



Appeal Decision

Site visit made on 29 September 2020

by S Leonard BA (Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 October 2020

Appeal Ref: APP/V1260/D/20/3256580

44 R L Stevenson Avenue, Bournemouth BH4 8EG

- 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 Mrs Kate Shaw against the decision of Bournemouth, Christchurch and Poole Council.
 - The application Ref 7-2020-24254-B, dated 30 March 2020, was refused by notice dated 10 July 2020.
 - The development proposed is alterations, removal of pitched roof to rear of dwelling house, formation of roof terrace at 2nd floor level with balustrading and dormer extension to form doorway.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I have taken the description of the proposal from the Council's decision notice, which matches that on the appeal form. This is a more precise description of the development involved than that used on the planning application form.
3. The appellant has submitted amended drawings Ref ARK.SHA005, ARK.SHA006 and ARK.SHA007, together with an amended Design and Access Statement, and has requested that I consider these proposed changes to the scheme in my determination of the appeal. The appellant has confirmed that, following discussions with the case officer, it was confirmed that the Council would not support the proposed amendments, which include the introduction of a solid brick wall and soft landscaping perimeter screening, and that amended drawings were not submitted as part of the planning application.
4. The planning appeals procedural guidance¹ (Annexe M) advises that, if an applicant thinks that amending their application proposals will overcome the local planning authority's reasons for refusal, they should normally make a fresh planning application. Moreover, if an appeal is made, the appeal process should not be used to evolve a scheme, and it is important that what is considered by the Inspector is essentially what was considered by the local planning authority, and on which interested people's views were sought. Accordingly, I have determined the appeal on the basis of the scheme which was refused by the council and drawings Ref ARK.SHA001, ARK.SHA002, ARK.SHA003 and ARK.SHA004 as listed on the decision notice.

¹ Procedural Guide. Planning Appeals – England. The Planning Inspectorate August 2019.

Main Issues

5. The main issues are the effect of the proposed development on:
- the character and appearance of the Westbourne Conservation Area (the Conservation Area); and
 - the living conditions of the occupiers of 42 and 48 R L Stevenson Avenue in respect of privacy and noise and disturbance impacts.

Reasons

Character and appearance

6. The appeal property is a 3-storey terraced dwelling, finished in brick under a slate pitched roof, which incorporates the second floor accommodation, served by dormer windows to the front and rear. The building comprises the end property of a terrace of 7 similarly designed period properties.
7. The site lies within the Westbourne Conservation Area. Appendix 1 of the *Bournemouth District Wide Local Plan (2002)* (the Local Plan) confirms that the conservation area was developed in the 1860s as a "gracious, low density residential area" with subsequent redevelopment resulting in a much higher density. The site lies in one of 3 residential roads within the Conservation area, which lead south from a late Victorian/Edwardian period shopping centre. The Local Plan confirms that these roads include a mix of housing types, including unassuming modern houses in the centre part, and more striking dwellings in the south near Alum Chine. It also confirms that the Conservation area "forms a strong neighbourhood, with a cross-section of period development under threat from unsympathetic redevelopment".
8. The appeal property and the adjacent 6 dwellings stand out as an attractive example of a surviving Victorian terrace, amongst a mix of more modern development within the road. As such, the property reflects the origins of the development of this part of the Conservation area and makes a positive contribution to its character and appearance.
9. Notwithstanding some alterations, the terrace has maintained its original character and integrity, and there is a strong uniformity of design across all the houses in respect of materials, fenestration form and positioning, and architectural detailing. This applies to the front and rear elevations. To the rear, there is a regular pattern of similar rear dormers and hipped roof, 2-storey, subsidiary rear projections.
10. The rear roofscape of the appeal property is simple and uncluttered and the rear dormer window and extension roof are both clearly subservient to the main roof slope and separate from each other. This is consistent with the design of the terrace as a whole. Notwithstanding that railed roof terraces are often a feature of properties of the same period as the appeal dwelling, they do not feature on the appeal property or the terrace within which it sits.
11. The appeal scheme, by replacing the hipped roof with a roof garden, would introduce an incongruous element into the terraced building. It would disrupt the regular rhythm of development across its rear elevation. The proposal would result in a reduction in roof massing. However, due to the combined depth and width of the proposed terrace, the proposed railed surrounds and

the introduction of an additional dormer access door, the proposal would result in an alien and cluttered form of development. This would serve to draw attention to the rear roofscape of the appeal property, and would be at odds with the simple, unassuming rear elevations of the remainder of the properties within the terrace. The flat roof with railings above would give the rear projection a 'boxy' appearance that would be out of keeping with the prevailing hipped roofs of the rear extensions.

