



Appeal Decision

Site visit made on 23 June 2020

by Paul T Hocking BA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 June 2020

Appeal Ref: APP/V1260/C/19/3239003

Land at 3 Solent Road, Bournemouth

- 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 J Russell against an enforcement notice issued by Bournemouth, Christchurch and Poole Council.
 - The enforcement notice was issued on 10 September 2019.
 - The breach of planning control as alleged in the notice is: Without planning permission, roof alterations allowing the formation of a dormer window and extension to the roof of the dwellinghouse.
 - The requirements of the notice are: a) Demolish the dormer window and roof extension; b) Reinstall the roof form so it accords with the roof form as shown from all the identified 'previous' elevations on Drawing No PRCUR 1 submitted with Planning Application 7-2019-17692-B (a copy has been attached to this Notice), ensuring all materials used are similar in appearance to those used in the construction of the exterior of the existing dwellinghouse; c) Following compliance with a) and b) above, remove all resulting materials from the land affected.
 - The period for compliance with the requirements is 6 months.
 - The appeal is proceeding on the grounds set out in section 174(2)(a) and (g) of the Town and Country Planning Act 1990 as amended. Since the appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.
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Summary of Decision

1. The appeal is allowed, the enforcement notice as corrected is quashed, and planning permission is granted in the terms set out below in the Formal Decision.

The Enforcement Notice

2. There is a minor typographical error within requirement c) of the notice. This can be corrected without injustice to the parties, which I shall do as part of my formal decision below.

The ground (a) appeal

Main Issue

3. The main issue is the effect of the roof alterations on the character and appearance of the dwelling and area.

Reasons

4. The site is located within an established residential area in close proximity of Southbourne Overcliff. Properties in the area are predominantly detached but are mixed and varied in terms of design and character. The appeal property consists of a detached rendered dwelling set within a mature plot. The development enforced against relates to roof alterations allowing the formation of a dormer window and extension to the main roof of the dwelling. These alterations are largely set to the side and rear.
5. Whilst the Council has enforced against roof alterations, extensions and a dormer window, and indeed require these all to be removed, they have confirmed in their Appeal Statement that it is only the dormer window that is considered to overwhelm the host dwelling. The roof alterations and extensions themselves are accordingly modest in scale and neither detract from the dwelling or character and appearance of the area.
6. The dormer window can be seen as you enter Solent Road, but it is partly obscured by a neighbouring building. It is however neither a prominent nor a conspicuous feature from where it is visible or can be glimpsed in public viewpoints from Solent Road or Clowes Avenue.
7. Whilst the dormer window could be regarded as a flat roofed box-like structure, it is set well below the ridge line and up from the eaves of the main roof, which provides some assimilation within the roof-slope. This reduces its dominance and so it does not appear contrived or as an overtly three-storey building. It is therefore not a dominant or harmful addition, and so respects the site and its surroundings. Whilst clad, it is the same colour as the rendered host dwelling.
8. The volume of the roof alterations, extensions and dormer window are therefore not incompatible with the visual appearance of surrounding properties. It is accordingly not inappropriately bulky when set in its context. Neither is it of a design that is out of keeping with its surroundings, given that other properties in the area have dormer windows, albeit I recognise these are generally smaller.
9. I conclude that the roof alterations are not harmful to the character and appearance of the dwelling and area. They therefore accord with Policy CS41 of the Bournemouth Local Plan: Core Strategy, October 2012, which require, amongst other things, for development to respect the site and its surroundings. For the same reasons they accord with the guidance of the Residential Extensions - A design guide for householders, September 2008, and the achieving well-designed places objectives of the National Planning Policy Framework.

Other Matters

10. The Council does not raise concerns about overlooking or overshadowing arising from the development enforced against. Whilst I appreciate neighbouring occupiers have raised such issues, these matters are not in dispute between the Council and appellant. Given the size of neighbouring plots, notably those along Clowes Avenue, I do not find that an unacceptable impact to neighbouring living conditions has arisen.

Conclusion

11. For the reasons given above I conclude that the appeal should succeed on ground (a) and planning permission will be granted. As the development is substantially complete, planning conditions to now follow the plans or in relation to materials are no longer necessary. The appeal on ground (g) also does not therefore need to be considered.

Formal Decision

12. It is directed that the word "for" be replaced by the word "from" within requirement c) of the notice.
13. Subject to this correction, the appeal is allowed, the enforcement notice is quashed and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act as amended for the development already carried out, namely roof alterations allowing the formation of a dormer window and extension to the roof of the dwellinghouse on land at 3 Solent Road, Bournemouth referred to in the notice.

Paul T Hocking

INSPECTOR