



Appeal Decision

Site visit made on 22 July 2022

by David Wyborn BSc(Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 August 2022

Appeal Ref: APP/V1260/W/22/3292164

80 Southbourne Overcliff Drive, Bournemouth BH6 3NQ

- 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 Ms A Revell against the decision of Bournemouth Christchurch and Poole Council.
 - The application Ref 7-2021-28229, dated 8 July 2021, was refused by notice dated 21 October 2021.
 - The development proposed is to demolish existing buildings and erect 1 No house with parking.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application was refused, in effect, for three reasons. One of these reasons concerned the parking and access arrangements. At the appeal stage, amended plans have been submitted, amongst other amendments, to seek to address this issue.
3. The appellant has requested that these plans supersede the application plans and be considered at this appeal. The Council do not believe that this should be the case as it may prejudice local residents and their considerations of the proposal. The Procedural Guide: Planning Appeals - England explains that the appeal process should not be used to evolve a scheme and, exceptionally, where amendments are proposed the Inspector will take account of the Wheatcroft Principles¹ when deciding whether the proposal can be formally amended.
4. In this case, the amended proposal involves the provision of a section of wall along the frontage and thereby the provision of a narrower point of vehicular access. The County Highway Authority has examined this proposal and has commented that the amended plans address its highway safety concerns. Neighbours had not raised a detailed concern with the parking situation in terms of the original plans and I am satisfied that the updated parking and access layout would not prejudice anyone in this appeal.
5. I intend to consider these changes to the submitted plans as part of this appeal. I am satisfied, having regard to the advice of the Highway Authority, that the revised frontage proposal would demonstrate that safe access arrangements to and from the site could be provided. This would address this

¹ Bernard Wheatcroft Ltd v SSE [JPL, 1982, P37]

element of the reason for refusal, subject to suitable planning conditions in any approval. Accordingly, this objection to the scheme would be overcome and I do not intend to consider this matter further.

6. The revised plans also show that some of the side windows would be obscure glazed to seek to address the concerns with any overlooking. Regardless of these plans, whether a window(s) could be obscure glazed is a reasonably straightforward matter that could be considered at the appeal stage. If it were to address the concerns with any overlooking issue, then a suitably worded planning condition could be attached to an approval. In these circumstances, the offer and identification of obscure glazing to some of the side windows would not prejudice any party and I will consider the proposal accordingly.

Main Issues

7. The main issues are the effect of the development on:
 - the character and appearance of the area, and
 - the living conditions of occupants of the neighbouring properties, with particular regard to any overbearing and overlooking impacts.

Reasons

Character and appearance

8. There have been redevelopments of some plots within this mainly residential area which now provide more contemporary designs to the new dwellings and flats. These new buildings are often interspersed with the original buildings and provide a mix to the character and height of development in this area.
9. This side of Southbourne Overcliff Drive, where the appeal site is located, is formed mainly by a run of detached dwellings. There is a mix of building designs and sizes, although they tend to have some form of sloping and/or hip to the roof that reduces the bulk of the buildings and often provides some space between properties at first floor level. This combination of roof form and related spaciousness is one of the more positive characteristics of this group of dwellings.
10. 80 Southbourne Overcliff Drive is a reasonably modest dwelling with an unassuming character. It has a fully hipped roof with some reasonably small dormers at first floor level. It is positioned in a run of other modest buildings with a chalet bungalow to one side and a bungalow to the other. The position of the main part of these dwellings has a broadly similar front building line although some reasonably minor projections extend forward, such as the front entrance gable and adjoining bay windows of No 80.
11. The front elevation of the replacement building is well designed and, in itself, would provide an interesting building that would add positively to the mixed character of the wider area. However, the building would extend across much of the frontage at a two storey height such that in profile the frontage would be reasonably box-like. Furthermore, the building, at first floor level, would be aligned forward towards the position of the front of the existing projecting gable. Part of the bulk of the replacement dwelling would, therefore, be located forward compared with the main bulk of the adjoining buildings. In this way, the mass of the front section of the new building would appear overly conspicuous and would contrast sharply with the general sloping roofs which

provide some spacing between and/or around the existing buildings and contribute a positive element to the character of this immediate section of the road.

12. While the top of the main roof of the replacement building would be lower than the ridge of No 78, and much lower than the flats at No 76 on the corner, the position of the building in the plot, in combination with the bulk and profile of the frontage section of the building, would not be sympathetic to the character of the adjoining dwellings in this row. The effect would be to draw the eye to an overly prominent redevelopment when experienced within this section of Southbourne Overcliff Drive. The construction of a section of front wall would provide a small improvement to the street scene. However, the overall effect of the proposal would be to harm the character and appearance of this part of the road.
13. At the rear, the gardens are fairly open and there are views along the backs of the properties. The bulk of the main parts of these buildings is fairly modest because of the general arrangement of often hipped and half hipped side and rear roofs. Some rear, mainly single storey extensions, such as conservatories and similar, project from these buildings. However, they do not add very much bulk or distract from the broadly similar building line of the main parts of the dwellings. No 80 is similar in this general regard and sits comfortably within this row of dwellings.
14. The replacement building at No 80 would, generally, project back further into the site than the existing main parts of the adjoining dwellings and would extend over much of the width of the plot. These aspects of the development, in combination with the two storey flat roofed and angular form of the building, would result in the dwelling being overly conspicuous and intrusive when experienced from the adjoining private rear garden areas. The flats at No 76 would still be much larger than the proposed dwelling. However, in the context of the adjoining run of dwellings and their bulk and general roof form, the profile and position of the replacement dwelling would be overly dominant and not integrate well into these rear surroundings.
15. Drawing all these matters together, the scheme has merits in terms of some aspects of its architectural and visual appearance. However, its bulk and siting within the plot would produce an overly dominant building that would appear as unduly conspicuous within the street scene and from the private rear gardens of the adjoining properties (although not especially in the more distant views from the beachfront). This would create a development that was unsympathetic in its context. In this way the proposal would not accord with the policy approach of the National Planning Policy Framework (the Framework) that development should add to the overall quality of the area and be sympathetic to local character.
16. Examples of other contemporary buildings have been highlighted in the area and I saw many of these buildings at my site visit. However, the presence of these other buildings does not alter my view on this proposal. This is because these other examples have their own particular relationship with the adjoining buildings and street scenes and therefore the effect of this development on the character and appearance of the area is very much site dependent. The appeal scheme would be harmful in its context for the reasons I have explained.