12. Although the development would not be widely perceived in views from the street, it would be visible from the access drive at the side of the site and from neighbouring properties. The introduction of this incongruous and discordant element to the building, and the erosion of the uniformity of the rear of the terrace as a whole, would be harmful to the character and appearance of the terrace and of the wider conservation area, given the significance of the building as one of the remaining groups of period properties within the Conservation Area.
13. I acknowledge that the proposed materials are intended to be sympathetic with the period of the property, and that the development would relate to an extension rather than the original property. However, these matters do not override the aforementioned harm that I have identified.
14. The appellant has drawn my attention to a number of roof terraces within the locality. I have not been provided with details of their addresses or planning history, and on the basis of the evidence before me, I find that none of these appear to be directly comparable with the appeal scheme in respect of their detailed design and relationship with the host property and neighbouring buildings. In any case, I must determine this appeal on the basis of the particular circumstances of the appeal site and on the merits of the scheme before me.
15. For the above reasons, I therefore conclude that the proposed development would fail to preserve or enhance the character and appearance of the Conservation Area. It would harm its significance as a heritage asset. As such the appeal proposal does not accord with Policy 4.4 of the Local Plan and Policy CS39 of the *Bournemouth Local Plan: Core Strategy (2012)* (the Core Strategy). These policies, amongst other things, seek to ensure that development proposals preserve or enhance the character or appearance of conservation areas, and protect designated heritage assets from inappropriate alterations and extensions that would adversely affect their significance. For similar reasons, the proposal would also be contrary to Policies of the *National Planning Policy Framework 2019* (the Framework) which seek to conserve and enhance the historic environment as set out in Chapter 16.
16. The statutory duty in Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 is a matter of considerable importance and weight. The proposal would have a negative effect on the significance of a designated heritage asset and would result in "less than substantial" harm in the words of the Framework (paragraph 196). No public benefits have been put forward to weigh against this harm.

Living conditions

17. The proposed roof terrace would have a useable floor space of about 19 sq.m, thereby providing a generous outdoor amenity area. Having regard to the

existing small rear private outdoor amenity space, and the family-sized nature of the dwelling, the proposed terrace has the potential to be well-used by the occupiers of the appeal site. It would extend to a depth of around 5 m, at second floor level, within close proximity of no.42. That property includes ground, first and second floor side and rear elevation windows, and a rear private outdoor amenity area, all within near distance of the proposal. As such, given the low height and the design of the perimeter railings, the appeal scheme would allow direct views into windows of no.42 and over its rear garden, resulting in a severe and unacceptable loss of privacy.

18. The development would also give rise to an increase in open air noise and activity at upper floor level, which would have the potential to significantly harm the living conditions of the occupants of no.42 due to disturbance impacts. These would be greater than those associated with similar activities at ground floor level where buildings, landscaping and boundary treatments all contribute to providing noise buffers, and given the proximity of the terrace to upper floor windows within no.42.
19. Whilst sited further away from the neighbouring dwelling at no.48, the proposal would still be sufficiently close to that property to afford direct and harmful overlooking onto the private rear garden of that property, which is sited adjacent to the access road separating the two properties. This would be significantly more harmful than the impacts arising from the existing upper floor side elevation windows of the appeal property, which are at a lower height than, and are not associated with as much potential people and activity as, the proposed terrace.
20. I have noted that the appellant has discussed a number of potential changes to the perimeter treatment with the Council prior to the determination of the planning application. However, I must consider this appeal on the merits of the scheme that was refused by the Council. On the basis of the evidence before me, I am not persuaded that appropriate perimeter screening could be achieved by means of a planning condition, due to the likely impacts upon the character and appearance of the host property and this part of the Conservation Area.
21. For the above reasons, I therefore conclude that the proposed development would materially harm the living conditions of the occupiers of 42 and 48 R L Stevenson Avenue, in respect of privacy and noise and disturbance impacts. As such, the development would not accord with Core Strategy Policy CS41, which, amongst other things, seeks to ensure that new developments enhance the amenities of neighbouring residents. 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

22. I acknowledge the appellant's desire for more private outdoor space, and that the Framework promotes healthy communities and places which promote health and well-being. I have also noted the appellant's willingness to incorporate sustainable design elements into the proposal. However, these matters would not address, or outweigh, the aforementioned harm that I have identified in respect of the main issues.

Conclusion

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

S Leonard

INSPECTOR