
Appeal Decision

Site visit made on 22 May 2020

by S Leonard BA (Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 June 2020

Appeal Ref: APP/V1260/W/20/3246961

1555 Wimborne Road, Bournemouth BH10 7AZ

- 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 Miah (Spice of India) against the decision of Bournemouth Christchurch and Poole Council.
 - The application Ref 7-2019-5094-L, dated 15 June 2019, was refused by notice dated 15 August 2019.
 - The development proposed is described as *'change of use for upper rooms to allow for occasional rest rooms to become permanent bedrooms. Creation of covered storage area to the rear of the premises'*.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The description of development in the heading above is taken from the application form. It differs from that on the appeal form and decision notice which is *'alterations and single storey extension to restaurant to form a store and use of 1st floor as accommodation ancillary to the restaurant'*. My decision is based on this description, since it more accurately describes the proposal.
3. The Council has confirmed that, since the refusal of the planning application, the first floor front bedrooms have been sub-divided and that internal licensing visits by the Council confirmed that works had been carried out to facilitate the residential conversion. During my site inspection, I saw what appears to be internal partition walls in the first floor front two rooms visible behind the front elevation windows. I have dealt with the appeal accordingly.

Main Issues

4. The main issues are:
 - The effect of the development on the character and appearance of the host property and surrounding area; and
 - Whether the development will provide appropriate living conditions for future occupants, with particular reference to internal living space, communal facilities, outlook and noise.

Reasons

Character and appearance

5. The appeal property is located within a two-storey parade of commercial units in the Kinson shopping area. The ground floor is used as an Indian restaurant and takeaway, with staff accommodation/facilities at first floor. A hipped roof covers the front part of the building, with a two-storey hipped roof outrigger extension to the rear. The latter is surrounded by a number of flat-roofed single storey additions. Access to the rear is via a shared access drive from Horsham Avenue, which is a residential road. The single storey part of the building is visible from Horsham Avenue and the rear service lane.
6. Although there are some examples of flat-roofed buildings nearby, including the end of terrace property at the corner of Wimborne Road and Horsham Avenue, the predominant roof form within the site locality is pitched/hipped. In contrast to the flat-roofed corner property, which has a uniform, purpose-built two storey flat roof, the appeal property consists of a series of rear flat roofed single storey additions. These have the appearance of being added incrementally to the original building, with roof forms which do not visually integrate with the original roof design, and amounting to an overall disproportionate depth in comparison to the two storey element of the building. The extensions are utilitarian in design and include variations in fascia height above ground level and fascia design, such as elements of white fascia bands below the asphalt flat roof and darker timber fascias of varying depth above the asphalt. A section of light buff coloured bricks amongst the predominantly darker brickwork also adds another element of visual discord to this part of the building as viewed from Horsham Avenue.
7. The proposed extension would effectively 'square off' the side of the flat-roofed element where it is highly visible in views from the public realm. It would add to the existing disproportionate amount of flat roofed rear additions, resulting in an overdominance of single storey extensions that do not respect the character of the original property. The removal of the existing side and rear boundary fencing would expose the full depth of the flat-roofed element, so that it would be more readily visually apparent in views from Horsham Avenue. The single storey depth would also be accentuated by the horizontal design of the proposed timber cladding.
8. The ad-hoc character of the rear flat-roofed part of the building would be further increased by the introduction of a new walling material in the form of timber cladding, a fascia of a height, depth and design which would not match that of the existing rear-most part of the rear elevation, and a rear door design which would not match either of the existing rear doors. The result would be an incongruous addition to the property which would not respect the materials, roof detailing or fenestration of the existing building, and would appear discordant in views from Horsham Avenue and the rear access lane.
9. The installation of internal partitions within the two first floor front rooms has introduced a further discordant element to the host building. Notwithstanding the dark tinted glazing of the first floor front windows, the internal room partitions are visible within the front elevation when viewed from Wimborne Road. They add an incongruous element to the first floor which does not respect the fenestration design of the two large windows, which comprise a large part of the front elevation of the building. This visually intrusive impact is

accentuated by the fact that only one of the partitions is positioned centrally in relation to the window it lies behind. This serves to draw the eye towards this part of the building. This visually discordant impact could potentially be increased by the introduction of different window dressings within each of the front rooms.

