



Appeal Decision

Site visit made on 5 July 2022

by John Felgate BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State for Levelling Up, Housing and Communities

Decision date: 18 July 2022

Appeal Ref: APP/V1260/D/22/3295584

113 Castle Lane West, Bournemouth BH9 3LG

- 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(1) and Schedule 2, Part 1, Class AA of the Town and Country Planning (General Permitted Development) (England) Order 2015.
 - The appeal is made by Mr Henry Royds against the decision of Bournemouth, Christchurch and Poole Council.
 - The application Ref 7-2022-28423, dated 14 December 2021, was refused by notice dated 4 March 2022.
 - The development proposed is the construction of an additional residential storey.
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Decision

1. The appeal is allowed, and approval is granted under the provisions of Article 3(1) and Paragraph AA.2.(3)(a) of Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015, for the construction of an additional residential storey at 113 Castle Lane West, Bournemouth BH9 3LG, in accordance with the terms of the application Ref 7-2022-28423, dated 14 December 2021, and the submitted plan numbered PR01C-469-YPP, subject to the following condition:
 - 1) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no windows of any kind shall be created in the roof of the additional storey hereby permitted, unless specifically authorised by the grant of a further planning permission for such development.

Main issues

2. Under Class AA of Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 ('the GPDO'), a development consisting of the enlargement of a dwellinghouse by the construction of additional storeys is permitted development, subject to various specified exceptions and conditions. One of these, contained in Paragraph AA.2.(3)(a), requires the developer to apply for prior approval of certain matters.
3. In the present case, the relevant matters are limited to the effects on the external appearance of the dwelling, and on the amenity of adjoining premises. The main issues in the appeal therefore relate to these two matters.

Reasons for decision

External appearance

4. Castle Lane West is a well-used local road, forming part of the A3060, running through the northern suburbs of Bournemouth. No 113 is a detached, single-story bungalow, with an L-shaped plan form, and a hipped roof with its main ridge running from front to back. The proposed development would add one further story, above the main rectangular part of the house, leaving the existing side projection as a smaller, single storey wing. The building form, storey height, roof pitch and fenestration would all match the existing building. Matching materials are ensured by Condition (2)(a) of Class AA. In all these respects, the proposed design would be sympathetic to the existing building, and is not objected to by the Council.
5. The Council's objections are focussed on the principle of increasing the building's height. On my visit, I saw that the adjoining properties to the east of the appeal site, at Nos 115-121 Castle Lane West, are a row of bungalows of similar design and style to No 113. Bungalows also predominate in the adjacent cul-de-sacs of Ruskin Avenue and Charnwood Avenue, and indeed in several other stretches of Castle Lane West itself.
6. However, these are not the only type of buildings present in the area. Opposite the appeal site, at 122A Castle Lane West, there is a prominent 3-storey development of shops and flats, which forms the start of a lengthy parade of 2-storey commercial buildings, extending all the way to No 76. Directly adjacent to the appeal site, on its western side, is also a former petrol filling station, with a large and conspicuous canopy. Just to the rear of this, also adjoining the appeal site, are Nos 1 and 3 Ruskin Avenue, which are chalet-style houses with tall, steeply-pitched roofs. To the rear, beyond a shared access drive, there are 2-storey houses in Colehill Crescent. Further 2-storey housing can also be seen in Castle Lane West itself, only a few yards away, at Nos 89-101 and 125-135. Another large petrol station stands opposite the latter group of houses. The appeal site therefore lies at an interface between a number of different groups of buildings, with a variety of heights and forms. The proposed development would be viewed in this context.
7. I note the Council's view that the uniformity of the bungalows adjoining the appeal site is a positive characteristic. However, when looking at the wider surrounding area, where this form of development is prevalent, it seems highly questionable whether this has helped to produce an attractive or distinctive townscape. Furthermore, it is self-evident that the existing bungalow development in the area has not made efficient use of the land. In the circumstances, I am not persuaded that the perpetuation of single-storey development, as such, is a desirable aim for the area; and particularly on a site such as this, where the immediate context would lend itself to other alternatives.
8. The development now proposed would be viewed in the mixed urban context that I have described, amongst a varied range of building types and sizes. To my mind, the scheme would be compatible with these surroundings, and would enhance the area by adding a welcome touch of variety. As such, it would comply with the relevant provisions of Policy CS41 of the Bournemouth Core Strategy, adopted in October 2012, with regard to high quality design.

9. Consequently, having regard to Paragraph AA.2.(3)(a)(ii) of Schedule 2, Part 1 of the GPDO, I conclude that the effects of the development on the external appearance of the dwelling would be acceptable.

