



Appeal Decision

Site visit made on 27 September 2022

by G Roberts BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 October 2022.

Appeal Ref: APP/V1260/D/22/3301176

17 Avon Buildings, Christchurch, BH23 1QS

- 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 Jeanne Cummins against the decision of BCP Council.
 - The application Ref. 8/21/1141/HOU, dated 3 December 2021, was refused by notice dated 13 May 2022.
 - The development proposed is two storey rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for two storey rear extension at 17 Avon Buildings, Christchurch, BH23 1QS, in accordance with the terms of the application, Ref. 8/21/1141/HOU, dated 3 December 2021, and the plans submitted with it and subject to the conditions listed below.
 - 1) The development hereby permitted shall begin before the expiration of three years from the date of this permission.
 - 2) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 - 3) The development hereby permitted shall be carried out in accordance with the approved plans.

Main Issues

2. The main issues are the effect of the proposed development on: (a) the living conditions of the neighbouring occupiers, with particular regard to the impact on outlook; and (b) the character and appearance of the host property and surrounding area, with particular regard to the sites location within the Avon Buildings Conservation Area.

Reasons

Living conditions - neighbours

3. The Council contend that the proposed rear extension would have an overbearing impact on the rear of 16 and 18 Avon Buildings (No's 16 & 18), and an adverse impact on the outlook from their rear windows.
4. The ground floor element of the new extension would effectively replace the existing conservatory, albeit it would extend up to the common boundaries with No's 16 & 18 whereas the existing conservatory is marginally set back from

both. As such, the ground floor element would have no harmful impact on the living conditions of No's 16 & 18. The first floor element of the new extension would project beyond the rear walls of No's 16 & 18. Even so, the extent of the projection, in both cases, would be small and the overall scale and bulk of the extension itself would be modest. As a consequence, whilst the new extension would be visible from the rears of No's 16 & 18 the proposal would not, for these reasons, appear overbearing.

5. On my site visit, I viewed the proposal from the rear gardens of No's 16 & 18, specifically in relation to their existing rear windows and I am satisfied, in both cases, that the level of impact on the outlook from these windows would be modest. I accept that there would be some impact, but given the location and orientation of the proposed extension and the fact that the first floor element would project approximately 1.4 metres from the rear wall of the host, the level of impact would not be significant and certainly not sufficient to justify the refusal of planning permission. Moreover, the building relationships that arise would, in my view, reflect those commonly found in built up areas such as this.
6. The above findings are supported by the fact that views of the new extension, particularly from the first floor rear windows of No's 16 & 18 would be at an oblique angle and that the windows affected appear to serve a bathroom and bedroom, with the former obscure glazed. I also note that the Council have not challenged the Appellants sunlight and daylight assessment. Whilst I have not been provided with a copy of this report I understand it found that any impact would not be harmful, which reflects the findings I have reached above and my observations on site.
7. Accordingly, I find that the appeal proposal would not lead to any significant harm to the living conditions of the neighbouring occupiers of No's 16 & 18 and would be compliant in this respect with policy HE2 of the Christchurch & East Dorset Local Plan (April 2014) (CEDLP), saved policy H12 of the Borough of Christchurch Local Plan (March 2001) and paragraph 130 f) of the National Planning Policy Framework (Framework) (July 2021).

Character and appearance

8. The appeal site lies within the Avon Buildings Conservation Area (ABCA). Section 72(1) of the Planning (Listed Buildings and Conservation Area) Act 1990 requires, therefore, that special attention be paid to the desirability of preserving or enhancing the character or appearance of that area. Similar advice is to be found in the Framework and in policies HE1 and HE2 of the CEDLP.
9. The Council state that the host property is also designated as a locally listed building and as such contend that the proposed extension would fail to preserve and enhance this non-designated heritage asset. Paragraphs 199 – 202 (inclusive) of the Framework outline the approach to be taken when considering the impact of development on the significance of designated heritage assets, namely the ABCA. Paragraph 203 of the Framework continues by stating that when assessing the effect of an application on a non-designated heritage asset, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
10. The Council's plan of the ABCA indicates that the area was designated in December 1991. However, it does not identify those properties designated as

locally listed buildings. I understand there is also no published Conservation Area appraisal. As such, there is no evidence before me to indicate or confirm the basis on which the Council have classified the appeal property as a locally listed building or the criteria that was used to select it. The Council's Delegated Report (CDR) states that the appeal property forms part of a locally listed mid to late 19th Century terrace of red brick cottages and that it is the group value of No's 4 – 8 and 10 – 19 that are of great interest. The CDR continues by stating that the properties within this terrace are two storeys, with slate roofs and one window, generally sashes most with glazing bars. Whilst these details appear to have been extracted from a local listing description, I have not been provided with a copy of this document or any evidence as to whether this description emanates from the original 1991 designation or is a later entry.

