



Appeal Decision

Site Visit made on 15 November 2021

by Nick Davies BSc(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8th December 2021

Appeal Ref: APP/V1260/W/21/3277704

22 Haven Road, Poole BH13 7LP

- 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 Mr Simon Moxey (Moxey Associates Ltd) against the decision of Bournemouth Christchurch and Poole Council.
 - The application Ref APP/20/01443/F, dated 7 December 2020, was refused by notice dated 31 March 2021.
 - The development proposed is development of rear extension at ground and first floors including mixed use of B1 Office and D2 Leisure. Roof terrace to rear over extension with glazed access doors and enlarged windows overlooking.
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Decision

1. The appeal is allowed and planning permission is granted for “development of rear extension at ground and first floors including mixed use of Office and Leisure. Roof terrace to rear over extension with glazed access doors and enlarged windows overlooking” at 22 Haven Road, Poole BH13 7LP in accordance with the terms of the application, Ref APP/20/01443/F, dated 7 December 2020, and the plans submitted with it, subject to the conditions in the attached schedule.

Application for costs

2. An application for costs was made by Mr Simon Moxey (Moxey Associates Ltd) against Bournemouth Christchurch and Poole Council. This application is the subject of a separate Decision.

Preliminary Matters

3. I have used the description of the development as given on the application form. However, on 1 September 2020, the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 came into force. As a consequence, Classes B1 and D2 of the Town and Country Planning (Use Classes) Order 1987 have been revoked. Uses formerly falling within these Classes are now within the newly created Classes E and F. The transitional provisions relating to these amendments expired on 31 July 2021. I have therefore omitted reference to the superseded Use Classes in my formal decision.
4. An amended drawing, numbered A.03.3C, was submitted during the appeal. The Council has commented on the amended plan, and I have had regard to its response in my decision. The drawing corrected a conflict between the originally submitted floorplans and elevations, and clarified that the elevations

correctly portrayed the proposed development. This being the case, I see no prejudice to any party in my consideration of the amended plan.

Main Issue

5. Since the decision, the Council has granted planning permission for a rear extension at ground floor level for office use¹. Furthermore, the Highway Authority raised no objections to a subsequent application², which would be similar to the appeal scheme in terms of the uses proposed, floorspace, and parking arrangements. As a result, the Highway Authority no longer objects to the appeal scheme. Consequently, the Council has confirmed that its second reason for refusal on the decision notice has been overcome.
6. Therefore, the main issue is whether the proposal preserves or enhances the character or appearance of the Canford Cliffs Conservation Area.

Reasons

7. The Canford Cliffs Conservation Area (the CA) comprises of two main elements; a residential area of spacious, sylvan character; and a commercial street of two and three storey terraces running along the back edge of the pavement on both sides. The appeal site lies in the latter of these two areas, which derives its significance from the sense of enclosure provided by the historic terraces; the interesting and attractive shopfronts; and the rhythm of roofs with gable ends facing the road. These features set it aside from the spacious residential surroundings and give it a distinctive character. The frontage of the appeal building onto Haven Road displays all of these features and therefore makes a positive contribution to the significance of the CA.
8. The terrace within which the appeal building is situated backs onto Westlands Drive, which is far more utilitarian in character, with an assortment of extensions and outbuildings, together with unattractive boundary treatments and open car-parking in the rear yards. The Canford Cliffs and Penn Hill Conservation Areas Boundary Review (2014) describes Westlands Drive as an unattractive negative feature within the CA. It goes on to say that small scale ancillary buildings that improve the appearance of this rear access yard will be supported. I saw that the only positive contribution that the rear of the appeal site makes to the significance of the CA, is as a constituent part of the historic frontage terrace, which has a scale, form and coherent roofscape, which can still be discerned above the varied range of lower-level buildings in the rear yards.
9. The proposal includes an infill extension between the existing two-storey outshot and the eastern boundary, which would provide additional office accommodation on the ground floor with a terrace over. This element of the development was approved by the Council, prior to the start date of the appeal, under reference APP/21/00796/F, so is not a matter of dispute.
10. The second element is a single storey structure, occupying the full width of the plot, and extending rearwards from the office accommodation to about five metres from Westlands Drive. This extension would house a yoga studio and a covered atrium, with rear access to the offices. In its decision notice and appeal statement, the Council contends that the proposed scale, mass,

