

Appeal Decision

Site visit made on 13 February 2023

by Mr C J Tivey BSc (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 February 2023

Appeal Ref: APP/V1260/D/22/3312989

32 Cox Avenue, Bournemouth BH9 3LY

- 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 Rob Dunford against the decision of Bournemouth, Christchurch and Poole Council.
 - The application Ref 7-2022-3430-C, dated 2 September 2022, was refused by notice dated 20 October 2022.
 - The development proposed is for removal of roof and construction of new first floor over current footprint to include new roof over. Installation of Juliette balcony to rear and skylights to rear roof pitch, new windows to first floor and construction of new porch to front elevation.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The appellant has submitted a revised plan Ref. PL01 Revision F due to the fact that not all of the proposed windows were shown on the relevant floor plans. Having regard to the fact that all of these windows were shown on the proposed elevations I consider that no parties would be prejudiced by me accepting this drawing; I have therefore determined the appeal on this basis.

Main Issues

3. The main issues are the effect of the appeal proposal upon the character and appearance of the area, and upon the living conditions of the occupants of 34 Cox Avenue, with specific reference to privacy and outlook.

Reasons

Character and Appearance

4. The appeal relates to a reasonably well conserved, detached chalet bungalow situated between two detached two storey houses within the suburban residential street of Cox Avenue where house designs, forms and external facing materials vary, albeit remaining fairly traditional in their appearance.
5. The proposal would comprise a complete second storey over the existing bungalow whilst utilising the existing footprint, including that of a large single storey flat roof extension to the rear of the property. The two red brick detached houses either side are largely untouched on their principal elevations bar the installation of uPVC replacement fenestration. I consider that the proposal would visually jar with

these, particularly by virtue of the contemporary nature of the proposal including the proposed grey fenestration and the finishing materials to the external elevations. It would appear incongruous in between the red-brick dwellings, notwithstanding the use of white render on a number of properties within the locality.

6. In coming to this conclusion I do have sympathy with the appellant in that they feel that the Council did not act positively or proactively, but ultimately that does affect my assessment of the proposal on its planning merits. Further, overall I do not take issue with the bulk, scale or massing of the dwelling as proposed to be extended. However, whilst it is quite clear that the National Planning Policy Framework (the 'Framework') advises that planning decisions should, amongst other things, not prevent or discourage appropriate innovation or change, the proposed fenestration and finishing materials to the elevation in quite a visually exposed location would give rise to demonstrable harm to the character and appearance of the area. I therefore find the proposal contrary to Policy CS41 of the Adopted Bournemouth Local Plan: Core Strategy (2012) which states that the Council will ensure that all development and spaces are well designed to respect the site and its surroundings, and that development which by virtue of its design would be detrimental to the built environment, amenity or character of any part of the Borough will not be permitted.

Living Conditions

7. In respect to impacts upon the living conditions of the occupants of 34 Cox Avenue, all of the windows on the north east elevation are those serving the ground floor reception room no1 and the first floor bedroom no 3, together with 2no high level windows at ground floor level which would be obscurely glazed. Bearing in mind that the former two windows would be secondary to those found on the principal elevation, I consider that if I had been so minded to have allowed the appeal, the imposition of a planning condition requiring all windows on that elevation to be obscurely glazed would have been reasonable.
8. I note the Council's reference to the perception of feeling overlooked by the occupants of no34, however I consider this to be tenuous, particularly bearing in mind that with the exception of a secondary side kitchen window, all other windows on the facing elevation are obscurely glazed or not serving habitable rooms. The secondary kitchen window which currently overlooks the driveway serving number 34 is clear glazed, however bearing in mind its nature, I consider that it would not give rise to an undue loss of outlook from that dwelling as a whole, with the garage of no 34 located in a position straddling the rear elevations of both its host dwelling and that on the appeal site, therefore providing a degree of screening.
9. I consider that the residential amenity of the occupants of 34 Cox Avenue would not be materially harmed from any overbearing impacts or through a loss of privacy, including to their immediate rear curtilage as in reality the only true views to be afforded over their rear garden would be from the proposed Juliette balcony towards its far end.

Conclusion

10. Having regard to the above and all other matters raised, I conclude that the appeal be dismissed.

C J Tivey INSPECTOR