



Appeal Decision

Site visit made on 3 October 2022

by Mr S Rennie BSc (Hons), BA (Hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 December 2022

Appeal Ref: APP/V1260/W/21/3288423

7, Old Christchurch Road, Bournemouth, BH1 1DR

- 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 YPI Limited against the decision of Bournemouth Christchurch and Poole Council.
 - The application Ref 7-2021-330-CB, dated 13 July 2021, was refused by notice dated 11 October 2021.
 - The development proposed is for the erection of 2 storeys above the existing building to create 2 flats with associated bin and cycle storage.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council evidence has set out that there have been some alterations to the front of the existing building which does not have planning permission. However, I have based my consideration mainly on the proposed plans with the comparison against the current height of the building being of particular importance.

Main Issues

3. The main issues are:
 - The effect of the development on the character and appearance of the area, including heritage assets.
 - The effect of the development on the living conditions of existing neighbours to the site.
 - The effect of the development on internationally recognised sites of ecological importance.

Reasons

Character and Heritage Assets

4. The site is within the centre of Bournemouth, in a largely commercial/retail area, though there are examples of flats above ground floor level. The appeal building has a betting shop/commercial unit at ground floor and there has recently been consent given to convert the existing upper floors to flats. The site is within the Old Christchurch Road Conservation Area (CA).

5. The appeal building is set within a terrace of buildings of 3-4 storeys, though with often similar heights from ground level. There is a slight incremental increase in height of buildings towards the east with the increase in ground levels as the topography rises. Other than the taller corner plot buildings, the building heights of the row contribute towards a sense of uniformity. The existing height of No 7 is similar to No 9-13 Old Christchurch Road, which is a Victorian Building with a fine architectural frontage and is a positive building within this Conservation Area.
6. Nos 1-5 Old Christchurch Road is a Grade II listed building. Again, this is a building with quality detailed architecture to its frontage. The corner section of this building (No 1) is taller (maybe 5-6 storeys) though the section adjacent to No 7 (Nos 3-5) is of a lower height – being lower also than the parapet section of No 7.
7. The site is therefore in a sensitive location due to it being within a CA, immediately adjacent also to a listed building and another positive building within the CA. The CA and listed building are heritage assets. Meanwhile the existing building at No 7 is of no significant architectural merit, although due to its narrowness and its height being similar to the adjacent buildings within the terrace it is not particularly prominent.
8. With regard to the heritage assets, Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, (the Act) is relevant to this appeal as it requires special regard as to whether to grant planning permission for development which affects a listed building or its setting. Also, Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of Conservation Areas in the exercise of planning functions.
9. The National Planning Policy Framework (the Framework) also advises that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance. Paragraph 199 of the Framework states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
10. In this case, the proposed development would add two storeys to the existing building, significantly increasing its height. As stated above, the existing building is not of a positive appearance and is of a somewhat incongruous design within this row of older traditional buildings. The impact of this is mitigated by the fact that No 7 is narrow and of a similar height to the adjoining buildings. However, when viewed within the terrace the extended No 7 as proposed would appear more prominent, especially as it would be taller than the existing buildings to either side. The proposed taller No 7 would become more of a noticeable feature of this row of buildings. As a result, the unsympathetic and incongruous appearance of No 7 within this row would be exacerbated as it would be a more prominent feature in the street scene and the row.
11. Furthermore, given the existing heights of buildings within this frontage, having No 7 in the middle of this row being one of the taller buildings would have an unbalancing effect and would not follow the incremental rise of building heights following the rise up the hill towards No 25 Old Christchurch Road. This would erode the uniformity of building height within this row.

