



Appeal Decision

Site visit made on 2 June 2021

by Christopher Miell MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 June 2021

Appeal Ref: APP/V1260/D/21/3272514

23 Clowes Avenue, Bournemouth BH6 4ER

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr and Mrs Robin Kilminster against the decision of Bournemouth, Christchurch and Poole Council.
 - The application Ref 7-2020-26494-D, dated 20 August 2020, was refused by notice dated 17 February 2021.
 - The application sought planning permission for extensions and alterations to the existing dwelling without complying with a condition attached to a planning permission granted by Appeal Ref: APP/G1250/D/18/3209310 (Council Ref: 7-2018-26494-B), dated 31 October 2018.
 - The condition in dispute is No 2 which states that: The development hereby permitted shall be carried out in strict accordance with the following approved plans: 2017-08-04 rev B Site Plan; 2017-08-07 A Floor Plans as Proposed and 2017-08-09 rev A Elevations as Proposed.
 - The reason given for the condition is: In the interests of certainty it is appropriate that there is a condition requiring that the development is carried out in accordance with the approved plans.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The appellant submitted amended plans to the Council part way through the determination of the planning application. The Council explain that these plans were not carried forward and did not supersede the initial plans submitted with the planning application. This has not been disputed by the appellant. For the avoidance of doubt, I have determined the appeal on the basis of drawing numbers: 20-RG/446/003B and 20-RG/446/004B.

Background and Main Issue

3. Planning permission was granted on 31 October 2018 for alterations and extensions to the appeal property. The works include a roof extension above the existing garage, a single storey rear extension and an extension to an existing dormer window at the rear of the property.
4. The dispute between the main parties related to the dormer window extension. In determining the appeal, the Inspector found that the extended dormer would be a dominant feature when viewed from the rear garden of the appeal

- property, and could be considered to cause harm to the original roof form of the dwelling from this perspective by virtue of its lack of subservience and overall bulk. However, he noted that the extended dormer would only be seen from the rear garden of the host property, and the private rear areas of a few neighbouring properties, and, that the proposal must be considered in the context of the existing bulky dormer at the site. Taking all of these matters into account, he concluded that the extended dormer would not cause harm to the wider character and appearance of the area, and, thus the appeal was allowed.
5. The planning permission was granted subject to a condition that requires the development to be carried out in accordance with the approved plans. The condition was imposed in the interests of certainty to ensure that the development is carried out in accordance with the approved plans.
 6. The current appeal seeks permission to amend the approved plans list condition to allow for an alternative development to take place at the appeal property. The current proposal comprises of a porch extension, fenestration alterations at ground floor level on the front elevation, a roof extension above the existing garage, a single storey rear extension and an extension to the existing dormer window at the rear of the property.
 7. The roof extension above the existing garage would be materially larger when compared to that shown on the approved plans. The garage roof extension would tie into the ridge of the host building and form a hipped roof on the north east elevation. Under the approved plans it is stepped down below the ridge to form a cropped gable.
 8. The dormer extension would be materially wider and higher when compared to that shown on the approved plans. In addition, the external surface of the dormer would be rendered to match the host building, as opposed to natural cladding, as per the approved plans. The extended dormer would tie into the flank wall of the property and ridge of the host building to create an asymmetrical roof profile on the south west elevation. Under the approved plans, the extended dormer is inset from the south west elevation and it features a flat roof form that sits well below the ridge of the host building.
 9. The dispute between the parties relates to the acceptability or otherwise of the proposed garage roof extension and the rear dormer extension. Therefore, the main issue is the effect of the development upon the character and appearance of the area.

Reasons

10. Clowes Avenue is a residential cul-de-sac located near to Southbourne Beach. The properties on Clowes Avenue are typically detached dwellings situated within generous plots set back from the road behind verges and front gardens. Overall, the street has a spacious character which contributes positively to the local distinctiveness of the area.
11. There are a variety of property types along Clowes Avenue and many of the dwellings appear to be individually designed. However, most of the properties are either single storey bungalows or one and a half storey properties with upper floor accommodation provided at roof level by dormer windows and/or roof extensions.

12. The appeal property is located at the southern end of Clowes Avenue and has a 'T-shaped' roof form with a steep gable roof and a central gable feature on the front elevation. The dwelling has two floors of accommodation and its ridge height is slightly higher than the neighbouring properties.
13. The appellant argues that the proposal is no more than an alternative design for much the same scheme, and, thus he contends that the findings of the previous Inspector are relevant to the current case.
14. I disagree with the appellant's position that the revised proposals are 'much the same scheme'. The revised proposals are materially different when compared to the approved plans. Most notably, the revised proposals feature materially larger extensions above the existing garage and to the rear dormer, all of which would fundamentally alter the roof form of the host building. Therefore, it does not follow that the findings of the previous Inspector can be applied verbatim to the current proposal.
15. Whilst I am cognisant of the varied design and appearance of the properties in the local area, including those on Southbourne Coast Road, which are readily visible from Clowes Avenue, I consider that the revised proposals would result in a property with an unbalanced roof form, with a hipped element on the north east side, central gable projection on the front elevation and an asymmetrical roof form to the south west elevation, which would appear as an incongruous and unduly prominent form of development when viewed from the street.
16. Moreover, when compared to the approved plans, neither of the respective extensions would retain a subordinate relationship with the host building. On the contrary, the current proposals would fundamentally change the roof form of the host building and the existing steep gable roof form, which appears well balanced when viewed from the street, would be lost.
17. Whilst I acknowledge the garage roof extension would act to screen views of the extended rear dormer when approaching the appeal property from the north, when viewed from the southern end of Clowes Avenue the unbalanced nature of the appeal property would be readily visible from the street. Moreover, partial views would also be visible from the rear facing aspects of the nearby properties on Southbourne Coast Road.
18. The Council have expressed concern about the rendered exterior finish of the proposed dormer extension. In particular, my attention has been drawn to the previous Inspector's findings where he noted that "the use of natural cladding would provide some visual contrast between the dormer and the area of render below, which would help to reduce the bulk of the dormer". Whilst this may be the case, I am satisfied that matching render would be an acceptable finish for an extended dormer at the appeal property. Nevertheless, this alone would not overcome or outweigh the concerns I have identified above.
19. For the collective reasons outlined above, I conclude that the proposal would significantly harm the character and appearance of the area. As such, the proposal would not accord with Policy CS41 of the Bournemouth Local Plan: Core Strategy (2012) which requires development to be well designed and of a high quality, which respects the site and its surroundings.
20. In addition, the proposal would conflict with design guidance contained within the Council's Residential Extension: A Design Guide For Householders (2008),

which, amongst other things, states that proposals should maintain or enhance the character of the existing house and its setting.

21. Accordingly, the proposal would also be inconsistent with paragraph 127(c) of the National Planning Policy Framework (the 'Framework'), which requires development to be sympathetic to the local character. Paragraph 130 of the Framework makes clear that planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area.

Conclusion

22. For the above reasons, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

Christopher Miell

INSPECTOR