granted for the previous balcony and its ultimate removal.
16. It may well be that the optimum viable use for the mansions has been deemed to be their subdivision and use as flats, and that sea-views from their various balconies are important to the occupiers. However, there is no substantive evidence that a low-maintenance solution for any balcony is required in order to secure such an ongoing viable use in the future. For these reasons, even if the maintenance benefits were considered to be public benefits, they are of limited weight.
17. Framework paragraph 193 indicates that irrespective of the degree of harm, great weight must be placed on the asset's conservation. In light of the weight that I have attributed to any benefits, they do not outweigh the harm to the heritage asset. The appellant has questioned whether there would be any public benefit in the refusal of permission, but that is not the test required by the Framework.
18. I therefore, conclude that the proposal conflicts with LP Policy 4.4 and Policy CS39 of the Bournemouth Local Plan: Core Strategy (2012) which seek to ensure that development preserves or enhances the character or appearance of the conservation area and that designated heritage assets are protected from alterations that would adversely affect their significance.
19. I note that there is evidence of glass and steel balconies within the conservation area, but the appellant acknowledges that these are generally on more modern buildings. They are, therefore, of limited weight in my decision and do not lead me away from my above findings.
20. I understand that the appellant did not appreciate the need for planning permission before the development was carried out, that there was a time-lag between the work being carried out and the Council's initial involvement, and that having undertaken the development did not see any merit in pre-application discussions with the Council. I also understand that the Council's officers may not have visited the flat and stood on the balcony, as I have done. However, these matters have little to do with the planning merits of the case.

Conclusion

21. For the reasons given above, I conclude that the appeal should be dismissed.

M Bale

INSPECTOR