Amenity of adjoining premises

10. The proposed development would introduce two new bedroom windows in the appeal property's rear elevation, at first floor level. From those windows, it would be possible to overlook parts of the rear gardens of some neighbouring properties, including Nos 115 and 117 Castle Lane West and Nos 1 and 3 Ruskin Avenue. At present, those gardens are relatively private, because of the limited number of nearby properties with more than one storey. The development would thus result in a reduction in privacy for the occupiers.
11. But nevertheless, the principal view from No 113's rear bedrooms, framed by the sides of the window openings, would be straight down the property's own garden. In contrast, the adjoining gardens would be visible only at an angle, from positions close to the windows themselves. In these respects, the degree of intervisibility would be broadly similar to that which is likely to occur within any residential area, wherever the properties include 2-storey housing. Consequently, whilst the reduction in privacy at the properties that I have identified would be noticeable, in my view that reduction would not be so severe as to result in living conditions at any property being made unacceptable.
12. In addition, as the appellant points out, if the present appeal proposal did not proceed, it would still be possible as a fallback to pursue an alternative scheme involving dormer windows in the existing roof, using the permitted development rights available under GPDO Schedule 2 Part 1 Class B, without the need for prior approval. Such a development might not necessarily take precisely the form shown in the appellant's illustration, but I see no reason to doubt that a scheme complying fully with Class B could be devised, and would have a realistic prospect of being implemented. To my mind, the potential reduction in privacy that would result from the present appeal scheme would not be materially worse than that which could arise from this fallback position.
13. I note that No 115 Castle Lane West has a bedroom window directly on the boundary with the appeal site. But, on the appellant's measurements, the distance from that window to the nearest face of the proposed development would be over 5.2m, and in the vertical plane, the angle from the centre of the window to the top of the new roof would be 36 degrees. Based on the information available, I am satisfied that the effects on the level of natural daylight received at the window in question would be within acceptable limits. In addition, as the window faces north west, it seems unlikely that there would be any noticeable loss of direct sunlight. Any overshadowing of the gardens of this or other dwellings would appear to be minor.
14. I note the concerns of a neighbouring occupier regarding additional noise and disturbance from the occupation of the extended property by a family with children. However, in a residential area such as this, the sounds of family activity are to be expected. In the present case, the property's capacity would be increased from three bedrooms to four; or a possible maximum of five, counting the ground floor study. To my mind, an increase on this scale would not be likely to result in any significant additional noise impacts.

15. Overall, having regard to the relevant provisions of Policy CS41, it seems to me that whilst the proposed development would have some relatively minor effects on neighbouring residents, in terms of privacy and daylight, none of these either individually or cumulatively would amount to a significant adverse impact on living conditions. In terms of GPDO Paragraph AA.2.(3)(a)(i) therefore, the scheme's effect on the amenity of the adjoining premises would be acceptable.

Other matters

16. I note all the other matters raised by local residents. However, issues relating to the desirability of retaining a supply of bungalows to meet the needs of the elderly, are outside the terms of the Class AA procedure. So too are matters relating to car parking. Any issues relating to the effects on property values, or to possible damage during construction, are in any event not material planning considerations. I am therefore unable to give weight to any of these matters.

Conditions

17. The Council's first suggested condition regarding matching materials is unnecessary, because a similar requirement is already imposed by GPDO Paragraph AA.2.(2)(a).
18. The second suggested condition removing permitted development rights for any further enlargement of the dwelling seems to me to be unrelated to the subject matter of the prior approval, and would therefore be contrary to GPDO Paragraph AA.3.(15). But in any event, any rights to a further enlargement by way of further additional storeys is precluded by paragraph AA.1.(d); and the right to a Class B enlargement by way of a further addition or alteration to the roof is ruled out by Paragraph B.1.(h). There are no apparent grounds for seeking to restrict any future extensions under Part 1 Class A. The condition would therefore fail the tests of necessity and reasonableness.
19. With regard to the Council's third condition, relating to additional windows, the insertion of any additional windows in the side elevations of the development now proposed is precluded by Paragraph AA.2.(2)(b). In the rear elevation, the addition of any new dormer windows is prevented by Paragraph B.1.(h) as explained above. But in the absence of any condition to the contrary, the property would retain the right to carry out other roof alterations, under Part 1 Class C, which could include the introduction of slanting rooflights. Such an alteration would potentially allow overlooking of adjoining gardens from a higher angle, and thus increase the perceived loss of privacy. I therefore agree that a condition is needed on this approval to prevent the subsequent addition of rooflights, and I have amended the Council's proposed condition to achieve this more limited effect.

Conclusion

20. For the reasons set out above, I conclude that the effects of the proposed development on the dwelling's external appearance, and on the amenity of adjoining premises, would be acceptable. Prior approval is therefore granted, subject to the condition set out at paragraph 1 of this decision, and those contained in GPDO Paragraphs AA.2.(2) and (3).

J Felgate

INSPECTOR