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## Appeal Decisions

Site visit made on 16 January 2023

**by James Blackwell LLB (Hons) PGDip**

**an Inspector appointed by the Secretary of State**

**Decision date: 27<sup>th</sup> January 2023**

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### **Appeal A Ref: APP/V1260/W/22/3305904**

#### **50 Southbourne Grove, Bournemouth BH6 3RB**

- 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 Mr & Mrs Alan Bradshaw against the decision of Bournemouth Christchurch and Poole Council.
  - The application Ref 7-2021-13575-N dated 26 October 2021, was refused by notice dated 29 March 2022.
  - The development proposed is extension to add an additional floor (Third) to provide 2 no flats with associated cycle and bin stores.
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### **Appeal B Ref: APP/V1260/W/22/3305917**

#### **50 Southbourne Grove, Bournemouth BH6 3RB**

- 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 Mr & Mrs Alan Bradshaw against the decision of Bournemouth Christchurch and Poole Council.
  - The application Ref 7-2022-13575-O dated 30 May 2022, was refused by notice dated 27 July 2022.
  - The development proposed is extension to add an additional floor (Third) to provide 2 no flats with associated cycle and bin stores.
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### **Decision**

1. Appeal A is dismissed.
2. Appeal B is dismissed.

### **Background and Preliminary Matters**

3. The appeal site benefits from planning permission granted under reference 7-2020-13575-M for "alterations and extension at roof level to form an additional flat" (Existing Planning Permission). In turn, I have considered the effect of the proposed development under both Appeal A and Appeal B against this fall-back scheme.
4. The proposed development under Appeal B includes the reinstatement of a parapet wall along the top of the appeal building. Subject to this exception, the development proposed under Appeal A and Appeal B is substantially the same. Given that the issues pertaining to each appeal are broadly similar, the reasoning with regard to the two schemes has been addressed together.

## Main Issues

5. The main issues in respect of both appeals are the effect of the proposed development on the character and appearance of the area; the living conditions of neighbouring occupiers; and the integrity of the Dorset Heathlands.

## Reasons

### *Character and Appearance*

6. The appeal property is situated on the northern side of a busy high street, and comprises commercial premises on the ground floor and residential flats above. The building has a flat roof, which is typical of other premises along this side of the road. The roof also adheres to a broadly coherent roof line which is evident along this section of the road. Notwithstanding the differences in design and appearance between properties along this section of the high street, this coherence gives them a commonality which contributes positively to the overarching street scene.
7. The scheme under the Existing Planning Permission permits a single residential flat on the roof of the appeal building, which would be set back from its principal and rear frontages. When that scheme was considered at appeal<sup>1</sup>, the set back distances were clearly material to the Inspector's conclusion with regard to the effect of the development on the character and appearance of the area. Indeed, the Inspector said *"the roof addition would be set back from the edges of the proposed parapet wall and the height of the proposed flat would be minimised by the design. As a consequence, the addition would not be generally apparent on the other side of the main road opposite the site. In mid distant views, the set back from the proposed parapet wall, the reasonably low height of the addition and the muted tone of the zinc cladding would make the extension a fairly minor element in a reasonably busy street scene"*.
8. Conversely, the development under Appeal A and Appeal B would bring the development substantially closer to the front and rear elevations of the building. As a result, the roof addition would be much more prominent than the scheme permitted under the Existing Planning Permission, and would be readily apparent from the main road opposite the site, as well as from mid distant views. The additional prominence of the roof extension would disrupt the clear roof line which characterises this section of the road, which would be harmful to the street scene.
9. This impact would be further exacerbated by the proposed alignment of the front elevation of the extension, which would run at a different angle to the principal elevation to the building. This would create a discordant and uncomfortable with the host building and the adjoining property to the west, particularly on account of the clean lines which typify these buildings, owing to their flat frontages and flat roofs.
10. In my view, the reinstatement of the parapet wall (under Appeal B) would not sufficiently mitigate these impacts, as the prominence of the roof extension and its uncomfortable relationship with the rest of the building, would still be readily apparent from public vantage points along the road.

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<sup>1</sup> APP/V1260/W/20/3244321

11. On account of these factors, the development would harm the character and appearance of the host property and the immediate surrounding area. It would therefore conflict with Policies CS21 and CS41 of the Bournemouth Local Plan Core Strategy (2012) (Core Strategy), which seek to ensure new residential development achieves good design and contributes positively to the character of the area, by ensuring it is appropriate in terms of scale, layout and siting. The proposal would also conflict with saved policy 6.10 of the Bournemouth District Wide Local Plan (2002) (Local Plan) which highlights the need for new development to take account of ridge lines in its design. Finally, the development would conflict with the overarching design objectives of Residential Development, A Design Guide (2008) (Design Guide) and the National Planning Policy Framework (2021) (Framework).