11. In the absence of any published Conservation Area appraisal or any other documents supporting its heritage designation, I have determined this issue on the basis of the information set out within the CDR and my own observations on site. In relation to the CDR there is no detailed assessment of the contribution, if any, that the rear of the host property and wider terrace make to the special interest of the ABCA. In my view, that is understandable, in that whilst the host forms part of a closely knit row of cottages the rear elevation to the whole terrace has been extensively altered and modified. The result is a variety of rear additions and roof forms, with no prevailing form, style, design or character.
12. The latter contrasts with the front elevation to the terrace which retains a simple symmetrical form, with the proportions and design of the two storey properties largely remaining intact, including their roofscape, other than a dormer extension to No.12. All the properties are sited on the back edge of the pavement, a common characteristic of the area. The result is an attractive frontage that, in my view, contributes to the significance of the ABCA as a whole. Even so, several original architectural features have been lost, with No's 18 and 19 being the only remaining red bricked properties. The other properties within the terrace have either been rendered, in different colours or as with the host property, painted white. A number of doors and windows have been replaced by UPVC and non-traditional features appear to have been added including a bay window to No.12. There are also examples of more modern and contemporary development.
13. Within the above context, the appeal proposal would not result in any changes to the front elevation of the host property. As a consequence, the contribution that its frontage makes to the group value of the terrace would not be harmed. I accept that the proposal would lead to a change in the appearance of the rear elevation to the host, but when viewed within the context of the large number of alterations that have already taken place at the rear of the terrace, the appeal proposal would not, in my view, result in any harm to the character or appearance of the ABCA as a whole.
14. In relation to the host property, the proposed gable ended first floor extension would replace an existing large flat roofed dormer and be sited against a full width flat roofed extension to No.16. Within the wider terrace, the proposal would be viewed within the context of various rear extensions and roof alterations that differ in terms of their design, scale, projection and form. As a result of this and it's modest scale the proposed extension would not, in my

view, appear incongruous or out of keeping with the character of the host property or the surrounding area.

15. These findings are supported by the fact that the Appellant has sought to match the design of the proposal to the extensions undertaken to 13 and 14 Avon Buildings (No's 13 & 14), which I understand were granted planning permission in May 2018, as well as the gabled design of the rear extension to No.18. Even though the proposed extension would be wider and its ridge slightly higher than that at No.18, it would, in my view, sit reasonably comfortably on the appeal site and within the wider roofscape of the terrace and, overall, would represent an improvement on the existing flat roofed dormer extension. Similarly, the proposed detailing of the new extension, including its fenestration, would not appear out of keeping with the mixture of window styles that already exists within the terrace, and would secure a similar design to the windows permitted within the extensions to No's 13 & 14.
16. As I also observed on my site visit, views of the rear of the host property and wider terrace, from public vantage points, are limited. Whilst there is an alleyway running behind the rear of appeal site and adjoining properties, this is private and only provides access to those properties. Beyond this alleyway, to the south, is an existing car park and although the Council suggest this is public, the signage that I observed on site indicated that it was private and restricted to those visiting the Royal British Legion building. Even so, any views of the rear would, with the appeal proposal in place, be similar to existing, comprising a mixture of roof forms and rear additions that do not detract from or harm the special interest of the ABCA.
17. Accordingly, I find that the proposed development would preserve the character and appearance of the ABCA as a whole in that it would leave the significance of the designated and non-designated heritage assets unharmed. In the absence of any harm there is no need to weigh up the public benefits of the proposal. The appeal proposal would thus be in accord with policies HE1 and HE2 of the CEDLP and the corresponding policies of the Framework.

Conditions

18. The Council has suggested conditions which I have considered against the advice in the Framework and the Planning Practice Guidance chapter on the use of planning conditions. Conditions requiring compliance with the submitted plans and for materials to match existing are necessary and reasonable to secure a high-quality development.

Conclusion

19. For the reasons given above and having taken all the matters raised into account, I conclude that the appeal should be allowed.

G Roberts

INSPECTOR