¹ LPA Reference APP/21/00796/F

² LPA Reference APP/21/01166/F

footprint, and width of this extension would dominate the rear of the site, resulting in a cramped appearance that would be harmful to the CA. During the appeal, however, the Council has granted planning permission for an alternative proposal, under reference APP/21/01166/F (the permitted scheme). As the permitted scheme would provide a similar level of accommodation to the appeal proposal, there is a real prospect that it would be implemented if I were to dismiss the appeal. It therefore represents a fallback position, which carries significant weight in my decision.

11. The permitted scheme would cover the entire width of the plot, and would extend as far rearwards as the appeal proposal. The site coverage would, therefore, be the same. The permitted scheme would also be fundamentally similar in form, with a ridged roof and a gable facing Westlands Drive. The gable of the permitted scheme would be a little higher than that under the appeal proposal. Nevertheless, the scale and mass of the two schemes would be very similar. Consequently, the effect of the appeal proposal on the character of the CA, arises from any differences in its detailed design in comparison to the permitted scheme, rather than from its bulk and extent.
12. In the appeal scheme the ridge is continuous across the entire extension, whereas the permitted scheme has a lower section of roof over the covered atrium. This lower section would result in some visual separation between the yoga studio element of the extension and the office building. A lightweight link between historic and new development is often desirable to maintain the visual integrity of the former. In this case, however, the rear elevation of the original frontage building is already partially covered by a more recent two-storey extension, and would be fully subsumed by the office extension that has already been permitted under reference APP/21/00796/F. The ridge of the appeal scheme would be lower than the eaves of the existing extension, so would not conceal the upper floors and roofscape of the original terrace, which contribute positively to the significance of the CA.
13. The section of roof in question would not be visible from many viewpoints, as it would be largely hidden by the yoga studio element of the building, and by the extensions and outbuildings at the rear of the surrounding plots. It would be visible from the western end of Westlands Drive, behind the outbuilding on the adjacent plot, but from here it would be seen amongst a complex array of roofs of various heights, including the higher flat-roofed extension to which it would be attached. The purpose of a lower section of ridge, in retaining the subservience of the extension, would not be apparent from here. The ridge of the appeal proposal would already be much lower than the main frontage building, and it would be seen amongst a range of other similar roofs extending back from the frontage development, with the historic roofscape of the terrace retaining its visual dominance above and beyond.
14. I am also mindful that the break in the ridge in the permitted scheme was achieved, partly, by increasing the height of the roof over the yoga studio. This would result in a larger gable facing Westlands Drive, which would increase its prominence, thus negating any minimal benefits from the break in the ridgeline at the rear. In view of these considerations, I find that the continuous ridgeline of the appeal proposal would not have a greater impact on the character or appearance of the CA than the permitted scheme.

15. The other main difference between the permitted scheme and the appeal proposal is the arrangement of the first-floor windows in the existing two-storey extension. In both cases, the existing windows would be removed, and the openings reconfigured. In the permitted scheme, large areas of multi-paned glazing would be installed. The appeal scheme would involve a more traditional arrangement of openings. Little detail is provided on the drawings, and the appellant has suggested that a condition could be used to ensure that the windows would be visually appropriate.
16. This face of the building is at right angles to the rear elevation the frontage building, so is not prominent in the street scene. It is only visible in oblique views from the east, which are mostly obscured by the outbuildings at the rear of the other plots. The windows would be further screened by the proposed extension. The evidence also indicates that planning permission has been granted for a two-storey extension on the site to the east, which would further conceal this part of the building from public view. Bearing this in mind, and in view of the wide range of window proportions and designs in the rear elevations of the surrounding buildings, the arrangement under the appeal proposal would not have a perceptibly different impact on the character and appearance of the CA than the permitted scheme.
17. For the above reasons, I conclude that the appeal proposal would have a very similar impact on the character and appearance of the CA as the permitted scheme. Consequently, the significance of the heritage asset would be preserved. The development would, therefore, accord with Policies PP27 and PP30 of the Poole Local Plan (2018) (the Local Plan), which seek to preserve or enhance heritage assets and ensure a good standard of design in all new developments. It would also accord with the aims of the National Planning Policy Framework to conserve and enhance the historic environment.