17. In the light of the above analysis, I conclude that the proposal would harm the character and appearance of the area. As a consequence, the proposal would not accord with Policies CS21 and CS41 of the Bournemouth Local Plan: Core Strategy (October 2012) (the Core Strategy) and Policy 6.8 of the Bournemouth District Wide Local Plan (February 2002) (the Local Plan) which seek, amongst other things, that development should, through its scale, density, layout, siting, character and appearance be designed to respect the site and its surroundings.
18. Additionally, the harmful aspects of the proposal that I have identified mean that the scheme would not accord with the approach to development in the Council's guidance document Residential Development: A Design Guide. In particular those sections which concern appreciating the context.

Living conditions

19. The rear gardens and the backs of the dwellings in the vicinity of No 80 are generally open to views from the adjoining plots because of the low separating boundary treatments between the gardens. For instance, it is possible from the rear garden of No 80 to look, in reasonable proximity, towards the ground floor glazed habitable areas of the adjoining properties. Equally, there are views into the garden and some windows of No 80 from the adjoining garden and the balcony area at No 78, from some side windows and a section of the upper terrace of the flats at No 76, and from the garden of No 82. There is, therefore, quite a large extent of mutual intervisibility between properties.
20. The proposed replacement dwelling would have extensive rear facing windows at ground and first floor level. However, these glazed areas would predominantly allow occupants to look out to sea. While these windows would be very apparent to neighbours within their gardens, given the existing extent of mutual intervisibility between properties, the proposed situation would not materially increase the extent of overlooking to the adjoining properties and their windows, including to those at No 76. However, it would be important for the side window to Bedroom 1 to be obscure glazed so as to prevent direct views down into the glazed accommodation of the neighbour but this could be secured by condition in any approval. The side windows for the bathrooms would not cause direct and harmful overlooking but it would be normal practice for these windows to be obscure glazed in any event, as proposed by the amended plans.
21. The scheme includes an external staircase to the side of the dwelling. This staircase would lead to a roof top terrace. Those using the staircase would have some limited and angled views towards some parts of the adjoining property at No 78. However, the staircase would be located by the side of the proposed dwelling and there are already more open views of this neighbouring property and its habitable space and garden that are available from elsewhere at No 80. The additional views from the staircase would be quite minor and would not cause any material level of additional overlooking.
22. Taking all these matters together, the scheme would not cause an unacceptable level of overlooking and the proposal would be policy compliant in this respect.
23. The reason for refusal also argues that the rear section of the development would result in an overbearing and oppressive relationship with the immediate

neighbours. The present dwelling, with its approximate alignment with the rear of the main parts of the two neighbouring dwellings and with its hipped roof angling back, results in little impact on the living conditions of the occupants of the neighbouring properties.

24. The proposed scheme would project further back in the plot and extend across much of the site at two storey level. Neighbouring occupants would experience a building which would be much more prominent and bulkier. In particular, the rear parts of the two storey side elevations would create an intrusive and readily apparent feature for neighbours when they were using their glazed accommodation and in the garden areas in the vicinity of the rear of their dwellings. In the context of the reasonably consistent building line of the main parts of the adjoining dwellings and the existing, general form of the buildings and roofs in this immediate row, the extent and profile of the rear projection at two storey level would create an overbearing impact on the living conditions of the adjoining occupiers. I appreciate that the flats at No 76 may be a much larger and also a readily apparent structure, but that building is at the end of this part of the road. The appeal site is within a run of broadly similar dwellings and the relationship to the adjoining properties is different.
25. As a consequence of the above, I conclude that the scheme, while not causing a material overlooking concern, would create an unacceptable overbearing impact on the living conditions of the occupants of the two adjoining properties. This harm, by way of overbearing impact, would conflict with Policy CS41 of the Core Strategy, Policy 6.8 of the Local Plan, the Framework and the Residential Development: A Design Guide which seek notably, that existing residents are not adversely affected by new development.

Conclusion

26. The amended scheme addresses the concerns with regard to the vehicular access and there would not be an unacceptable level of overlooking from the scheme. These matters should be considered neutral in the overall planning balance. However, the proposal would result in a development that would harm the character and appearance of the area and would create an overbearing impact on the living conditions of the occupants of the two adjoining properties. Collectively these are matters that weigh substantially against the scheme and would conflict with the development plan when considered as a whole. There are no other planning considerations that would outweigh that harm.
27. Accordingly, for the reasons given above, I conclude that the appeal should be dismissed.

David Wyborn

INSPECTOR