



Appeal Decision

Site Visit made on 12 October 2021

by Nick Davies BSc(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 October 2021

Appeal Ref: APP/V1260/W/21/3276798

Richmond Court, 122 Richmond Park Road, Bournemouth BH8 8TH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 20, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Prime Space Properties Ltd against the decision of Bournemouth Christchurch and Poole Council.
 - The application Ref 7-2021-8211-E, dated 19 January 2021, was refused by notice dated 30 April 2021.
 - The development proposed is addition of 2 storeys to existing block of flats to create 6 additional flats.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have used the description of the proposed development from the appeal form, as it more accurately and concisely describes the proposal than that given on the application form.
3. Revised plans numbered 20-165-05 Rev A, 20-165-06 Rev A, and 20-165-08 were submitted during consideration of the application. The amendments involved lowering the overall height of the proposal. These drawings are not referred to on the Council's decision notice, but the evidence indicates that the Council made its decision on the amended scheme. Consequently, I have also made my decision on this basis.
4. The Council's reason for refusal refers to specific paragraphs of the National Planning Policy Framework (2019). During the appeal, on 20 July 2021, the Government published its revised National Planning Policy Framework (the Framework). In the revised version these paragraphs have been altered and renumbered. The appeal timetable has allowed both parties the opportunity to make comments relating to the updated Framework.
5. Paragraph B (15) of Part 20, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO) requires the local planning authority to take into account any representations made to them as a result of consultation, and to have regard to the Framework, so far as relevant to the subject matter of the prior approval, as if the application were a planning application. My determination of the appeal has been made on this basis.

6. The principle of the development is established by the GPDO. The prior approval provisions do not require regard to be had to the development plan. I have therefore only had regard to the policies of the development plan in so far as they are material to the matters for which prior approval is sought.

Background and Main Issue

7. Subject to a number of qualifying criteria, paragraph A of Part 20 of Schedule 2 of the GPDO grants planning permission for the construction of up to two additional storeys of new dwellinghouses immediately above the existing topmost residential storey on a building which is a purpose-built, detached block of flats. Paragraph A.1 sets out the circumstances in which development is not permitted by Class A. The Council does not dispute that the proposal would be permitted development against the criteria in A.1.
8. Paragraph A.2 requires developers to apply to the local planning authority for prior approval as to a range of matters in (1) (a) to (j). The Council's reason for refusal indicates that it refused prior approval solely under the matter described in (1) (e), which is the external appearance of the building.
9. Therefore, the main issue in this appeal is the effect of the development on the external appearance of the building.

Reasons

10. The existing building is a four-storey block of flats, centrally located within a large plot that fronts Richmond Park Road. It is a rectangular building with red brick walls and a flat roof. There is little articulation in its form to relieve its cuboid appearance, and minimal design detailing to add interest to its elevations. It is not, therefore, of any particular architectural merit. However, it does have a broadly symmetrical and balanced pattern of fenestration, so it has a coherent appearance. It also sits well back from the road and is of a scale, layout and character that is consistent with other buildings on this side of the road. Consequently, its external appearance comfortably assimilates into its surroundings.
11. Paragraph 120 of the Framework gives support to the use of the airspace above existing residential premises for new homes. It advises that upward extensions should be allowed where the development would be consistent with the prevailing height and form of neighbouring properties and the overall street scene, and is well designed. In this case, the GPDO already approves the principle of the increase in height, so any divergence with the height of surrounding buildings is an inevitable consequence of the permitted development right. However, the Framework's aim to achieve well-designed places is relevant to my consideration of the resultant external appearance of the building.
12. The proposed two-storey upward extension would take the form of a flat-roofed rectangular box clad in grey panels. Although it would be slightly set back from the perimeter walls of the existing building, it would still cover most of the roof area. Consequently, its two-storey height, would make it a very evident addition to the building in views from the ground, other than from a small area immediately adjacent to the building. It is explained that the grey panels are proposed to contrast with the brick of the existing structure, to make the extension recede into the background and maintain the visual primacy of the

existing building. However, the height and bulk of the extension means that it would not be a subservient addition. Instead, it would draw the eye, and compete with the lower portion of the building for visual dominance, resulting in an unbalanced and rather top-heavy appearance.

13. The uncomfortable visual relationship between the extension and the existing building would be emphasised by its slightly off-centre positioning relative to the central brick panel on the front elevation of the host structure. This would be further exacerbated by the misalignment of the window positions, which would result in a disjointed appearance to the building as a whole. Overall, the bulk, materials, and design of the extension would pay little regard to the existing building below, so would appear as an awkward addition. Consequently, the resultant building would have an incoherent external appearance.
14. It is contended by the appellant that the proposal is simply a continuation of the form of the upper section of the building that has already been granted planning permission¹. However, the evidence shows that under this approved scheme, the contrasting upper storey would be subservient to the more solid structure below. It is also evident that the extension would be visually linked to the existing building through the addition of design features at the lower levels, and more consistent window proportions and alignments. Consequently, the approved scheme would result in a building with a visually coherent external appearance.
15. It is also argued that public views of the building are very restricted by existing mature vegetation. However, whilst this is the case when looking towards the site from the southwest, the building is readily visible over the boundary fence and vegetation from the pavement directly opposite the site. It is also visible from Richmond Wood Road to the northwest, through the gap between Nos 56 and 58. From both of these viewpoints the incongruous appearance of the upward extension, and its disjointed relationship with the host building would be very apparent.
16. Paragraph 126 of the Framework says that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve, and that good design is a key aspect of sustainable development. Paragraph 134 says that development that is not well-designed should be refused. For the reasons given above, I find that the design of the upward extension would not constitute good design, so would conflict with the Framework's aim to achieve well-designed places. The proposal would also be contrary to Policy CS41 of the Bournemouth Local Plan: Core Strategy (2012), which seeks to ensure high-quality design, and is therefore relevant to the subject matter for which prior approval was refused.

Other Matters

17. The proposed development would provide six additional flats. It is not disputed that the Council cannot demonstrate a five-year supply of deliverable housing sites. In these circumstances, the appellant contends that the advice in paragraph 11 d) ii) of the Framework should apply, and permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the

¹ LPA Ref: 7-2019-8211-D

Framework taken as a whole. However, as noted in paragraph 5 above, the legislation relating to the prior approval process only requires me to have regard to the Framework so far as relevant to the subject matter of the prior approval. In this case, the subject matter is limited to the external appearance of the building.

18. The Planning Practice Guidance notes that "*prior approval is a light-touch process which applies where the principle of the development has already been established*".² It goes on to explain that it is not intended to replicate the planning application system. In view of the legislation and guidance relating to the prior approval process, I have based my decision purely on the subject matter of the prior approval, rather than on a wider consideration of the benefits and adverse impacts of the proposed development.

Conclusion

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

Nick Davies

INSPECTOR

² Paragraph: 028 Reference ID: 13-028-20140306