
Appeal Decision

Site visit made on [Event Date]

by Robin Buchanan BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8th June 2022

Appeal Ref: APP/V1260/D/22/3291476

83 Bure Lane, Christchurch BH23 4DN

- 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 Mrs Karen Griffin against the decision of Bournemouth Christchurch and Poole Council.
 - The application Ref 8/21/0599/HOU, dated 28 May 2021, was refused by notice dated 10 November 2021.
 - The development proposed is described as 'to create a ground floor front and rear extension, to convert existing roof into habitable rooms with front and rear small balcony areas. To create a connected home studio for Yoga and fitness in the garden'.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The Council requested that I enter No 81 and No 85 Bure Lane to judge the proposed development. The occupiers were notified of my site visit. I was able to enter No 81 but there was no-one in at No 85. I saw the outside of No 85 and its rear garden from the appeal site and Bure Lane.

Main Issues

3. The main issues are the effect of the proposed development on:
 - the character and appearance of the appeal property and the area; and
 - the living conditions of the existing occupiers of No 81 and No 85 Bure Lane, having particular regard to outlook.

Reasons

Character and appearance

4. The appeal property is a modest sized detached bungalow in a mainly residential area which has a variety of dwelling types and sizes. In this particular section of Bure Lane it is one of a row of five similar, closely spaced bungalows. These are traditional in design, with brick or render elevations and tiled roofs, and are broadly comparable in overall size, scale and massing — in particular, low eaves levels and shallow pitched hipped and gabled main roofs. The appeal property is locally distinctive, as is this group of bungalows.
5. The proposed alterations and extensions include upwards with a first floor partly in a new roof and an internally linked rear garden outbuilding. The external appearance would have a modern contemporary form of architecture

- and materials, including render, vertical timber cladding, metal framed fenestration, balconies with glass balustrades and standing seam monopitch roofs. To all intents and purposes it would be a completely new dwelling.
6. The enlargement of the floor plan would not alter the general building line of the dwelling in relation to the siting and alignment of the adjoining bungalows, some having been extended at ground floor level. The footprint and ground floor level would be no wider than the appeal property.
 7. However, despite the asymmetric roof, the dwelling would be significantly taller to eaves and ridge levels, including along all of one side and most of the other side. The first floor part would stretch across the entire width of the dwelling and in-depth on the plot from front to back at this higher level. As a result, it would be substantially larger than the appeal property in size, scale and massing. Moreover, the design and materials would be a radical departure from the appearance of the appeal property. The dwelling would not, therefore, respect important features of the appeal property or retain any semblance of it.
 8. The dwelling would protrude overtly above the remaining four bungalows and significantly diminish the gaps and spaces immediately either side of it at roof level. The resulting cramped and overly dominant juxtaposition would not be comparable to the limited impact of the small individual side dormer windows at No 79. It would also abruptly interrupt the sequence of built form in these bungalows along Bure Lane, especially at roof level.
 9. The front of the dwelling would be relatively close to the back edge of the pavement and the front garden is open plan. Adjoining front gardens have mostly low level planting or boundary features. The dwelling would, therefore, be unduly prominent and intrusive in public views in either direction along Bure Lane. It would stand out in stark contrast to the bungalows and have a significant negative impact on this streetscene in these regards.
 10. In the absence of any firm evidence, the dwelling at No 75 Bure Lane was either built as a large chalet bungalow or to match the appeal property and significantly altered by extensions, including to the roof. It is, though, traditional in appearance and materials with low eaves levels and gabled and hipped roofs. It is at one end of the row of bungalows and has more in common, in terms of scale and massing, with the large bungalow in the plot next to it on the corner of Bure Lane and Friars Road, rather than as a continuation of the row of five smaller bungalows.
 11. There are some dwellings elsewhere in Bure Lane and in the wider area that are originally designed, or have been altered, with a modern contemporary form of architecture and materials, including those that I have been referred to. However, none of these have any meaningful visual or spatial relationship to the appeal site. Most are also viewed in the context of adjoining houses, not bungalows, and some have a sea front aspect. While those areas may be in transition towards a more contemporary form of architecture, this particular part of Bure Lane is not to any significant degree.
 12. While the external alterations recently made to No 85 Bure Lane include white render, metal frame windows and horizontal painted cladding in front gables, these changes are not incompatible or inconsistent with, for instance, the rendered elevations at No 81. Nor do they change the essence of its single storey form and as such it remains in keeping in these respects with the other

four bungalows, including the appeal property. The block of flats behind the appeal site is set well back from the appeal property and albeit that it would be taller and bulkier than the dwelling, the upper floor and roof form recedes in views from Bure Lane. There is, therefore, no strong basis for the proposed design innovation and it would not be appropriate in this particular case.

