



Appeal Decision

Site visit made on 16 June 2020

by David Wyborn BSc(Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 July 2020

Appeal Ref: APP/V1260/W/19/3243666

17 West Cliff Road, Bournemouth BH2 5EX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by MS Residential Ltd against the decision of Bournemouth, Christchurch and Poole Council.
 - The application Ref 7-2019-1706-T, dated 23 April 2019, was refused by notice dated 24 October 2019.
 - The development proposed is to demolish existing building and erect a 5 storey building comprising 24 apartments for residential and holiday use with parking, bin and cycle stores.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application has been made in outline with access, layout and scale for consideration at this stage and landscaping and appearance for consideration at the reserved matters stage. Various alternative elevations have been submitted to seek to demonstrate that the appearance of the building, when considered at the reserved matters stage, would be acceptable. I have considered the proposed elevational treatments as indicative options which the appellant has in mind at this stage.
3. At the appeal stage a Unilateral Undertaking (UU) has been submitted to seek to provide Strategic Access Management and Monitoring which, in conjunction with the Community Infrastructure Levy, it is argued would provide the necessary mitigation to offset the effect of the proposal on the Dorset Heathlands Special Protection Area, Ramsar site, and the Dorset Heaths Special Area of Conservation. The Council has not raised an objection to the UU and on this basis I consider that it is satisfied that the UU addresses the second reason for refusal.

Main Issue

4. The main issue is the effect of the development on the character and appearance of the area, including the setting of the West Cliff and Poole Hill Conservation Area.

Reasons

5. 17 West Cliff Road, also known as Chequers Hotel, lies at the end of a row of substantial Victorian detached villas which sweep the gentle curve between

Durley Road South and West Cliff Road. I have taken into account the planning history of these buildings where relevant and noted at my site visit that the site next to 15 West Cliff Road, the previous Montague Hotel, was undergoing redevelopment. The remaining buildings have been converted to hotels and undergone varying degrees of alteration in the past. No 17 and the adjoining hotel, No 15, have had dominant mansard roof additions which detract from the quality of the original Victorian architecture.

6. No 17 is located outside, but adjoining, the boundary of the West Cliff and Poole Hill Conservation Area (the CA). In this area, the CA is significant because it includes large villas and hotels with Victorian origins and where many properties have a range of high quality architectural styles and detailing with a variety of roofscapes. No 17 is experienced in the sweep of the road with the adjoining properties and forms part of the immediate setting to the CA in this area.
7. The site has already been the subject of a number of planning applications, including permissions, as well as a dismissal at appeal. Permitted schemes would allow redevelopment of the site. In particular, an outline proposal for 20 flats set over 4 stories has been approved¹, which is a significant material consideration. The Inspector when he dismissed the appeal for 27 flats, to be accommodated over 4/5 stories, considered that the indicative external appearance would be acceptable² (although the appeal was dismissed on parking issues).
8. The external elevations for both these proposals appear generally well articulated with the mass of the building broken up with architectural detailing that makes some reference to the character of the adjoining CA. The scale of these proposals would broadly be in keeping with the wider CA buildings that they would be seen in association with. In the case of the 4/5 storey proposal the Inspector comments that the fifth storey would be a recessive feature which would not add significantly to the bulk of the building.
9. The present scheme, while having a similar footprint as the other proposals, would have a fifth floor which would extend over much of the building. Alternative indicative elevational designs have been submitted to help to demonstrate what could be possible were a building of the proposed layout and number of units be agreed. The roof form on these indicative plans, because of its extent and appearance, with little variation in form, would have a somewhat box like profile. Visually the indicative roof components would not be a recessive feature but add to the bulky appearance of the building. The suggested roofs would give the impression of additional height to the overall structure within the street scene, notwithstanding the proposed ground level for the construction of the building.
10. The elevational treatments, based on the layout, show quite bland building forms without the well-defined and distinctive architectural variation and composition that is a feature of some of the best buildings in the area. The bulk, extent and profile of the proposed alternative roof forms, in conjunction with the likely elevational form of the building, would not produce a structure that would sit sympathetically in conjunction with the generally more modest scale and articulated form of the neighbouring buildings within the CA. The

¹ Council reference 7-2018-1706-S

² APP/G1250/W/17/3184284

result would be that the building would appear as overly dominant, lack the subtlety of other buildings nearby and not add to the overall quality of the area as required by the National Planning Policy Framework (the Framework). Accordingly, the scheme would detract from the character and appearance of the street scene.