#### *Living Conditions*

12. The rear of the proposed roof extension would be closer to the rear elevation of the main building than the scheme permitted under the Existing Planning Permission. This could potentially lead to some additional mutual intervisibility between the new flats and nos. 3 and 4 Respyrn Mews and nos. 9 and 9A New Park Road. Nonetheless, the parapet wall to the rear would provide a barrier between the two, which would substantially reduce the scope for any overlooking. Moreover, there is already a degree of intervisibility between these neighbouring properties and the rear windows to the flats on the existing upper floors of the appeal site. As a result, the appeal scheme is unlikely to materially exacerbate this position.
13. In turn, I am satisfied that the development would not unduly compromise the privacy of the occupiers of these neighbouring properties. In this regard, the proposal would comply with Policy CS41 of the Core Strategy, which seeks to ensure residential amenity is sufficiently safeguarded as part of any new development.

#### *Protected Sites*

14. The appeal site is within 5km of the Dorset Heathlands SPA, Special Area of Conservation and Ramsar Site (collectively referred to as the Dorset Heathlands). The Dorset Heathlands are an extensive network of lowland heath within south-east Dorset, which are recognised for their national and international importance for nature conservation.
15. The proposed development has the potential to lead to increased recreational use of the Dorset Heathlands, owing to the proposed additional residential units. In combination with other similar small-scale development, this means the proposal could result in increased disturbance to the protected habitats and species found in these protected areas. As a result, it is not possible to rule out likely significant effects on the Dorset Heathlands.
16. Nonetheless, The Dorset Heathlands Planning Framework (2020 – 2025) sets out measures to help mitigate against the potential effects from new housing. This mitigation is achieved through financial contributions towards Strategic Access Management and Monitoring (SAMM). The primary objective of SAMM is to raise awareness of relevant issues, through the employment of project coordinators and wardens to manage visitor pressures on the respective protected areas, and to monitor the effects of new development.

17. Whilst the appellant has indicated a willingness to pay a financial contribution towards SAMM, no planning obligation appears to have been submitted to secure this payment. Nonetheless, as I am dismissing the appeal on other grounds, further consideration of this factor, including an appropriate assessment under Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended), is not required. I have therefore not discussed this matter further.

### **Other Matters**

18. The Council cannot demonstrate a five-year supply of deliverable housing land and has failed to meet the Housing Delivery Test, which means its policies relating to delivery of housing are out of date. Paragraph 11(d)(ii) of the Framework (tilted balance) is therefore engaged. Nonetheless, paragraph 219 of the Framework is clear that due weight should still be given to existing policies according to their degree of consistency with the Framework.
19. Paragraph 130 of the Framework is explicit that new development should function well and add to the overall quality of an area. It highlights that development should be visually attractive and sympathetic to local character and surrounding built environment. The content of the Framework therefore reflects the overriding design and character principles of the Core Strategy and Local Plan in terms of new residential development. Even accounting for the Framework's objective of boosting the supply of housing and the Council's housing land supply position, the conflict between the proposal and the relevant policies of the Core Strategy and the Local Plan should therefore be attributed significant weight in this appeal.
20. As mentioned above, the proposal would contribute to the Council's housing stock. Whilst any increase is desirable, the net addition of one dwelling (when compared against the fall-back scheme) would only be a modest contribution in this instance. Consequently, I consider that the adverse impacts of the development in terms of harm to the character and appearance of the area would significantly and demonstrably outweigh its benefits when assessed against the policies in the Framework taken as a whole. As a result, the presumption in favour of sustainable development does not apply in this instance.

### **Conclusion**

21. The proposals under Appeal A and Appeal B would each conflict with the development plan as a whole and there are no other considerations, including the provisions of the Framework, which outweigh this finding. Therefore, for the reasons given, both Appeal A and Appeal B should be dismissed.

*James Blackwell*

INSPECTOR

## Appendix 1

List of those who have appealed

| <b>Reference</b> | <b>Case Reference</b>  | <b>Appellant</b>       |
|------------------|------------------------|------------------------|
| Appeal A         | APP/V1260/W/22/3305904 | Mr & Mrs Alan Bradshaw |
| Appeal B         | APP/V1260/W/22/3305917 | Mr & Mrs Alan Bradshaw |