
Appeal Decision

Site visit made on 10 June 2022

by S Ashworth BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 20 June 2022

Appeal Ref: APP/V1260/D/22/3294053

14, Vickers Close, Bournemouth, BH8 0LA

- 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 and Schedule 2, Part 1, Class AA of the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended).
 - The appeal is made by Mr Andrew Borthwick against the decision of BCP Council.
 - The application Ref 7-2021-14807-A, dated 2 November 2021, was refused by notice dated 8 December 2021.
 - The development proposed is enlargement of dwellinghouse by construction of additional storey (increase height from 7.686m to 9.787m).
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Schedule 2, Part 1, Class AA of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (GPDO) allows for up to two additional storeys to a dwellinghouse, subject to limitations and conditions set out under Class AA.1 and Class AA.2. The Council's concerns relate only to paragraph AA.2(3)(a)(ii) which requires consideration of the external appearance of the dwellinghouse. This therefore forms the main issue in this case. A recent court case, the CAB Housing Ltd judgment¹, confirmed that the control of the external appearance of the dwelling house is not limited to impact on the subject property itself, but also includes impact on neighbouring premises and the locality.
3. In the decision notice, the Council have referred to a development plan policy. As the principle of development has been established through the grant of permission by GPDO, prior approval appeals are not determined on the basis of s38(6) of the Planning and Compulsory Purchase Act 2004 and policies are not in themselves determinative. However, I have taken the development plan policies into account insofar as they are relevant to the prior approval matters under consideration.

Main Issue

4. The main issue in this appeal is whether prior approval should be granted under Class AA of Part 1 of Schedule 2 of the GPDO, having particular regard to the effect of the proposal on the external appearance of the dwellinghouse.

¹ CAB Housing Ltd, Beis Noeh Ltd & Mati Rotenberg v SSLUHC [2022] EWHC 208 (Admin)

Reasons

5. 14 Vickers Close is a 2 storey end-of-terrace property with a concrete tiled roof and brick and white uPVC cladding to the walls. Other properties in the terrace have a similar appearance albeit there is some variation in terms of detailing. Adjacent to the site is to a garage court. The site is located in an area of similar terraced houses which, with the exception of a group of detached houses at the end of the close, are set out in a regular pattern which provides the area with a degree of uniformity and a harmonious appearance.
6. The proposal seeks to create an additional storey set back 900mm from the existing front and rear facades, extending across the width of the existing roof. It would be constructed in matching materials and with fenestration details to match the existing property. The roof pitch would also reflect that of the existing and solar panels would be retained.
7. The setting in of the extension from both the front and rear elevations is an attempt to make the extension subservient to the building. Nevertheless, the retained areas of original roof and narrow end elevation of the extension would not reflect the form and massing of the house and to my mind would appear contrived and incongruous. Moreover, the significant increase in height of the property would alter its visual proportions such that it would have a vertical emphasis at odds with the horizontal form of the terrace as a whole. In addition, sited at the end of the terrace, the increase in height would appear prominent and discordant. Whilst vegetation would help screen the extension from one side at certain times of the year, it would be highly conspicuous within the area and at odds with the form and massing of the other terraced houses.
8. I acknowledge the appellant's point that the extension would add variety to the street scene. However, I am unconvinced that it is always best practice for residential areas to display architectural variety. The character of this particular area is derived largely from the regularity of the linear blocks of dwellings which provide a pleasant uniformity, and it is in this context that the proposal must be assessed.
9. The three-storey block of flats opposite the junction of Vickers Close and Wilkinson Drive is a purpose built development that stands in its own grounds. It has a different character and appearance to the development proposed and does not therefore justify the proposal which I find would have an unacceptable and harmful effect on the external appearance of the dwellinghouse and the surrounding area.
10. I have noted that the appellant hoped that the prior approval would serve as a blueprint for other properties on the street to be extended in a similar manner. However, I have no evidence that other residents wish to extend their homes in this way and I can only determine the appeal on its own merits.
11. Although not determinative, I have had regard to Policy CS41 of the Bournemouth Local Plan Core Strategy (2021) which seeks to ensure that all development is well designed and of a high quality and that development should, through its scale, character and appearance contribute positively to the character and appearance of the public realm. For the above reasons, the proposal would not comply with that policy.

Conclusion

12. For the reasons given, and taking into account all other matters raised including a lack of objection from neighbouring residents, I therefore conclude that the appeal should be dismissed.

S Ashworth

INSPECTOR