
Appeal Decision

Site visit made on 16 December 2019

by Janet Wilson BA (Hons) BTP MRTPI DMS

an Inspector appointed by the Secretary of State

Decision date: 4th February 2020

Appeal Ref: APP/V1260/W/19/3239328
83 The Grove, Christchurch BH23 2EZ

- 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 Adam Elcock of Elcock Associates against the decision of Bournemouth Christchurch and Poole Council.
 - The application Ref 8/18/3552/FUL, dated 20 December 2018, was refused by notice dated 10 September 2019.
 - The development proposed is the construction of new offices within the parking area.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. An application for Costs was made by Elcock Associates against Bournemouth Christchurch and Poole Council. This application is the subject of a separate decision.
3. On 1 April 2019 the administrative areas of Bournemouth, Christchurch and Poole were formed into a single Unitary Local government district now known as BCP. The application was made to Christchurch Borough Council and determined by BCP. Nonetheless, the policies quoted in the decision notice remain in force for this appeal.
4. The description included on the application form clarifies that the development would be two storeys with rooms in the roof for professional office use. I have used only the first part of the description as it adequately and concisely describes the development as indicated on the application form and plans.

Main Issues

5. The main issues are the effect of the development on: a) the character and appearance of the area with regard to the design and visual appearance of the proposed office building; b) the effect of the intensification of the business use on the site and parking provision in the vicinity of the site; and c) the effect of the development on the living conditions of No. 2 Elm Avenue with regard to outlook.

Reasons

Character and appearance

6. The appeal site is in commercial use having formerly been a doctors' surgery, it now accommodates offices and physiotherapy consulting rooms. Notwithstanding this commercial use the surrounding area is generally residential in character with a mix of dwelling types and sizes and without a consistent building line, housing being stepped on both sides of Elm Avenue. On the north side of Elm Avenue properties are generally single storey with accommodation within the roof spaces and to the south side predominately semi-detached two storey properties. Even so, gaps between buildings, in this particular location remain a feature and contribute to a relatively spacious pattern of buildings.
7. The Christchurch Borough-wide Character Assessment (2003) (CBCA) is referred to; this clarifies the site as being within the Canberra Road Neighbourhood Character Area where development is suburban and house plots generally smaller. The assessment comments that this area does not make a strong contribution to the wider character of the neighbourhood but it does identify it as having some capacity for incremental redevelopment, improvement or extensions. Nonetheless, the CBCA also highlights that the existing pattern of infill as having crammed some development at the expense of the general character of the area and the potential for further infilling would increase the conflicting contrasts in densities and styles in the area.
8. In this context the proposed development would occupy a large part of the gap between the existing building and the neighbouring property from which it would be set forward, closer to the roadside edge. The result would be a building which would not be ancillary in scale to the existing buildings as it would be around the same height as No. 83 and the adjacent bungalow. It would be particularly dominant as it would present a gable end to the road frontage and in a position, which would result in the rear of the proposed building being closer to the adjacent dwelling than the front. Moreover, as the first-floor accommodation would be formed within a building with a raised eaves line it would increase the prominence of the building.
9. The prominence of the design would be increased due to the contemporary styling and detailing. The appellants suggest that this would add interest to the location and incorporate a soft natural material which would blend in. However, whilst the design of the building could be acceptable in an alternative setting in this context, I consider it would fail to reflect the character or appearance of existing buildings and would not be locally distinctive. The confined size of the site and the position of the building immediately on the eastern boundary would not enable the provision of any landscaping to mitigate the prominence of the building, neither would it be sufficiently softened by the retention of part of the existing front hedge as indicated on the plans.
10. Taking all these factors together the development would result in an overly prominent and incompatible building which would relate poorly to the form and layout of adjacent buildings. In reaching this view I have had regard to the appellants' view that they consider the existing gap does not make a positive contribution to the character of the area. However, the policy requirement is for development to be compatible with and to improve their surroundings and these are factors which would not be achieved by the appeal scheme.

