



Appeal Decision

Site visit made on 15 February 2023

by Rachel Hall BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 April 2023

Appeal Ref: APP/V1260/W/22/3306906

Queens Court, Wharfdale Road, Bournemouth BH4 9BS

- 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 Mrs R Mazloum against the decision of Bournemouth Christchurch and Poole Council.
 - The application Ref 7-2022-28585-A, dated 12 May 2022, was refused by notice dated 4 August 2022.
 - The development proposed is alterations to existing building to create new third floor to create 2no additional two bedroom flats.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on:
 - the character and appearance of the appeal building and surrounding area;
 - the living conditions of the occupants of Regency Court, with particular regard to privacy in its rear garden;
 - the Dorset Heathlands SPA (Special Protection Area), Ramsar Site and Dorset Heaths SAC (Special Area of Conservation).

Reasons

Character and Appearance

3. The front elevation of the appeal building has an attractive sense of symmetry, with each storey comprising two windows either side of the central column. Those windows are also vertically aligned. Aside from one ground floor window, the windows on the rear elevation are also symmetrical and vertically aligned. There is consequently a pleasing uniformity to the placement of windows on its front and rear elevations, in keeping with the building's overall simplicity of form.
4. The appeal building occupies a highly visible position on Wharfdale Road (the Road), being close to the Road edge which is without pavements on that side. Its prominence is emphasised by its substantial three storey, flat roof form, combined with ground levels which fall steeply away towards Queens Road and at the rear of the building. Consequently, the appeal building is situated on appreciably higher ground than Regency Court and Queens Road. Therefore in

views from Queens Road the appeal building appears as a noticeable, standalone building of some bulk.

5. The floor to ceiling height of the additional storey would match those of the existing building. The central column would be extended upwards to retain that feature. However, the contrasting style of the proposed windows relative to the existing windows and their larger size relative to the existing third floor windows would draw the eye. This would emphasise the visual prominence of the additional storey in views from the Road and also in some views from Queens Road and Surrey Road. Whilst the proposed windows would be symmetrical within the fourth storey, their placement would be mis-aligned with those on the existing building. This would further draw attention to the additional storey and would jar with an important design feature of the existing building.
6. The height of the eaves on the existing building are broadly comparable to those of the adjacent building, Dale House. Whereas the eaves of the proposed building would be a noticeable step up from those of Dale House. Therefore, due to the steeply falling ground levels around the appeal building, the proposed additional storey would fail to respond to the topography of the area. This would be emphasised by the building's location adjacent to the car park for Regency Court where there is an absence of built form. As such, the resulting building would appear excessively tall in comparison to surrounding land and buildings. Moreover, in views from the Road, the visual dominance of the proposed additional storey would be accentuated by the relative narrowness of the Road. Consequently, the height and width of the proposed additional storey would appear oppressive from the Road itself.
7. The proposed balconies on the rear elevation of the appeal building would project from the flat rear elevation of the building at considerable height. Although at the rear of the building they would be clearly visible in profile from Queens Road and also between buildings on Surrey Road. The fully glazed finish would appear as a noticeably modern addition at odds with the building's more traditional design.
8. There is variation in adjacent building heights in the locality and examples of other flat roof buildings. This includes the four storey commercial building further along the Road, adjacent to two to three storey residential accommodation. However the four storey building is set back from the Road edge, on ground that is broadly level with the adjacent residential accommodation, and therefore their contrast in style and heights appears much less stark than with respect to the appeal scheme.
9. I note also the four storey, flat roofed, residential accommodation at 28 Surrey Road. However, No 28 is also set back from the road behind the pavement and a wide grass verge. Therefore its scale appears more balanced with respect to the width of the road. Furthermore, buildings to either side and opposite No 28 are on similar ground levels to it. Therefore, whilst No 28 is taller than the adjacent house at 26 Surrey Road, the contrast in their heights is considerably less pronounced. As such, the site context for No 28 is not comparable to the appeal site, and is considerably less exposed.
10. I note the six storey flats adjacent to shops on the corner of Queens Road and Poole Road. However Queens Road is comparatively wide, relatively flat, with substantial buildings lining either side of the road, and a greater mix of

commercial and residential uses. As such, it has an entirely different character and appearance to the appeal site and its surroundings and therefore does not alter my reasoning here.