11. At my site visit, I noted some of the larger and taller buildings in the general locality, including Admirals Walk and Crescent Court. I have also taken into account the development of the site at 11-13 West Cliff Road, which includes 3 substantial structures within the CA. While I have had regard to the influence that these and other buildings have on the character and appearance of the area, they are not seen in the same context with No 17 in the views along West Cliff Road towards the CA. It is the relationship of No 17 to the scale and appearance of the buildings within that adjoining part of the CA which leads me, to a large extent, to conclude on the issue of harm to the character and appearance of the area. Accordingly, I attribute these other sites limited weight in the analysis.
12. It follows that, based on the information before me and whilst appreciating that appearance is a reserved matter, I consider that the scheme would harm the setting of the adjoining CA. Compared to the earlier schemes, I am not satisfied that the present proposal, set over 5 floors and with the layout as envisaged, could be designed at the reserved matters stage to have an acceptable quality of appearance and satisfactory scale in relation to the surroundings.
13. In this case, the harm to the setting of the CA and its significance would be less than substantial. The Framework requires in these circumstances that the harm be weighed against the public benefits of the proposal. The scheme would provide 24 apartments of which 17 units would be open market accommodation and 7 for holiday apartments. (This compares with the approved outline scheme [7-2018-1706-S] for 20 units which had 14 residential and 6 holiday apartments).
14. The proposal would make efficient use of this previously developed land and would deliver a boost to the supply of housing on a windfall site in a location with good access to services and facilities. There would be social and economic benefits to the local economy during construction and in subsequent occupation, including through the tourist accommodation, although these would be to a moderate degree due to the scale of the proposal, and in respect of construction would only be for a limited time. These would all be public benefits of the scheme, especially in a Council area that cannot demonstrate a Framework compliant supply of housing delivery. I have no conclusive evidence that the earlier approved outline scheme could not be pursued and therefore, in all likelihood, this proposal would lead to only a net increase of 4 units. Consequently, in the light of all these matters the benefits afford limited weight.
15. The Framework advises that any harm to the significance of a heritage asset (including from development within its setting) should require clear and convincing justification and that great weight should be given to the asset's conservation, irrespective of the potential harm to the significance. I have found that the public benefits of the proposal would afford limited weight and therefore would not outweigh the harm to the setting of the CA and its

significance, which although minor in terms of the CA as a whole, in accordance with the Framework, is required to be attributed great weight.

16. In the light of the above analysis, I conclude that the proposal would detract from the character and appearance of the area and harm the setting of the CA and its significance. Accordingly, the proposal would not comply with Policies CS21, CS39 and CS41 of the Bournemouth Local Plan: Core Strategy (October 2012), saved Policy 6.10 of the Bournemouth District Wide Local Plan (February 2002), Policy D4 of the Town Centre Area Action Plan (March 2013) and the Framework which seek, amongst other things, that development proposals should be of an appropriate scale, height, mass and built form.
17. Additionally, the harm I have found is such that the scheme would not accord with the approach set out in the Residential Development: A Design Guide (September 2008) which sets out to encourage locally distinctive design and promote best practice in layout and built form.

Other Matters

18. I have taken into account all the representations, both for and against the proposal, including those comments from the Bournemouth Civic Society. I understand the support from some local residents for the scheme may be in part because of the present appearance of the building and that redevelopment may assist with reducing anti-social behaviour in the area. However, these matters would all be benefits of a redevelopment proposal in general and as this scheme would cause harm to the character and appearance of the area, I attribute the support limited weight.

Planning Balance and Conclusion

19. I have outlined the benefits of the scheme above and concluded that they afford limited weight. The Council has confirmed that they are unable to demonstrate a Framework compliant supply of housing delivery. However, in this case because of the harm I have found to a designated heritage asset, which is not outweighed by the public benefits, the application of policies in the Framework that protect assets of particular importance provides a clear reason for refusing the development proposed. The presumption in favour of sustainable development as set out in paragraph 11d of the Framework is therefore not engaged.
20. Even if that was not the case, the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. This weighs heavily against the proposal.
21. For the reasons given above, the scheme does not comply with the development plan when considered as a whole and there are no material considerations that outweigh the identified harm and associated development plan conflict. I therefore conclude that the appeal should be dismissed.

David Wyborn

INSPECTOR