
Appeal Decision

Site visit made on 2 June 2020

by Benjamin Webb BA(Hons) MA MA MSc PGDip(UD) MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 12 June 2020

Appeal Ref: APP/V1260/W/20/3246314

174 Old Christchurch Road, Bournemouth BH1 1NU

- 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 T Rehima against the decision of Bournemouth, Christchurch and Poole Council.
 - The application Ref 7-2019-1284-P, dated 9 July 2019, was refused by notice dated 5 December 2019.
 - The development proposed is demolition of existing 2 storey structure and erection of a 3 storey rear extension to provide additional floor space to the lower ground and ground floor levels with a first floor smoking area and residential balcony above.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effects of the development on:
 - the living and working conditions of occupants of adjacent flats and offices with particular regard to (a) noise and air quality, and (b) outlook; and
 - the character and appearance of the area, including whether the scheme would preserve or enhance the character or appearance of Old Christchurch Road Conservation Area (the Conservation Area).

Reasons

Living and working conditions

3. The development would take place at the back of a terrace which from rear view extends to 5-storeys in height. Based on the evidence before me, flats currently occupy the upper 2 floors of No 174, the upper 2 floors of 176 Old Christchurch Road, and the top floor of 172 Old Christchurch Road. Other flats are located further along the terrace in both directions at the same and lower levels. Office users are otherwise located at first floor level at No 174 and second floor level at No 172.

(a) Noise and air quality

4. I have been provided with no data which seeks to measure, model or compare the existing and potential effects of sound and smoke leakage from the venue on sensitive receptors, including the additional noise that would be generated by the proposed air conditioning units. It is however obvious that the effects of

the development would differ from those of the existing. This is because the smoking area would be located at first floor level rather than ground floor level, bringing it both closer to windows in the upper floors of the terrace, and causing it to be more exposed within its broader setting; due to the potential for the smoking area to see greater use given the overall expansion of the nightclub; and because air conditioning units would be newly introduced to a location close to bedroom windows.

5. I accept that the installation of an acoustic ceiling above the smoking area would be more effective at containing noise than the canopy over the current smoking area. However, it would make little difference to the potential for smoke and sound to leak through the open trellising proposed to the back and sides. Neither sound nor smoke leakage could be appropriately addressed by a condition which required a survey and scheme of mitigation to be produced post-approval. This is due to a lack of certainty that any adverse effects could be satisfactorily mitigated. The same is true in relation to noise that would be generated by the proposed air conditioning units.
6. Some potential for noise generation could also derive from use of the balcony. This could occur at times of the day when the nightclub was not open. No comparable feature exists to the rear of flats in adjacent parts of the terrace. In the absence of any established context, noise generated on the balcony could thus be an appreciable source of disturbance. It is likely that the impact would be modest, but when considered in combination with the above, potentially harmful.
7. The decision notice also makes reference to the occupants of adjacent offices. There is again modest potential for noise generated on the balcony to cause disturbance, and to this may be added noise generated by the air conditioning units. However, as normal office hours do not generally coincide with those of a night club, any adverse effects from this source would be unlikely to arise. The overall potential effects would thus be less for office users than they would be for occupants of the flats, and unlikely to cause significant harm.
8. For the reasons outlined above, I conclude that it has not been demonstrated that the noise and air pollution that would be generated by the development would have an acceptable effect on the living conditions of occupants of adjacent flats. The development would therefore conflict with Policy CS38 of the Bournemouth Local Plan: Core Strategy 2012 (the CS), which states that in order to protect environmental quality, human health and safety and general amenity development will be required to minimise potential pollution; Policy CS41 of the CS which seeks to restrict development that would be detrimental to amenity; Policy D4 of the Town Centre Area Action Plan 2013 (the AAP), which amongst other things states that proposals should respect the amenity of existing residential uses; and provisions of the National Planning Policy Framework (the Framework) relating to standards of amenity. Whilst the Council has also cited Policy U9 of the AAP, this relates to additional as opposed to existing evening and night time uses, and so is not applicable.

(b) *Outlook*

9. The proposed extension would project the full depth of plot at first floor level, whereas no first floor extensions exist to the properties to either side. This would, in simple spatial terms, give rise to overbearing of the adjacent elevations, which would be accentuated by some probable reduction in the

amount of light they receive. However, insofar as I have been provided with an indication of use, the parts of the adjoining elevations in question do not serve either residential or office accommodation.

10. Consequently, I conclude that the development would not harm the outlook of occupants of adjacent flats or offices. Whilst this does not give rise to any additional conflict with Policy CS41 of the CS, or Policy D4 of the AAP, it does not alter the existence of conflict with these policies identified above.