11. Balconies are not an uncommon feature on buildings in the locality. However, those on 28 Surrey Road are enclosed by a projecting roof and pillars to either side, or recessed from the building's facade. In addition, balconies on 17 Surrey Road are contained by matching horizontal brick coursing on both first and second floors. Therefore in both instances, those balconies appear integral to the original building design, rather than prominent additions. I note there are also a small number of balconies on Balmoral House, on the opposite side of Queens Road to the appeal site. At first floor level with white lattice balustrades, these are unobtrusive and, contrary to the appeal scheme, appear in keeping with the style of the building.
12. I note that the appellant intends to make improvements to the existing building through renovation of existing accommodation as part of the appeal scheme, albeit there is no clear mechanism in place to ensure such works would be implemented. In any event, the impact of such improvements on the character and appearance of the site and surrounding area would be relatively limited. No robust evidence before me indicates otherwise.
13. Variation in building styles, scale and design can be beneficial to the character of an area. I note that the appeal site is described as being within an area of transition in the Council's Residential Development: A Design Guide (September 2008) (Design Guide). However, for the reasons given, I conclude that the scale and design of the proposed development would not achieve good design and would result in significant harm to the character and appearance of the appeal building and surrounding area.
14. Accordingly, whilst the proposal would contribute to the aim of Policy CS21 of the Bournemouth Local Plan: Core Strategy (2012) (Core Strategy) in addressing housing need, it would conflict with its requirements for such housing to achieve good design and respect the character and appearance of its surroundings. Therefore it would conflict with the policy as a whole. It would similarly conflict with Policy CS41 of the Core Strategy which seeks to ensure developments are of high quality including with respect to their scale, character and appearance.
15. Although the proposal would contribute to creating mixed and balanced communities as supported by Policy CS6 Core Strategy, it would conflict with that policy as a whole as it would not represent good design. The proposal would also conflict with saved Policy 6.10 of the Bournemouth District Wide Local Plan (2002) (Local Plan), which supports development of flats in built-up areas subject to certain criteria, including that it respects the character and appearance of the area.
16. The proposal would also conflict with the requirements of chapter 12 of the National Planning Policy Framework (Framework) which emphasises the importance of good design as a key aspect of sustainable development and seeks to ensure proposals are visually attractive as a result of good architecture. Whilst relating to a previously developed site, given these design concerns it would not represent effective use of the land. Therefore it would not be supported by paragraphs 119 and 120 of the Framework. These support developments that would make effective use of land and achieve upwards

extensions where the scheme is well-designed. In light of my reasoning above, the significant weight to be given to development that reflects local design policies and government guidance on design (paragraph 134 of the Framework), does not apply here. Similarly, for the reasons given the proposal would conflict with the Council's Design Guide, which generally seeks to ensure developments are design led and responsive to its particular site context.

Living Conditions

17. The Council considers that the proposed balconies would give rise to an unacceptable loss of privacy for occupants of neighbouring properties, within their rear garden. The proposed balconies are said to be positioned approximately 7m from the rear boundary of the site. There would therefore be some potential for overlooking of the rear garden of Regency Court. However, both of the proposed balconies would provide only a small amount of outdoor space for future occupants of the appeal scheme. This is likely to limit the amount of time spent on the balcony.
18. The position of the proposed balconies at height, would also add distance between the balcony and the rear garden. Furthermore, given their height and absence of intervening buildings in the foreground, it is reasonably likely that views out over the wider area are likely to be the focus of attention for future occupants of the proposal, rather than views down into the rear garden. In any event, a degree of overlooking of residential gardens is commonplace and would not be unduly intrusive in this relatively high density, urban environment.
19. Accordingly, the proposal would not unacceptably harm the living conditions of neighbouring occupants, with particular regard to privacy in their rear garden. As such, with respect to this main issue, I find no conflict with Policies CS21 and CS41 of the Core Strategy. Amongst other matters, these seek to ensure proposals respect residential amenity. However for the reasons given above it would conflict with these policies as a whole.
20. On this main issue, I also find no conflict with paragraph 130. f) of the Framework, which seeks to ensure proposals achieve a high standard of amenity for existing users. Similarly, for the reasons given, it would not conflict with the Design Guide objective at paragraph 3.7 of avoiding adverse effects on the amenity of existing residents.

