



Appeal Decision

Site visit made on 8 March 2022

by M Bale BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 March 2022

Appeal Ref: APP/V1260/D/22/3290763

61 Harewood Avenue, Bournemouth BH7 6NL

- 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 Tom Alder against the decision of Bournemouth Christchurch and Poole Council.
 - The application Ref 7-2021-27871, dated 22 February 2021, was refused by notice dated 26 October 2021.
 - The development proposed is 2 storey side extension and new vehicular access to the public highway, demolition of the existing garage and construction of a new garage and garden room.
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Decision

1. The appeal is allowed and planning permission is granted for 2 storey side extension and new vehicular access to the public highway, demolition of the existing garage and construction of a new garage and garden room at 61 Harewood Avenue, Bournemouth BH7 6NL in accordance with the terms of the application, Ref 7-2021-27871, dated 23 February 2021, subject to the conditions in the attached schedule.

Procedural matter

2. The appellant has provided amended plans with the appeal documents. However, the appeal process has not allowed for the Council or other interested parties to comment upon them. Therefore, injustice could arise if I were to accept the amended plans. For these reasons, I have determined the appeal on the basis of the plans considered by the Council.

Main Issues

3. The main issues are the effect on the character and appearance of the area; the effect on the living conditions of the occupiers of No.3 Petersfield Road, with regard to outlook; and the effect on highway safety.

Reasons

Character and appearance

4. Harewood Avenue is a wide, tree lined street with dwellings set well back from the highway frontage. This gives the road a spacious, verdant character and appearance. Many of the dwellings exhibit a common architectural language, but are varied in their individual designs. Obvious regularly occurring features include large, hipped roofs, and bay windows. Some houses are 'double fronted', with windows either side of the front door. Others, including the appeal site, are asymmetrical with the door to one side.

5. Residential Development: A Design Guide 2008 advocates design whereby extended front elevations are set back and have a lower roof. This approach is not proposed, but instead the resultant dwelling would echo some of the wider dwellings elsewhere on Harewood Avenue. As such, it would not look out of place in the street scene, so there is no clear reason to adhere to this generalised advice in this location. The rear elevation would be asymmetrical, but rear elevations do not contribute strongly to the appearance of this area. A section of flat roof, while different to the immediate neighbours, would be similar to that found on a number of other dwellings in close proximity to the site.
6. Most dwellings are detached, but due to the set back and prominence of street trees, the gaps between them are not defining features of the area's character or appearance. The site is on the corner of the narrow Petersfield Road, which results in a gap between it and No.67 Harewood Avenue. However, as gaps are not a strong part of the area's character, and I observed no significant views along this road or through the site, I find that no harm would result from the narrowing of the gap to Petersfield Road.
7. At the rear of the site a small garage, accessed from Petersfield Road, would be replaced with a larger structure. It is close to the boundary with No.3 Petersfield Road that, along with its neighbours, has a strong visual relationship with the Petersfield Road frontage. Although No.67 Harewood Avenue has a similar garage, this type of outbuilding is not a common feature among the nearby Petersfield Road properties.
8. The higher roof and inclusion of rooflights would give the new outbuilding a greater presence. However, it would still be subservient in scale and appearance to the host dwelling and to No.3. Even with the limited separation to No.3, the set back from the road frontage would mean that the outbuilding did not compete with these dwellings, nor appear prominent in the street.
9. Details have been provided to show how a tree in the highway verge can be retained alongside the proposed new access. It is not clear how there would be any effect on a tree at No.67 on the opposite side of Petersfield Road, as the enlarged outbuilding would extend no closer to the road boundary than the existing structure.
10. A tree at No.59 Harewood Avenue may well be affected. However, it is in the rear garden and so makes a more limited contribution to the character and appearance of the area. The Council have indicated that there is no information about the likely effect on the tree in the application, but have also provided no substantive evidence as to why it should be protected. I understand that there are Tree Preservation Orders on a number of trees in the locality, including at No.67, but it appears that similar protection for those at No.59 have not been deemed necessary. Therefore, I attach limited weight to the effect on the trees at No.59.
11. Where necessary, Policy 4.25 of the Bournemouth District Wide Local Plan 2002 seeks to ensure that sufficient tree survey information is provided. However, for the reasons given, it has not been demonstrated that it is necessary to fully understand the effects in this case. Considering all of the above issues, I find that there would be no harm to the character and appearance of the area and no conflict with those aims of Policy 4.25, or Policy CS41 of the Bournemouth

Core Strategy 2012 (CS) that seek to ensure that development respects the site and its surroundings.

