
Appeal Decision

Site visit made on 27 November 2020

by **L McKay MA MRTPI**

Inspector appointed by the Secretary of State

Decision date: 15th December 2020

Appeal Ref: APP/V1260/D/20/3253670

50 Boscombe Overcliff Drive, Bournemouth BH5 2DW

- 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 Ms Y Hanson against the decision of Bournemouth Christchurch and Poole Council.
 - The application Ref 7-2020-25820-B, dated 15 February 2020, was refused by notice dated 9 April 2020.
 - The development proposed is erection of external lift shaft to dwelling house.
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Decision

1. The appeal is allowed and planning permission is granted for erection of external lift shaft to dwelling house at 50 Boscombe Overcliff Drive, Bournemouth BH5 2DW in accordance with the terms of the application, Ref 7-2020-25820-B, dated 15 February 2020, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 1092/700 Rev C, 1092/701 Rev B, 1092/802.

Preliminary Matters

2. Although the Council's reason for refusal refers to a proposed 4-storey extension, this appears to be an error, as the appeal scheme shown on the submitted plans, which are the plans that were before the Council, is for a 3-storey lift shaft. I have considered the appeal on this basis.
3. There is another appeal for the equivalent development on the attached dwelling No 51, which is the subject of a separate decision. For the avoidance of doubt, I have considered each proposal on its own merits. There are however some similarities between the proposed developments, and as such there will be some duplication in the content of the decisions.

Main Issue

4. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

5. Boscombe Overcliff Road has a varied street scene, with modern 3 and 4 storey developments sitting alongside more traditional style dwellings. Both modern and traditional designs generally incorporate balconies, as well as strong vertical features such as bay windows and lift shafts. Vertical divisions between pairs of properties are a frequent theme in the modern developments. The appeal property shares these characteristic features and is typical of the modern developments in this part of the road.
6. The design and materials of the proposed lift shaft would relate well to the contemporary appearance of the existing dwelling, and would have similarities to the prominent lift shafts on the front of Nos 53 and 55. It would be set well back from the front of the property and would be lower than the existing building, and as such would only be visible from a short section of the road, due to the screening provided by existing buildings. The tinted glass proposed would limit views through the proposed lift shaft, however given its siting and small scale in relation to the existing dwelling, it would appear as a subservient addition to it. Therefore, the proposal would not be a prominent feature in the street scene.
7. Gaps between properties in this part of the road vary in size, and in places offer views between properties which contribute to creating visual separation between buildings of often significant size and bulk. In this case, the gap between the appeal property and No 49 has been altered by extensions to No 49 which come close to the boundary, and extensions to 38 Ravine Road to the rear which cut off views between the two properties. Fences further limit views between these dwellings. As a result, the existing gap between the lower levels of the buildings does not make a significant contribution to the street scene.
8. The proposal would further reduce the gap between Nos 50 and 49, however due to its siting and the relationship between the buildings this would not be readily appreciated from the public realm. It would not affect the space between the set-in top floor of No 50 and the roof of No 49, which contributes to the visual separation between the two properties. Moreover, the two properties are of very different appearance, therefore while the proposed lift shaft would bring them closer together, from the public realm they would still be seen as separate entities. As such, although it would not be 1 metre from the boundary as the Council's Residential Extensions Design Guide recommends, the proposal would not result in a terracing effect and would not appear cramped.
9. There is an equivalent proposal for a lift shaft to No 51, and if both that and the appeal proposal were built, the symmetry of the pair of dwellings would be retained. However, given its limited visual impact, even if built in isolation the appeal proposal would not have a harmful impact on the appearance of the existing dwelling or the pair.
10. Accordingly, the proposal would not harm the character and appearance of the area, and as such would not conflict with Policy CS41 of the Bournemouth Local Plan Core Strategy which seeks to achieve high quality design, or the aims of the Design Guide.

Other Matters

11. Due to its orientation, the appeal property already results in shading of No 49 in the morning. As the proposed lift shaft would be lower than the existing dwelling and set well back from the front wall, any additional shading of No 49 would be for a small proportion of the day and would not be significantly greater than that already experienced. Furthermore, given the height and proximity of the two existing dwellings, the proposal would have a very limited impact on daylight reaching the windows of No 49. I am also advised that they are not the only windows serving the respective rooms. As such, the proposal would not have a significant adverse effect on the living conditions of the occupiers of No 49 in respect of light.
12. While I recognise the neighbour's concern that the proposal would result in an increase in wind noise between the appeal property and No 49 in this exposed coastal location, there is no technical evidence before me to demonstrate that this would be the case. As such, it does not justify withholding permission. Access and maintenance are private, civil matters between the respective owners and are not therefore matters with which I can engage in this planning appeal.
13. The Council's Ecology consultee advised that the proposed development has the potential to impact on bats, which are a protected species. The Council confirms that there would be no loss of habitat from this proposal however. The proposed lift shaft would replace an existing window and would connect into occupied rooms of the dwelling, and would not affect any unoccupied areas or the roof space. The appellant also confirms that the warm roof construction means that the roof of the dwelling is sealed, leaving no opportunity for bats to access that space. Consequently, I do not consider that the proposal is likely to adversely affect bats.

Conditions

14. Conditions are necessary to set the timeframe for implementation and to require compliance with the approved plans, in the interests of certainty.

Conclusion

15. For the reasons given above, the appeal is allowed.

L McKay

INSPECTOR