Other Matters

18. Concerns have been raised in representations regarding loss of privacy, and noise disturbance, to the occupants of residential properties in Moorfields Road. However, the windows in the gable end of the extension facing in this direction would be high level, so would not result in any overlooking. The first-floor terrace has already been approved under the permitted scheme. The appeal proposal would not have any greater impact on privacy or noise disturbance in this regard. Similarly, the appeal proposal would not result in any increase in traffic movements compared with the permitted scheme, so there would be no increase in noise and disturbance from vehicles.

Conditions

19. In accordance with the legislation, I have imposed a condition limiting the period within which the development must commence. I have also included a condition specifying the relevant plans, as this provides certainty. Both parties have submitted a schedule of suggested conditions to cover other matters. I have considered all the suggested conditions against the advice in the Planning Practice Guidance. Where I have agreed that the conditions are necessary, I have altered them, in the interests of clarity and precision, to better reflect the guidance.
20. Conditions requiring approval of the external materials and window details are reasonable and necessary to ensure that the extension preserves the character

and appearance of the CA. A condition requiring the provision, and retention, of the approved car-parking and cycle storage is necessary to ensure that adequate facilities are available for operational vehicles attracted to the site, and to encourage the use of sustainable travel options. Conditions requiring the incorporation of measures to ensure a proportion of future energy use from renewable sources, and to secure a 'Very Good' BREEAM rating are necessary to comply with Policy PP37 of the Local Plan.

21. The evidence indicates that the site is adjacent to a place where underground fuel storage tanks were present and subsequently decommissioned. To protect the future users of the development, a condition detailing how any unexpected contamination will be remediated is reasonable and necessary.

Conclusion

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

Nick Davies

INSPECTOR

Schedule of 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: A.03.1 – Site, Location and Block Plans; A.03.2 – Existing Floor Plans; A.03.3C - Proposed Floor and Roof/Site Plans; A.03.4B - Proposed Elevations.
- 3) No development shall proceed above slab level until details / samples of the materials to be used in the construction of the external surfaces of the extension hereby permitted have been submitted to, and approved in writing by, the local planning authority. Development shall be carried out in accordance with the approved details / samples.
- 4) Prior to their installation, details of the materials and proportions of all external doors and windows shall be submitted to, and approved in writing by, the local planning authority. The doors/windows shall be installed in accordance with the approved details.
- 5) The building shall not be occupied until the vehicle parking and secure cycle parking have been completed in accordance with the approved plans. These facilities shall thereafter be permanently retained and kept available for those purposes at all times.
- 6) The building shall not be occupied until details of the measures to provide on-site renewable energy sources to meet a minimum of 10% of the predicted energy use of the development have been submitted to, and approved in writing by, the local planning authority. The approved measures must then be implemented before the building is occupied and shall be permanently retained thereafter.

- 7) The development hereby permitted shall achieve a minimum BREEAM 'very good' rating (or equivalent standard). The building shall not be occupied until the Post Construction Review Certificate has been submitted to the Local Planning Authority verifying that the BREEAM rating has been met.
- 8) Any contamination that is found during the course of construction of the approved development that was not previously identified shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to, and approved in writing by, the local planning authority. Where unacceptable risks are found, remediation and verification schemes shall be submitted to, and approved in writing by, the local planning authority. These approved schemes shall be carried out before the development is resumed or continued.