



Appeal Decisions

Hearing Held on 21 January 2020

Site visit made on 21 January 2020

by M Savage BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 February 2020

Appeal A Ref: APP/G1250/C/18/3217455

8 St Swithun's Road South, Bournemouth BH1 3RQ

- 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 Alan Berti of Hope Housing Training & Support against an enforcement notice issued by Bournemouth Borough Council.
- The enforcement notice was issued on 8 November 2018.
- The breach of planning control as alleged in the notice is without planning permission, erection of a single storey outbuilding.
- The requirements of the notice are dismantle the structure, break up the concrete base and remove all resultant materials, utility services, and return the land to original soil levels.
- The period for compliance with the requirements is 2 months.
- The appeal is proceeding on the grounds set out in section 174(2)[a], [f] and [g] of the Town and Country Planning Act 1990 as amended.

Summary of Decision: 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 Ref: APP/G1250/W/18/3217913

8 St Swithun's Road South, Bournemouth BH1 3RQ

- 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 Hope Housing Training & Support against the decision of Bournemouth Borough Council.
- The application Ref 7-2018-15236-A, dated 3 July 2018, was refused by notice dated 11 October 2018.
- The development proposed is an outbuilding.

Summary of Decision: The appeal is allowed, and planning permission granted subject to conditions set out below in the Formal Decision.

Procedural Matters

1. The Council advise that the decision on the application was made having regard to plan reference 15-HH/139/101C, however, the appellant submitted plan reference 15-HH/139/101B in support of the appeal. A copy of 15-HH/139/101C was provided during the appeal. I am satisfied that, since this is

the plan upon which the Council based its decision and since it is sufficiently similar to 15-HH/139/101B, no-one would be prejudiced by my consideration of 15-HH/139/101C in this appeal.

2. On 1 April 2019, Bournemouth Borough Council merged with Christchurch Borough Council and Borough of Poole Council to become a Unitary Authority, Bournemouth, Christchurch and Poole (BCP) Council. The planning decision and enforcement notice were issued by Bournemouth Borough Council and is therefore identified in the heading above.

The appeals on ground (a) and the section 78 appeal – Appeals A and B

Main Issue

3. Although the appeals relate to different schemes, the position, layout and height of the 'as built building' and the 'proposed building' and are sufficiently similar that they raise the same issues and have been linked. I shall therefore determine the appeal on this basis.
4. The main issue is the effect of the proposal on the character and appearance of the area bearing in mind the location within the East Cliff Conservation Area (ECCA).

Reasons

5. The East Cliff Conservation Area (ECCA) comprises an extensive area which is generally characterised by substantial buildings set in generous plots with tree lined streets and boundary treatments which give the area a verdant character. The appeal site comprises a semi-detached Victorian villa which fronts onto St Swithun's Road South, a slip road which is located off the adjacent main road, the A35. Opposite the appeal site, outside the ECCA, the character of the area is markedly different, with substantial multi-storey buildings dominating the skyline. From my inspection of the ECCA, and on the evidence before me, I consider that its significance derives from its historical significance as a planned estate, traditional architectural detailing and its verdant character.
6. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to pay special attention to the desirability of preserving or enhancing the character or appearance of the HTCCA. Furthermore, paragraph 193 of the Framework states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
7. The appellant asserted at the hearing that it is the historical importance rather than the architectural merit of the buildings which is of importance in relation to this particular part of the ECCA. However, I do not agree. No 8, for example, is an attractive Victorian building which makes a positive contribution to the ECCA with its architectural detailing typical of the area and which marks a distinct change in character from the area opposite. Furthermore, whilst I saw that a number of properties to the rear have been significantly modified, the trees to the rear contribute towards the verdant character of the area and therefore make a positive contribution to the ECCA.
8. The appeal building has been constructed to provide office and staff accommodation, freeing up a number of rooms within No 10 for residential use. The building comprises a single storey structure constructed of timber cladding

which is located to the rear of No 8. A garage interrupts views of the building from the highway. The appellants are a registered charity which provide support and accommodation for homeless, vulnerable adults in Bournemouth. They occupy the appeal site together with the adjacent property, no 10 St Swithun's Road South.