10. For the above reasons, I find the appeal scheme to be materially harmful to the character and appearance of the host property and the surrounding area. As such, the development conflicts with Policies CS9 and CS41 of the Bournemouth Local Plan Core Strategy 2012 (the Core Strategy). These policies, amongst other things, seek to ensure that new development is well-designed and of a high quality, respects the site and its surroundings, and contributes positively to the appearance of the public realm. For similar reasons, the proposal would also be contrary to Policies of the National Planning Policy Framework 2019 (the Framework) which seek to secure high quality design as set out in Chapter 12.

Living conditions of future occupants

11. The Appellant states that the appeal scheme is to allow '*staff members to use the upper floor above the restaurant as habitable space in association with the work place*'. The Appellant has not provided specific details in respect of how the '*live-in*' accommodation would function. However, both main parties have confirmed that the premises have been the subject of a House in Multiple Occupation (HMO) licence application. The appeal scheme room layout provides for a separate access to the first floor residential accommodation which is independent of the ground floor restaurant, and, for separate access to each bedroom from a central corridor. On the basis of the evidence before me, I have therefore based my assessment of this main issue upon the potential for full occupancy of the bedrooms by individual households.
12. No communal lounge/dining room/kitchen facilities are proposed within the upper floor living accommodation. Whilst, as restaurant staff, the occupants may have access to the restaurant kitchen/dining facilities, the Appellant has provided no details in this respect, and even if proposed, I consider that such an arrangement is likely to be constrained to an extent by the operational requirements of the restaurant. As such, given the lack of first floor communal facilities, I find that the residential occupiers are likely to spend a significant amount of time in their bedrooms, so that room size and outlook would be of increased importance.
13. The Council states that all the bedrooms have a floorspace of less than 10 square metres and this is not disputed by the Appellant. The Council has not referred me to any specific living conditions standards in respect of room sizes and outlook which have been adopted by the Council. Notwithstanding this, I find that the bedroom sizes and room layouts would mean that with a bed and other furniture in the rooms, there would be very little usable space, and the rooms would feel confined and cramped. When taken together with the lack of communal lounge, dining room and kitchen facilities on the first floor, and the provision of only one shower room to be shared by all occupants, this would amount to a poor standard of living accommodation for future occupiers. The living conditions would be particularly oppressive in the case of one of the bedrooms which has no external outlook to enable the provision of natural daylight or ventilation.

14. Notwithstanding that the living accommodation would be occupied by restaurant staff, the Appellant has provided no confirmation of how the bedrooms would be protected against noise emanating from the restaurant and take-away below, including how the business would operate having regard to the residential accommodation above. In particular, the rear bedrooms could potentially be affected by noise from the kitchen extraction and ventilation ducting at the rear of the building. The Council has confirmed that there remain outstanding planning conditions attached to the restaurant and take-away planning approval, in respect of the ducting details and associated noise emissions. With the above in mind, I find that the Appellant has not satisfactorily demonstrated that there would be no material harm to the living conditions of the occupants of the bedrooms arising from noise impacts associated with the ground floor commercial premises.
15. For the above reasons, I therefore conclude that it has not been satisfactorily demonstrated that the appeal scheme would provide appropriate living conditions for the future occupiers of the first floor accommodation in respect of internal living space, communal facilities, outlook and noise. As such, the development would not accord with Policies CS38 and CS41 of the Core Strategy. These policies, amongst other things, seek to ensure that new development provides a high standard of amenity to meet the day to day requirements of future occupants, and that development that may be sensitive to existing or potentially polluting sources, including noise, will not be sited in proximity to such sources. This is generally consistent with paragraph 127 of the Framework, which seeks to ensure that developments will function well and promote a high standard of amenity, health and well-being for existing and future users.

Other Matters

16. The Appellant states that residential accommodation above commercial premises is a characteristic of the surrounding area, and that restaurants commonly provide live-in facilities for their staff. Whilst I have no reason to disagree with this, it does not alter my aforementioned findings in respect of the two main issues.

Conclusion

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

S Leonard

INSPECTOR