11. Consequently, the proposal would conflict with Policies H12 and HE2 of the Christchurch and East Dorset Core Strategy (2014) (Core Strategy) and Paragraph 127 of the National Planning Policy Framework (the Framework) in so far as they relate to character and appearance. These, amongst other things, seek to ensure that new development reflects local distinctiveness; delivers high standards of design; takes account of the relationship to nearby properties and improve their surroundings.

Intensification of use

12. The Council confirm that this is a sustainable location where new development is supported, this includes employment development; this is not in dispute between the parties. However, the use of part of the car parking area serving the existing commercial building would not only increase the requirement for parking but would decrease the availability of spaces. Both buildings would share five car spaces. The increased intensity of the use would inevitably affect the parking provision in the immediate area which is subject to restricted parking on one side of Elm Avenue. I do not however have any evidence before me to demonstrate that the parking of cars from these premises would lead to a total saturation of provision in the area such that would warrant the refusal of permission on highway safety grounds particularly bearing in mind the lack of objection from the highway authority.
13. I therefore conclude that the intensification of the use would not result in inadequate parking provision. As such there would be no conflict with Policy KS12 of the Core Strategy in so far as it relates to parking matters; nor would it conflict with the provisions of Paragraph 109 of the Framework which advocates that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety or the cumulative impacts on the road network would be severe, neither of which has been demonstrated to be the case here.

Effect on No. 2 Elm Avenue

14. Whilst the proposed office would be stepped back from the building line of No. 83 The Grove as it fronts Elm Avenue it would also be set forward of the building line of No.2 Elm Avenue (No.2). That property has an outlook across the site which would be impacted by the erection of the office building by the creation of a structure in excess of 6 metres tall near the adjacent residential property. This would significantly change the outlook from the adjacent property at both ground and first floor level given the close proximity. Although the roof would slope up from the boundary to increase the distance at first floor level between the structure and the adjacent house to around 7 metres, I consider that it would nonetheless have a significant and overbearing impact on the occupants of that property which would result in an adverse and unacceptable impact on their living conditions.
15. For the above reasons the development would provide an unsatisfactory relationship with No.2 in conflict with Policies H12, and HE2 of the Core Strategy and Paragraph 127 of the National Planning Framework. These policies, amongst other things, seek to protect residential amenities and ensure new development does not have an overbearing effect.

Planning Balance

16. The starting point for any planning decision is Section 38(6) of the Planning and Compulsory Purchase Act 2004 which requires decisions to be made in accordance with the development plan unless material considerations indicate otherwise. The development would generate benefit to the local economy to allow the expansion of an existing business and therefore economic growth and would create additional space on a site already in commercial use. Notwithstanding the presumption in favour of sustainable development outlined in the Framework, or my findings in relation to the absence of conflict with policy KS12, the benefits outlined do not outweigh the adverse impacts which would be caused to the character and appearance of the area or the effect upon the living conditions of the occupiers of No.2 Elm Avenue. I attach considerable weight to both these areas of harm and as a result of those adverse impacts the appeal fails.

Other Matters

17. Whilst the Framework supports the use of under-utilised land and buildings there is no indication that the site is under-utilised. The existing building appears to support two active businesses and plans indicate one large office and three small offices on the ground floor and two consultancy rooms and an office on the first floor with the outdoor area accommodating space for around 9 cars which does not indicate that the site is under-utilised. Whilst the site falls into the definition of previously developed in that it is occupied by buildings there is no suggestion that the site is not viable nor is it a despoiled or derelict site in the context of paragraph 118 of the Framework.
18. It is readily acknowledged by the Council that the decision takes a different stance than the planning officer recommendation however the officer recommendation is not binding on the Council and it does not prevent the Council from taking a different decision. This has been articulated in the Council's statement. The challenges with producing a design for this site is highlighted by the appellants in the fact that a number of designs had been discussed and amendments made over time to seek to overcome matters of concern. The process of the evolution of the design over time does not however alter my findings in relation to the proposal which I have considered on its own merits.
19. I note that representations have been made that there is no need for additional offices in the area as there are vacant premises close to the site. There may be vacant premises however this is not a factor which influences the consideration of this appeal.

Conclusions

20. For the above reasons and having regard to all other matters raised the appeal is dismissed.

Janet Wilson

INSPECTOR