Character and appearance

11. The site lies within the Conservation Area. The Conservation Area is designated to include much of Old Christchurch Road and some connecting streets, which together cover a large part of the historic centre of Bournemouth. The historic street and building layout, and the good range of late nineteenth and early twentieth century commercial and domestic buildings this contains, form important aspects of the significance of the Conservation Area.
12. No 174 lies within a long terrace of nineteenth century date. Given the role that the terrace plays in providing spatial definition to Old Christchurch Road, and the architecturally unified appearance of the upper floors, the terrace is a visually striking feature of the historic streetscene.
13. The rear elevation of the terrace is chiefly viewed from within Glen Fern Road, which lies just outside the Conservation Area. Views towards the west end of the terrace are obstructed by a multi-storey car park, and the rear elevations are here substantially obscured by bulky extensions. The eastern end of the terrace, including No 174, differs. This is more visible, and unlike the west end of the terrace retains a largely unified architectural appearance, historic character and identity above ground floor level. The continued survival of both the historic front and rear elevations of a substantial part of the terrace, as too the ability to publicly appreciate this, plays an important role in the overwhelmingly positive contribution that the building makes to the character, appearance and significance of the Conservation Area.
14. The proposed extension would partly replace an existing structure of low quality, but equally low visibility, currently occupying the ground and lower ground floor levels to the rear of No 174. It would be similarly built to the perimeter of the plot, but in extending to first floor level, it would be more substantial than either the existing structures or those adjacent to the rear of Nos 172 and 176. Consequently, a greater proportion of the rear elevation of No 174 would also be covered than it is at present. Aside from 3 large panels of metal 'trellis', which would form cage-like walls at first floor level, the elevations would be blank.
15. Neither the bulky rectilinear form, nor elevational treatment of the proposed extension, would resemble, or directly integrate with the rear elevation of the terrace. Whilst this is also true of the existing structures, given that these are both less visible and less substantial than that proposed, the dissimilarity and visual impact of the appeal scheme would be far more pronounced. This would be accentuated in contrast with the elevations to either side. It would be further emphasised by the incongruous appearance of the cage-like walls of the first floor, and cluttered combination of air conditioning units, balustrading and obscure glazed screening mounted on the balcony above. The latter would itself be an atypical feature viewed in context.

16. I accept that the multi-storey car park and adjacent modern development do not complement the setting of the Conservation Area. I also acknowledge that existing extensions at the west end of the terrace are bulky, and do not integrate with its historic architecture. An acceptance and acknowledgement of these points does not however form a basis to accept the harm that would arise from the proposed development. Indeed, within the context of the Conservation Area, this would clearly not achieve the objectives of either preservation or enhancement, and nor would it be beneficial in more general design terms.
17. I note that approval has previously been granted for a 2-storey rear extension, reference 7-20008-1284-N (the previous approval). Whilst it is unclear whether the previous approval remains extant, the scheme in any case differs from that currently proposed. Indeed, it did not include a first floor level or balcony, would have occupied much the same space as the existing structures to the rear of No 174, and featured an elevational treatment reflecting that of the terrace. Even if the previous approval exists as a fallback therefore, it provides no basis upon which to consider the current scheme to be acceptable.
18. In view of the above I find that the development would not preserve or enhance the character or appearance of the Conservation Area, and that, with reference to paragraph 196 of the Framework, the development would cause less than substantial harm to its significance. Having regard to the considerable importance and weight to be given to the statutory objective of preserving or enhancing conservation areas, I attach considerable importance and weight to the harm that would arise. The development would enable the modest expansion of the nightclub, the broader economic benefits of which are unlikely to be significant. Moreover, against this must be set the unacceptable effects that the development would be likely to have on the living conditions of occupants of adjacent flats. Consequently, there is little to weigh against the harm that would be caused to the significance of the Conservation Area.
19. For the reasons outlined above I conclude that the development would have an unacceptably adverse effect on the character and appearance of the area, including that of the Conservation Area. It would therefore conflict with saved Policy 4.4. of the Bournemouth District Wide Local Plan 2002, which seeks to secure the preservation and enhancement of conservation areas; Policy CS39 of the CS, which seeks to protect designated heritage assets; Policy CS41 of the CS, which amongst other things seeks to ensure that new developments both enhance character and aim to conserve and improve the townscape; Policies D3 and D4 of the AAP, which together seek to enhance the character and distinctiveness of the town centre; and provisions of the Framework relating to heritage and design.

Other Matters

20. The appellant notes that the development would make better use of the site and create much needed housing. However, whilst the latter point is irrelevant, given the harm that the development would cause, the fact that the site would accommodate more development than at present cannot be equated with its better use.

Conclusion

21. For the reasons set out above I conclude that the appeal should be dismissed.

Benjamin Webb

INSPECTOR