Habitats Regulations

21. The appeal site is located within 5km of the Dorset Heathlands SPA and Ramsar Site, and part of the Dorset Heaths candidate SAC. The Habitats Regulations¹ require that permission may only be granted after having ascertained that it will not affect the integrity of a European site, such as the SPA and SAC. The Framework also requires that listed or proposed Ramsar sites should be given the same protection as habitats sites.
22. The Dorset Heathlands Planning Framework 2020-2025 SPD (April 2020) advises that the Dorset Heathlands is designated for protected and priority habitats and species including Dartford warblers, nightjars, woodlark, hen harrier, merlin, sand lizards and smooth snakes as well as other typical species of lowland heathland, wetlands and dunes.

¹ The Conservation of Habitats and Species Regulations 2017 (as amended).

23. There is a reasonable likelihood that occupants of the proposed development would access these designated sites for recreational purposes. Therefore the proposal, in combination with other developments in the area, would likely have a significant effect on those designated sites from increased recreational disturbance. The appellant's signed unilateral undertaking commits to payment of a contribution for Strategic Access, Management and Monitoring (SAMMs) for the Dorset Heathlands designated sites. The Council has also confirmed that such payments have now been made.
24. Accordingly, if the appeal were to be allowed I would need to undertake an Appropriate Assessment in accordance with the Habitats Regulations. However, I have found the proposal would result in harm contrary to the development plan in respect of the character and appearance of the appeal building and surrounding area. As such, unless other material considerations indicate that planning permission should be granted, there is no need for me to consider this matter further.

Other Matters

25. The main parties agree that the Council is not able to demonstrate a five year supply of deliverable housing sites. Also, that the current supply is 2.3 years with a Housing Delivery Test result of 67 per cent. This represents a significant housing shortfall. Paragraph 11 of the Framework states that where the development plan is out of date, 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, or there are specific policies in the Framework which indicate that development should be restricted. In this case, from the evidence before me, there are no specific policies in the Framework which indicate that development should be restricted.
26. The proposal would contribute two dwellings to the overall supply of housing envisaged by Policy CS21 of the Core Strategy. However it would conflict with the policy as a whole due to the considerable harm to the character of the area which would endure for the lifetime of the development. Although it would comply with aspects of Policy CS41 of the Core Strategy with respect to living conditions, I have found that it would conflict with the policy as a whole. For this appeal, these policies are generally consistent with the relevant aims of the Framework. Therefore, despite being out of date in relation to this appeal, the harm from conflict with these policies carries significant weight. Although I have found no unacceptable harm to living conditions and the site is located in an area with good accessibility to a range of goods and services and sustainable transport choices, the proposal would not accord with the development plan when considered as a whole.
27. The proposal would provide a limited amount of short-term employment through the construction of the development and some further modest benefits would result from the additional support to the vitality of the local community from the future occupiers of the two flats. The development would achieve an incremental increase in housing supply in support of the Government objective of boosting the supply of homes, in an area with an acknowledged lack of future provision. Small sites can make an important contribution to housing supply and can be developed relatively quickly. The Framework requires that great weight should be given to the benefits of using suitable sites within

existing settlements for homes (paragraph 69). Whilst a small contribution, the delivery of two new flats would be a significant benefit in the context of the Council's housing land supply shortage. However, the support for new housing in the development plan and the Framework is not at the expense of ensuring that developments are appropriately designed and integrate suitably with their surroundings.

28. Accordingly, whilst I have found the contribution to housing supply to be a significant benefit alongside other modest benefits, the enduring harm to the character and appearance of the appeal building and surrounding area would be of considerably greater significance. Consequently, in this case the adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. Therefore, the proposal would not represent sustainable development.

Conclusion

29. Consequently, having had regard to all other matters raised, I conclude that the appeal should be dismissed.

Rachel Hall

INSPECTOR