Living conditions

12. No.3 Petersfield Road has a large dormer facing the site containing two clear and one obscure glass window. The central obscured window is lower and would be broadly alongside the roof structure of the enlarged outbuilding. However, the higher plain glass windows, are also slightly further back from the boundary, and the new roof would slope away from No.3. I, therefore, find no demonstrable harmful overbearing effect on the outlook from this property.
13. Therefore, there would be no harm to the living conditions of the occupiers of No.3 Petersfield Road and no conflict with those aims of CS Policy CS41 that seek to protect such interests.

Highway Safety

14. A new access would be formed to Harewood Avenue in a location close to the Petersfield Road junction. The Council has explained that it would not normally allow accesses in such close proximity to road junctions. Schools in the vicinity as well as Kings Park result in a high volume of pedestrian traffic, including more vulnerable users. Furthermore, I understand that the Council is investing in schemes to further promote walking and cycling in the area.
15. There are numerous private accesses along Harewood Road. Thus, it would not be surprising for a pedestrian to encounter an emerging vehicle. There is also no footway on the site side of Petersfield Road, so pedestrians would be unlikely to round the corner unsighted by a driver exiting the site. Therefore, potential hazards to pedestrian safety have not been demonstrated.
16. Given the number of accesses in the area, any effects from additional manoeuvring is unlikely to interfere with traffic flow, although the proximity of the access to the junction has the potential to cause conflicting vehicle movements. However, there is a similar access at No.67 and one right on the Petersfield Road boundary on the opposite side of Harewood Avenue. There is no particular evidence of existing highway safety problems relating to the operation of these accesses.
17. I understand that Petersfield Road can be busy, particularly when there is congestion on more major roads in the vicinity, but the frequency of use of the access for a private dwelling would be low. Moreover, the site frontage is set well back from the highway edge allowing clear intervisibility between those exiting the site and Petersfield Road. With regard to these matters, notwithstanding the proximity of the access to Petersfield Road, harm to highway safety has not been demonstrated. Therefore, there would be no conflict with the aim of Policy CS41 that seeks to promote safety of the public realm.

Conditions

18. A plans condition is required in the interests of certainty. To protect the character and appearance of the area, materials should match the elevations to which they would be joined, and the highway tree should be protected. The Council's suggested condition requires a methodology, but this is set out in the

submitted tree report. There is no apparent reason that this would not be adequate, so my condition simply requires implementation.

19. In the interests of highway safety, full details of the proposed access and surfacing are required. I see no reason that parking spaces for a single dwelling need to be marked out on the ground, so have not required this. Nor have I required the closure of the Petersfield Road access as such is not required to offset any activity at the new access. To prevent any increase in off-site flood risk, new hard surfaces should be permeable, or effectively drained within the site.
20. The Council has suggested a condition removing permitted development rights for enlargements to the dwelling. While the proposal is for a large extension, there is no substantive evidence that such further control is necessary. The outbuilding would be within the curtilage of the main dwelling and it is proposed for ancillary use, so there would appear to be no need for controls over its future use.

Conclusion

21. 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: 020.0596.001/B; 020.0596.002/B; 020.0596.003/A; 61HA-PA-01; 61HA-PA02.B; 61HA-PA03; 61 HA-PA04; 61 HA-PA05.B; 61 HA-PA06.
- 3) Notwithstanding the details included on the application form the materials and colours to be used in the construction of the external surfaces of the extension hereby permitted shall match the elevation(s) to which the extension is to be added and such work shall be completed prior to occupation of the development granted by this permission and thereafter maintained as such.
- 4) Prior to its construction, details of the specification, including a typical cross section of the surfacing, of the access and areas for parking shown on the approved plan shall be submitted to and approved in writing by the Local Planning Authority. The new parking area and access shall be constructed and surfaced in accordance with the approved details prior to the commencement of its use and permanently maintained as such and kept available for the residents of the development hereby permitted at all times.
- 5) Prior to the construction of the new access, protective fencing detailed in the Arboricultural Method Statement (AMS) set out in the Tree Report prepared by KJF Consultancy Ltd shall be erected and so retained for the duration of any works in connection with this permission and the AMS shall be fully complied with during that period.
- 6) Any new or replacement hard surfaced area(s) shall either be made of porous materials, or provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the property.