9. During the hearing the Council provided an extract of the East Cliff Conservation Area Appraisal & Management Plan (ECCAA&MP). Although the document is yet to be formally adopted, and therefore can only be afforded very limited weight in my consideration of this appeal, it provides some useful background to the ECCA and the issues that it faces, which includes negative development at the rear of properties leading to the loss of historic boundary treatments and excessive pressure for parking.
10. The Council raise concern regarding the subdivision of Victorian plots, a matter which is identified within the ECCAA&MP as leading to the loss of planting and the creation of drives in front gardens. The appellant asserts that no subdivision of the property has occurred and that the appeal building is used as part of the main use of the house. On this matter I concur with the appellant, as the building is still functionally linked to the main house.
11. The Council has drawn my attention to an appeal decision at the neighbouring property, APP/G1250/W/17/3168051. However, this relates to units of accommodation which were provided to the rear of the main dwelling and is not therefore directly comparable to the appeal scheme before me. Furthermore, the Inspector's conclusion regarding the implications for important trees are materially different.
12. The appellant has provided an Arboricultural Impact Assessment and Method Statement in support of this appeal which indicates that no trees needed to be removed to facilitate the development and that the proposal has negligible impact upon the healthy tree stock of the area. On this basis, and following my site inspection, I consider that the building has a neutral effect on the verdant character of the area.
13. The area to the front of the building is already used for parking and so the appeal scheme would have no effect on the character and appearance of the area in this respect. Whilst I would agree that the building is a substantial contemporary flat roof building which contrasts with the traditional architecture of the host building, public views of the building are limited as a result of its height and the intervening garage. I have also considered the effect of the proposed building under Appeal B which would have a pitched roof. However, whether the roof of the building is pitched or flat, the effect on the gap between Nos 8 and 10 would be negligible and its effect on the character and appearance of the ECCA would be therefore neutral.
14. Accordingly, for the reasons given above, I conclude that the appeal scheme does not harm the character or appearance of the ECCA. There is therefore no conflict with Policy CS39 of the Bournemouth Local Plan:Core Strategy (BLPCS)(2012) which states that the Local Planning Authority will seek to protect designated heritage assets from extensions or other proposals (amongst other things) that would adversely affect their significance or Policy CS41 which seeks to ensure that development should, through its scale, density, layout, siting, character and appearance be designed to respect the site and its surroundings. There is also no conflict with Policy 4.4 of the

Bournemouth District Wide Local Plan (2002) which seeks to ensure that development proposals in Conservation Areas preserve or enhance the character or appearance of the area. The proposal would also accord with the relevant expectations of the Framework in this regard.

Other Matters

15. The Council's Highways Officer objected to the appeal building due to the effect of the proposal on parking. This matter was discussed during the hearing, during which it was advised that the Council concluded that a refusal on highways grounds could not be justified given the existing use of the site. The appellant advised during the hearing that the appeal scheme would not increase parking requirements at the site. On this basis, I concur that there would be no harm to highways arising from the appeal schemes.
16. The Council's Heritage Team has raised concern that the appeal scheme could set an unwelcome precedent. However, there is no substantive evidence before me that similar proposals are likely to come forward, or that significant harm would necessarily ensue. In any event, each case must be considered on its own merits.

Conditions

17. The Council has suggested conditions to ensure that the development is carried out in accordance with the approved plans, which I agree is necessary in respect of the S78 appeal, Appeal B.
18. At the hearing it was asserted by the appellant that Nos 8 and 10 should be considered a single planning unit, a point which was agreed by Mr Tebb on behalf of the Council. A condition has been suggested by the Council to restrict the use of the building for purposes ancillary to the main use of No 10 St Swithun's Road by Hope Housing Associated and not for any other purpose, as shown on the approved plans. Whilst the application was considered on this basis, I am not persuaded that such a condition is necessary in this instance since the use of the permitted building for purposes which are not ancillary to the main use of Nos 8 and 10 would be likely to involve the creation of a new planning unit and a material change of use.
19. A condition was also suggested to restrict external seating at the site. However, I agree that such a condition would be unreasonable as there is currently no restriction at the site.

Conclusion

20. Appeal A, the S174 appeal on ground (a) and Appeal B, the S78 appeal succeed. Conditional planning permissions will be granted and the enforcement notice will be quashed. That being the case there is no need for me to consider the S174 appeal on grounds (f) and (g).

Formal Decisions

Appeal A: S174 Ref: APP/G1250/C/18/3217455

21. The appeal is allowed and the enforcement notice is quashed. Planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act (as amended) for the erection of a single storey outbuilding.

Appeal B: S78 Ref: APP/G1250/W/18/3217913

22. The appeal is allowed and planning permission is granted for an outbuilding at 8 St Swithun's Road South, Bournemouth BH1 3RQ in accordance with the terms of the application, Ref:7-2018-15236-A, dated 3 July 2018 subject to the following condition:

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans: 15-HH/139/101C.

M Savage

INSPECTOR

APPEARANCES

FOR THE APPELLANT

Tony Huggett	Agent
Alan Bertie	Manager
Julie Bertie	CEO
John Adams J.P	Trustee

FOR THE LOCAL PLANNING AUTHORITY

Colin Tebb	Bournemouth, Christchurch and Poole (BCP) Council
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DOCUMENTS SUBMITTED AT THE HEARING

- Document 1: East Cliff Conservation Area Appraisal & Management Plan extract
- Document 2: Plan No 15-HH/139/101C