



Appeal Decision

Site Visit made on 15 September 2021

by M Bale BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 September 2021

Appeal Ref: APP/V1260/W/21/3273260

128 Broadway, Southbourne, Bournemouth BH6 4EH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr & Mrs Eggleton against Bournemouth Christchurch and Poole Council.
 - The application, Ref. 7-2020-27904, is dated 13 October 2020.
 - The development proposed is to demolish the existing dwelling and garage and erect a replacement chalet dwelling with integral garage.
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Decision

1. The appeal is allowed and planning permission is granted to demolish the existing dwelling and garage and erect a replacement chalet dwelling with integral garage at 128 Broadway, Southbourne, Bournemouth BH6 4EH in accordance with the terms of the application, Ref. 7-2020-27904, dated 13 October 2020, subject to the conditions in the attached schedule.

Procedural matter

2. Amended plans were provided to the Council during the application process. The Council confirm that the changes were very minor, although they addressed some concerns regarding overlooking. Given the limited amendments, no party would suffer injustice if I were to consider the appeal on the basis of the amended plans.

Main Issues

3. The main issues are the effect on the character and appearance of the area; and the effect on the living conditions of Nos. 126, 126a and 130 Broadway, with regard to outlook.

Reasons

Character and appearance

4. Broadway is a long, straight road lined by buildings and leading to the coast at one end. Dwellings are set back behind front garden areas, and there are verges along the roadside which gives the area an open, spacious character and suburban appearance.
5. Although the dwellings at and adjoining the appeal site are modest in stature and well-spaced, with similar roof and ridge lines to one another, they differ in detailed design and are just a small part in general street scene that contains a wide variety of dwelling styles, materials, and sizes. There remains a mix of

single and two-storey dwellings on the coastward side of the site and, in any case, partly due to the road alignment, this area does not stand visually separate to the landward stretch of Broadway that has numerous two-storey, tightly spaced dwellings.

6. The proposal would be notably larger than the existing dwelling at the site, filling the width of the plot with a structure that had a two-storey appearance due to its raised eaves. Extensive glazing to the twin front gables would create a bold statement with a clear vertical emphasis in its detailing. However, while this would render it larger than its, currently, similarly sized neighbours, the variety of dwellings in the area would prevent it appearing out of place in scale or design. The frontage would be stepped, with the left hand gable above the integral garage being recessed behind the line of the neighbouring 126 Broadway, which would prevent it appearing overly prominent in views along the road.
7. The adjoining properties at 126 and 126a Broadway have rear gables against the boundary. An existing flat-roof garage at the site creates space to these properties which would be lost through the proposal. However, while the current design and layout of Nos. 128-132 leaves additional visual separation, particularly at roof level, this is not a defining feature of Broadway generally, nor is it essential to the general open or spacious character that I have identified.
8. The Council's Design Guide relating to residential extensions requires subservient relationships such that existing dwellings are not overwhelmed. However, this proposal is for a replacement development rather than an extension and so I attach little weight to these principles. More important is respecting context and the use of simple, robust detailing, as set out in Residential Development: A Design Guide 2008. For the above reasons, the development would be acceptable in those regards.
9. I, therefore, find that there would be no harm to the character and appearance of the area and no conflict with those aims of Policy CS41 of the Bournemouth Core Strategy 2008 (CS) that require development to respect its site and surroundings, enhancing local distinctiveness and character.

Living conditions

10. The gables of Nos. 126 and 126a facing the site contain round windows, but there is no substantive evidence that these small openings provide significant light or outlook to key habitable spaces. Built form would be closer to them than now, but the roof would slope away allowing light to continue to penetrate. Therefore, I find that there would be no demonstrable harm to the living conditions of the occupiers of these properties.
11. On the opposite side, the new dwelling would extend further back alongside the boundary with No. 130. The building would be higher, and the gabled roof form more imposing, than the existing hipped arrangement and lightweight conservatory. Nevertheless, those windows of No. 130 that face the site are already alongside the building so there would be no harm to outlook from them. No. 130 is set away from the boundary by the width of its own drive and its garage is also alongside the site boundary, between its main rear garden area and the site. These characteristics, together with the generally open

nature of the remaining boundaries, mean that No. 130 would not be harmfully enclosed by the new dwelling.

12. With regard to the above, I find that the building would not be obtrusive and there would be no harm to the living conditions of the occupiers of the neighbouring dwellings. There would be no conflict with those aims of CS Policy CS41 that seek to protect these interests.

Other Matter

13. The replacement of buildings, rather than modernisation of existing ones, is considered by some to be wasteful. However, I have not been directed to any particular policy that prevents such action. I, therefore, attribute limited weight to this matter.

Conditions

14. A plans condition is required in the interests of certainty. To protect the character and appearance of the area, the materials specified in the application should be used. Working hours should be restricted to protect the living conditions of those residents in close proximity to the site. In the interests of highway safety, a condition securing pedestrian visibility splays at the access is required. I have made some amendments to the Council's suggested conditions in the interests of clarity.
15. The Council has suggested that the rooflights should be at the height specified in order to prevent overlooking. However, as development must be carried out in accordance with the approved plans, there is no clear reason for this condition. Nor is there obvious justification for the removal of permitted development rights, so this would be unreasonable. I have not, therefore, imposed these conditions.
16. A surface water drainage scheme has been provided amongst the submitted plans and listed as to be approved in the Council's list of conditions. There is no clear reason for me to conclude that the specified arrangements are not suitable, so I have not required submission of another one.

Conclusion

17. For the reasons given, I conclude that the appeal should be allowed.

M Bale

INSPECTOR

Schedule

- 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: 2020-08-11; 2020-08-12; 2020-08-13; 2020-08-14; 2020-08-15; 2020-08-16A; 2020-08-17; 2020-08-18; 2020-08-19D; 2020-08-20B; 2020-08-21.
- 3) Prior to the occupation of the development hereby permitted, details of pedestrian visibility splays at the access shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to the occupation of the dwelling hereby permitted and shall thereafter be maintained as such.
- 4) All on-site working, including demolition and deliveries to and from the site, associated with the implementation of this planning permission shall be carried out only between the hours of 8 a.m. and 6 p.m. Monday - Friday, 8 a.m. and 1 p.m. Saturday and not at all on Sundays, Public and Bank Holidays unless otherwise agreed in writing with the Local Planning Authority.
- 5) The materials to be used on the external surfaces of the proposed development shall be as specified on the application form/plans unless otherwise agreed in writing by the Local Planning Authority.