13. Considering the above, I find that the proposed development would harm the character and appearance of the appeal property and the area. Accordingly, it would not comply with saved Policy HE2 of the Christchurch and East Dorset Local Plan Part 1 Core Strategy 2014 (the CS) or saved Policy H12 of the Borough of Christchurch Local Plan 2001 (the LP). These policies include that development should be compatible with its surroundings and the immediate locality in architectural style, design, scale, bulk, height, materials, visual impact and relationship to nearby properties.
14. It would also conflict with objectives of the National Planning Policy Framework (the Framework) to achieve well-designed places with development that is sympathetic to local character, including the surrounding built environment, and maintains a strong sense of place with building types and materials that create distinctive places to live (paragraphs 130 c) and d)).

Living conditions

No 81 Bure Lane

15. A side kitchen window faces the appeal property which at this point has a flat roof, with the pitched roof behind sloping away from No 81. This allows an appreciable view from this window over or past the appeal property towards its open rear garden or upwards of the sky. Although the facing side elevation of the dwelling would be no closer to No 81, it would be significantly longer at the rear and taller to eaves and ridge than the appeal property. The substantial expanse of additional built form in such close proximity would unduly restrict views from this habitable room window.
16. Despite the inset arrangement of the tallest part of the dwelling in relation to No 81, its significantly greater overall height, scale and massing in the side and rear elevations, and its projection in depth past the rear elevation of No 81, would come to a corner point immediately next to part of the rear garden of No 81. Although this garden is reasonably large, the dwelling would nonetheless have a looming visual and spatial presence. This would have an unduly overbearing effect and detract from the use of the rear garden of No 81.

No 85 Bure Lane

17. A double pane side window faces the appeal property. I have not been informed about the use of this room and was not able to determine this, but there was no apparent evidence that it is not a habitable room. On this basis, while the side of the dwelling would be no closer to this window than the appeal property, and there would be a wider separation distance to the dwelling (than in relation to No 81), the substantial expanse of taller and longer side elevation in such close proximity would nonetheless unduly restrict upward views from this window.
18. The rear elevation of the dwelling would be aligned with the rear elevation of No 85. However, the increased height, scale and massing of this closest corner part would be observed from the much lower rear garden level of No 85. This

closest corner of the dwelling would, therefore, also have a looming visual and spatial presence. This too would have an unduly overbearing effect and detract from the use of the smaller rear garden of No 85.

19. In addition, the facing side elevation of the link to the outbuilding, and this building, would be significantly taller than a usual 1.8m or 2m boundary fence or wall. It would be at this height along the entire rear garden boundary with No 85. This would have a significant overbearing effect. It would, therefore, detract from the use of the rear garden of No 85 and also restrict upward views from the nearest rear facing patio doors to a habitable room.
20. Considering the above, I find that the proposed development would harm the living conditions of the existing occupiers of No 81 and No 85 Bure Lane, having particular regard to outlook. Accordingly, it would not comply with CS Policy HE2 or LP Policy H12. These policies include that development should be compatible in its relationship to nearby properties and minimise disturbance to the amenity of existing occupiers. It would also conflict with aims of the Framework to create places with a high standard of amenity for existing users (paragraph 130 f)).

Other Matters

21. Bure Homage Lodge, its gates and piers are a Grade II listed building (the LB). While the LB has a visual presence in Bure Lane, the setting in the direction of the appeal site has been significantly eroded by this modern road and the development along it. Whereas to the sides and rear of the LB is a large open garden space bordered by a copse which makes a positive contribution to its setting. The proposal would not, therefore, affect the special architectural or historic interest of the LB by virtue of development in its setting. Consequently, there would be no harm to, or loss of, the significance of these designated heritage assets and the development would preserve the LB and its setting.
22. The dwelling would be innately visually attractive as a result of good architecture, high quality in design and enhance the living conditions of future occupiers. There would be satisfactory car and cycle parking, a safe and suitable means of access, no unacceptable traffic generation, no adverse effect on ecology and no flood risk. The absence of harm in these respects, and compliance with the Council's development plan and the Framework, are neutral factors in my decision.
23. No public objection to the proposal, including from the Town Council, does not mean the absence of material planning harm. I have considered the appeal and this particular proposal on its individual planning merits.

Planning Balance and Conclusion

24. The proposal would not accord with the development plan overall. There are no other material considerations, including the provisions of the Framework, which outweigh this finding.
25. Consequently, for the reasons given above I conclude that the appeal should not succeed.

Robin Buchanan

INSPECTOR