12. There is some variety of building heights within this area of central Bournemouth as well as some modern style buildings, but it is the impact of the development within this particular terraced row of buildings which is most pertinent to this decision. It is this row of buildings which is the more immediate setting and context of the site.
13. It is my view that this CA derives its significance from the historic layout of the area and the architectural value of the older buildings. As this row of terraced buildings is overall a positive feature within the street scene, increasing the prominence of No 7 by adding further storeys so it would be taller than the adjoining buildings would be detrimental to the character of the CA. It would detract from the visual and architectural qualities of this row of buildings as No 7 would become more of a dominant feature.
14. The increase in height of No 7, increasing its prominence without having any significant improvement to the appearance of the building, would also detract from the listed building at Nos 3-5 and the visually positive buildings at 9-13. The proposed additional storeys would result in No 7 being substantially taller than Nos 3-5, thereby drawing attention away from the listed building. The additional storeys would result in No 7 being overly dominant when viewed adjacent to this part of the listed building. The incongruous visual relationship between the listed building and No 7 would be more apparent. This would be harmful to the significance and setting of this listed building.
15. It is noted that the corner of the listed building (No1) would still be taller than the proposed extended No 7, but this is a corner plot building and it is typical for such buildings to be taller and more prominent. No 7 is more visually related to the lower section of this listed building (Nos 3-5) than the corner section. As such, the fact that the proposed development would still be lower than No 1 does not sufficiently mitigate the impact to the CA or listed building setting.
16. The site is near to the Bournemouth Pleasure Gardens, which is a Registered Park and Garden (Grade II Listed). However, due to the separation of the site from the gardens, with the intervening busy and wide highway, it is my conclusion that the proposal would not have any harmful impact to the setting of the gardens.
17. The proposal would have an adverse impact to the street scene character and appearance. The proposed additional storeys would also be harmful to the setting of the listed building and the character and appearance of the Conservation Area. Nevertheless, the harm would be less than substantial and in accordance with paragraph 202 of the Framework that harm should be weighed against any public benefits of the proposal.
18. There are public benefits, such as the provision of two additional dwellings within a particularly accessible location (along with other public benefits such as those set out by the appellant and in paragraph 27 below). Being for only two dwellings I would give the public benefit modest weight. Overall, it is my view that all the public benefits arising from the proposal do not offset the identified harm, to which I attach considerable importance and weight.
19. The proposal is therefore contrary to policies CS6, CS21, CS39 and CS41 of the Local Plan: Core Strategy (2012), and saved policies 4.4 and 6.10 of the Bournemouth District Wide Local Plan (2002). These policies require that

developments protect designated heritage assets from demolition, inappropriate alterations, extensions or other proposals that would adversely affect their significance, amongst other things. The proposal also conflicts with the Framework which requires that heritage assets should be conserved in a manner appropriate to their significance.

Living Conditions

20. The proposal would include bedroom and staircase windows to the rear of the building. These would have views at close distance towards the flats in the upper floors of Vandale House. However, this is a central location within Bournemouth which is high density. The appellant states that the staircase windows could be obscure glazed and that would leave only the two bedroom windows. In this context it is my view that the proposal would not result in undue levels of overlooking or loss of privacy.
21. The proposal in this regard is in accordance with saved policy 6.10 of the Bournemouth District Wide Local Plan (2002), which requires that development respects the living conditions of the occupiers of neighbouring buildings.

Internationally recognised sites of ecological importance

22. The application site lies in the vicinity (within 5km and beyond 400m) of designated Dorset Heathlands SPA (Special Protection Area), Ramsar Site and Dorset Heaths SAC (Special Area of Conservation). Due to this close proximity of the site to these designated sites the additional residential dwellings, in combination with other dwellings proposed within this same approximate vicinity, would be likely to have a significant effect on the heathlands through increased recreational pressures.
23. The Dorset Heathlands Supplementary Planning Document has been adopted by the Council to mitigate the effects of residential development on the Dorset Heathlands for the period 2020-2025. This sets out a form of mitigation with a financial contribution towards heathland mitigation measures which includes a contribution towards SAMM (Strategic Access Management and Monitoring). Within the unilateral legal agreement submitted there is an obligation to pay the Heathland mitigation plus administration fee, which meets with the requirements as set out in the Council evidence. As such, this would seem to constitute sufficient mitigation, in accordance with policy CS33 of the Local Plan: Core Strategy.
24. Had I been minded to allow the appeal, it would have been necessary for me to consider this matter in further detail, including consulting Natural England and the Council on whether all contributions were received and are appropriate. However, as I am dismissing the appeal for other reasons, further consideration is not required on these matters.

Planning Balance

25. In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, I am required to determine appeals in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
26. The appellant states that the Council is presently unable to demonstrate a five-year supply of deliverable housing sites. In such circumstances, paragraph 11 d) of the Framework states that planning permission should be granted, unless

the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed. As detailed within footnote 6, these areas and assets of particular importance include designated heritage assets. As I have found that the proposal would fail to preserve the setting of a listed building and CA, the application of policies in the Framework provide a clear reason for refusing the proposal in this particular instance. The tilted balance under paragraph 11 is therefore not engaged.

27. However, there would be benefits to the proposal. In this case the proposal would provide two dwellings towards housing land supply for the area, in an accessible location and within the centre of Bournemouth. There would be economic benefits from the construction of the dwellings, together with the financial boost from future occupiers using local businesses. The proposal could include sustainable construction techniques and it could be considered an efficient use of the site, amongst other potential benefits. I would regard these benefits to have modest weight in the planning balance, as there are only two dwellings proposed, for example.
28. However, the harm I have identified to the character and appearance of the area and the significance of heritage assets is such that it demonstrably, clearly and significantly outweighs the benefits. As such, my determination of this appeal should not be made other than in accordance with the development plan. The proposal conflicts with the aforementioned development plan policies and those of the Framework.

Conclusion

29. For the reasons given above I conclude that the appeal should be dismissed.

Mr S Rennie

INSPECTOR