



Appeal Decision

Site visit made on 18 January 2023

by Robert Parker BSc (Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 February 2023

Appeal Ref: APP/V1260/W/22/3297570

89 Wheaton Road, Bournemouth BH7 6LL

- 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 Hans-Joerg Klaentschi against the decision of Bournemouth Christchurch and Poole Council.
 - The application Ref 7-2021-25090-B, dated 19 April 2021, was refused by notice dated 20 April 2022.
 - The development proposed is pitched roof first floor studio flat extension to the existing single storey, flat roofed, detached flat, 89 Wheaton Road.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The appellant has submitted a signed unilateral undertaking (UU) which secures a financial contribution towards Strategic Access Management and Monitoring to mitigate the impact of the proposed development on the Dorset Heathlands European protected sites. The Council has approved the UU and I shall therefore determine the appeal on the basis that its concerns over the effect on the integrity of the European sites have been addressed.

Main Issues

3. The main issues are:
 - a) the effect of the proposal on the character and appearance of the area; and
 - b) the effect on the living conditions of the occupiers of 87 Wheaton Road, with particular reference to privacy.

Reasons

Character and appearance

4. The site is located at the western end of Wheaton Road, where it terminates at the boundary with East Cemetery. The land is occupied by a single-storey, flat-roofed dwelling which resulted from the conversion of a garage and workshop. The building is somewhat anomalous as the remainder of the street comprises two-storey housing, mainly Edwardian properties but also some later infill. The houses vary in design, with a mix of hipped and gabled roof forms, but there is a degree of architectural harmony which defines the character of the area.

5. The proposal is to extend the building footprint upwards to create a first floor studio flat. The new flat would be accessed using an external staircase on the front elevation, adjacent to 87 Wheaton Road, and it would be provided with its own roof terrace. The resultant building would have its upper walls clad with grey horizontal weatherboarding above the existing white walls. The roof would be dual-pitched and constructed using manmade slate.
6. Although visibly different to other forms of development within the area, the existing dwelling is relatively innocuous, its simple form and modest scale sitting comfortably within the plot. The proposed dwelling would be a more assertive structure, taller and with an asymmetrical gable fronting the road. The alignment of Wheaton Road relative to the cemetery boundary has created a triangular site and this places a significant constraint on the design, which would feature irregularly shaped roof planes. The unorthodox three-dimensional form would be at odds with the other houses in the street. As a result, the development would appear cramped, its form and mass dictated more by the proportions of the plot than by any analysis of context.
7. The rear of the building would present a blank, two-storey elevation onto the adjoining cemetery. This contrasts with the modest brick wall which presently exists and the pattern of dwellings and rear gardens that skirt the perimeter of the cemetery along Wheaton Road and Rebbeck Road. The height of the northern flank and lack of space to the boundary would reinforce the impression of a two-storey development which has been shoehorned onto the plot.
8. It should not be necessary for development to slavishly follow the example of existing buildings. Paragraph 130 of the National Planning Policy Framework ('the Framework') makes clear that decision-makers should not discourage design innovation, but at the same time development should be sympathetic to local character and history, including the surrounding built environment. The Council states that it has no 'in principle' objection to modern design, but I note that the appellant is not promoting the scheme as such and refers to its use of traditional materials.
9. The appellant contends that the proposal would foster a sense of curiosity and make the street scene interesting. However, I share the Council's view that the building form would be incongruous and discordant with the prevailing character of Wheaton Road. Where there are examples of 'non-conforming' architecture, such as in the case of 110 Wheaton Road, these are not directly comparable to the appeal scheme, neither do they occupy such a prominent position at the entrance to the cemetery.
10. I conclude that the proposal would be materially harmful to the character and appearance of the area. The scheme conflicts with Policies CS21 and CS41 of the Bournemouth Local Plan: Core Strategy (2012) (CS), saved Policy 6.10 of the Bournemouth District Wide Local Plan (2002) (BDWLP) and Policies BAP1 and BAP2 of the Pokesdown and Boscombe Neighbourhood Plan (2019) insofar as these jointly seek to ensure that the design of new developments respects or enhances the character and appearance of the area.

Living conditions for neighbours

11. The Council is concerned that use of the roof terrace would result in a harmful sense of 'perceived overlooking' for the occupiers of 87 Wheaton Road when using their garden. I note that this property has been subdivided and that the

rear garden is more akin to a shared yard which is overlooked by windows from both flats. The external amenity space already lacks privacy for activities such as sitting out, but in any event it would be possible to use a planning condition to require a privacy screen. This would prevent overlooking into the garden to No 87 and ensure compliance with the objective of saved BDWLP Policy 6.10 and CS Policies CS21 and CS41 to respect the living conditions of neighbours.

Other Matters

12. A previous proposal for the site was dismissed on appeal¹. The plans for that application have not been provided, but the evidence from the parties would suggest that the earlier scheme was materially different to that before me. I have determined the appeal on its own merits.
13. The appellant states that the existing flat roof needs regular maintenance to clear debris from overhanging trees, and that occupants of the dwelling can hear material falling onto the roof. The tenant has further advised that rain makes a lot of noise within the building. The proposal would help to address these issues by providing a pitched roof, but the benefits would not justify the harm to the character and appearance of the area.
14. Whilst I note the various comments in relation to the Council's handling of the planning application, these are not relevant to my consideration of the planning merits of the scheme.

Planning Balance and Conclusion

15. The Council concedes that it is unable to demonstrate a 5 year supply of deliverable housing sites, and advises that the current supply is 2.3 years. This figure, which is not disputed, represents a significant housing shortfall. The Framework indicates that in such circumstances permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
16. The proposal would provide a single dwelling on previously developed land within the urban area, in a location which has good access to services and facilities. The living accommodation within the new flat would exceed the Nationally Described Space Standard and, judging from what I saw of the ground floor unit, it would be of high quality. However, the proposal would cause material harm to the character and appearance of the area, contrary to the Framework's objective to secure good design which is sympathetic to local character. This adverse impact would significantly and demonstrably outweigh the benefits of granting planning permission.
17. For the reasons given above, and having regard to all other matters raised including the lack of objections from local residents to the proposed design, I conclude that the appeal should be dismissed.

Robert Parker

INSPECTOR

¹ Council Ref. 7-2012-25090