



Appeal Decision

Site Visit made on 17 November 2021

by L J O'Brien BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 May 2022

Appeal Ref: APP/V1260/D/21/3278966

82 Hengistbury Road, BOURNEMOUTH, BH6 4DJ

- 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 & Mrs M Ashby against the decision of Bournemouth Christchurch and Poole Council.
 - The application Ref 7-2020-25245, dated 14 December 2020, was refused by notice dated 15 June 2021.
 - The development proposed is alterations and extensions to dwelling.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by Mr and Mrs Ashby against the Council. The Council has made a counter claim for a full award of costs against Mr and Mrs Ashby. These applications are the subject of separate Decisions.

Main Issues

3. The main issues are:
 - the effect of the proposal on the living conditions of the occupiers of 80 Hengitsbury Road with particular regard to outlook and light; and
 - the effect of the proposal on the character and appearance of the area.

Reasons

4. The appeal property is a dormer bungalow situated on a residential street. The site is close to the junction with Nugent Road and the termination of the Road at a gated area of open space.
5. The proposal is for alterations to, and extension of, the existing dwelling.

Living conditions

6. The dwelling at No 82 Hengitsbury Road is in close proximity to the neighbouring dwelling at No 80. Several windows, a large dormer and a door serving No 80 are sited immediately adjacent to, looking directly onto, the side elevation at No 82. The proposal would alter the roof form and increase the size of the dwelling along this side of No 82 to facilitate additional accommodation at first floor level.

7. The increased bulk of the proposed dwelling, as altered, in such close proximity would, in my view, appear as a large addition when viewed from No 80. As such, the proposal would appear as a dominant and oppressive feature which would result in a harmful sense of enclosure for the occupiers of that property. The resultant outlook from the windows serving No 80 would, consequently, result in an unacceptable standard of living conditions in respect of outlook.
8. Furthermore, though the appellant disagrees with the Council's view that the proposal would result in a reduction to the levels of light reaching the affected windows at No 80 and their statement that those windows directly serve the primary working space within the kitchen, I have been provided with limited evidence in this respect. On the basis of the evidence before me I am not persuaded that the increased bulk of the proposal in such close proximity to No 80 would have an acceptable impact upon light levels. Though I note that due to their orientation and the existing positions of the buildings these windows currently do not receive a great deal of direct sunlight, I am of the view that any potential further degradation of light levels would be likely to have an unduly adverse effect on the living conditions of the occupiers of No 80 in this regard.
9. I note that the design of the proposal is intended to ensure that the living conditions of neighbouring residents would not be adversely affected. However, as set out above, I consider that the effect upon the occupiers of No 80 would, nevertheless, cause harm to the living conditions at that property with particular regard to outlook and light.
10. Consequently, the scheme would be contrary to the provisions of Policy CS41 of the adopted Bournemouth Local Plan Core Strategy, October 2012 (CS) which states that development which fails to provide a high standard of amenity to meet the day to day requirements of future occupants or which would be detrimental to the amenity of any part of the Borough will not be permitted.
11. Additionally, the proposal would be at odds with basic principle 3 of the Councils adopted Residential Extensions - A Design Guide for Householders Design Guide, 2008 (SPG) which states that proposals should not have an adverse effect on the living conditions of neighbouring residents.
12. There would also be a failure to conform with the National Planning Policy Framework which states that developments should create a high standard of amenity for existing and future users.

Character and appearance

13. Hengitsbury Road is a residential road which comprises a variety of dwellings in terms of size, number of storeys and designs. One side of the road comprises mainly modest bungalow type dwellings set back from the road behind front garden areas and low-level boundary treatments. 82 Hengitsbury Road is one such dwelling which typifies many others found on the side of Hengitsbury Road which it occupies.
14. However, dwellings on the opposite side of the road are generally larger, two-storey, properties. The dwelling which terminates the road on the same side as No 82 is also a larger two-storey building. No 82 is sited towards the end of the road and is in a location where the rhythm of the street begins to alter as a

result of a reduction in the degree of uniformity of design along this immediate stretch.

15. The host dwelling itself would be dramatically altered by the proposal in terms of its character and appearance. However, the plot within which the dwelling sits is of a sufficient size to accommodate the changes proposed without appearing cramped or overly large. Whilst the additions to No 82 would indeed lead to a larger, and markedly different, dwelling this would be seen in the context of other such buildings and would not, therefore appear as an incongruous addition to the street scene.
16. The roof form would also appear different to others immediately nearby. Nevertheless, the design of buildings along the road differs and some, albeit further along the road, do have different roof forms, including an apparently flat-roofed design and gables. A number of dwellings also have a more modern character and appearance. As such, in my view, the proposed dwelling as amended would not appear as a discordant feature within the area.
17. Moreover, the position of the dwelling, towards the end of the road, would be a key consideration in ensuring that it would not unduly interrupt the broader rhythm of the wider street scene.
18. For these reasons and insofar as this issue is concerned, I consider that the proposal would accord with the provisions of Policy CS41 of the CS which seeks to ensure that all development is well designed and of a high quality.
19. The development would also meet the expectations of The National Planning Policy Framework which promotes high standards of design and states that developments should be visually attractive and sympathetic to the character of the area.
20. I note that the proposal would fail to comply with some of the principles set out within the Councils SPG. However, this is a guidance document and, in this instance, I have not identified any harm to the character and appearance of the area and the broad thrust of the aims of the guidance would be met in this regard.

Other Matters

21. I note that the Council has granted a certificate of lawful development for proposed alterations and extensions to the bungalow (Ref 7-2022-25245-B). However, whilst this is indeed a consideration to which I afford some weight, the scheme under that certificate would appear to be notably different to that which is before me and the effect on the living conditions of the occupiers of No 80 would be reduced considerably.
22. Whilst the appellant makes reference to the existence of a number of other examples which could be considered similar each case must be determined on its individual merits and the circumstances in each case are likely to be different. For example, a number of the examples cited would not have the same adverse impact upon the living conditions of neighbouring occupiers as would be the case in this instance.
23. I acknowledge that there would be some, albeit limited by the scale of the proposal, benefits arising from the proposal, including the effect on the living conditions of the occupiers of No 82 Hengitsbury Road. However, the

cumulative benefits associated with the proposal, would not outweigh the harm I have identified above.

24. I have given careful regard to all of the above considerations. However, none are sufficient to dissuade me from the conclusions I have reached that the proposal would cause harm to the living conditions of the occupiers of No 80 Hengitsbury Road.

Conclusion

25. The proposal would not accord with the development plan when it is considered as a whole and I have not identified any material considerations which indicate that the appeal should be allowed. For the reasons given above I conclude that the appeal should be dismissed

L J O'Brien

INSPECTOR