The Planning Inspectorate

Appeal Decision

Site visit made on 14 April 2023

by G Powys Jones MSc FRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 28 April 2023

Appeal Ref: APP/V1260/D/23/3314240
3 Cellars Farm Road, Bournemouth, BH6 4DL

- 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 Stephen Cook against the decision of Bournemouth, Christchurch and Poole Council.
- The application Ref 7-2022-25724-F, dated 7 August 2022, was refused by notice dated 17 October 2022.
- The development proposed is extension to roof to enlarge existing room with Juliet balconies to front and rear elevations.

Decision

1. The appeal is allowed and planning permission is granted for extension to roof to enlarge existing room with Juliet balconies to front and rear elevations at 3 Cellars Farm Road, Bournemouth, BH6 4DL in accordance with the terms of the application, Ref 7-2022-25724-F, dated 7 August 2022, subject to the conditions set out in the attached Schedule.

Preliminary matter

2. In the interests of brevity, and since it accurately portrays the proposal, I have utilised the description of the proposal seen in the Council's decision notice rather than that used in the original application form.

Main issues

3. The main issues are the effect of the development on: (i) the character and appearance of the host property and its surroundings, and (ii) the living conditions of the residents of 5 Cellars Park Road (No 5) with specific reference to privacy.

Reasons

Character and appearance

4. The appeal property is a detached dwelling set in a relatively short residential street. Apart from the bungalows at either end, all other dwellings on the same side of the street as the appeal property are detached two storey dwellings. On the other side of the street are some chalet bungalows and detached dwellings. Virtually immediately opposite the appeal property is a new flatted development which is of a significantly greater scale than all other development in the street.

5. Of the detached dwellings on this side of the street, the appeal property is the only one with a front gabled protrusion in its roof. The intention is to enlarge the gable feature, by widening its base and increasing its ridge height. The new ridge would be centrally placed in the front elevation, and glazing and a Juliet balcony would be installed within the triangle formed by the new structure.

6. The Council's objections to this part of the scheme are detailed at some length in the officer report and are directed to the design of the proposal and its effect on the street scene. Judgements on matters of design and visual impact are subjective in nature, and I do not share the Council's distaste for the proposal. The enlarged gabled projection would remain below the level of the dwelling's main ridge and, in my view, would appear proportionate and subservient in relation to the scale of the host property. Accordingly, whilst the enlarged gable would be plainly seen in the street, it would not appear out of place, indeed it would look completely acceptable in its visual context.

7. Although officers in their report appear to distinguish the flatted development at No 2 Cellars Park Road for its scale and modernity, a similar feature to that proposed is evident almost directly opposite the appeal site. The presence and design of the new flatted development now takes on an integral role in forming local character and it is therefore right and proper that it should play a part in the assessment of the effect of the appeal proposal on the street scene.

8. The relatively minor changes proposed to the rear would have little or no impact on the public realm and, given the extensive modifications already carried out at the rear of the dwelling, would have no material effect on its character and appearance.

9. I therefore conclude that the proposed development would not harm the character and appearance of the host property or surrounding area. Accordingly, I find no conflict with those provisions of Policy CS41 of the Bournemouth Local Plan: Core Strategy requiring the design of new development to respect the site and its surroundings.

Living conditions

10. As a result of various planning permissions and the use of permitted development rights, the dwelling has been considerably modified particularly at the side and rear. At first floor level, extensive areas of glazing and a balcony have been introduced, whilst above a wrap-around, largely glazed roof extension has been inserted. The intention is to insert a door/Juliet balcony at roof level at the rear, and the Council shares the concerns expressed by local residents that such a proposal, if implemented, would lead to unacceptable overlooking of neighbouring rear gardens, particularly that of No 5.

11. As part of my visit, I was allowed access to the rear facing rooms on the upper levels of the house and to the balcony at first floor level. From these vantage points I could see plainly that neighbouring gardens are already subject to overlooking from within and from outside, and in the case of No 5, at relatively close quarters, so that neighbouring privacy is already impaired to a significant degree. Whilst the concern expressed by a resident of No 5 in his representations has been noted and understood, I do not consider that the proposed development would make matters materially worse for any neighbouring resident.

12. I conclude that the proposed development would not result in a material diminution in the levels of privacy currently experienced by neighbouring residents, particularly the residents of No 5. Accordingly, I find no conflict with those provisions of Policy CS41 of the Bournemouth Local Plan: Core Strategy requiring the design of new development not to be detrimental to the amenities of neighbouring residents.

Conditions

13. The Council has suggested the imposition of certain conditions. It is necessary in the interests of certainty that the development should be carried out in accordance with the approved plans.

14. The standard condition suggested by the Council in respect of materials is also imposed in the interests of local visual amenity.

Other matters

15. All other matters referred to in the representations have been considered, including concerns expressed by residents of the new flats on the opposite side of the street. I have already dealt with design matters, but issues in relation to light spillage and privacy have been raised. The officer report deals with these objections in some detail, and I share the officer view, for the same reasons, that privacy and light spillage would not prove harmful to the flats' residents living conditions.

16. I have also taken account of the Council's references to national policy and its '*Residential Extensions – a Design Guide for Householders'*.

17. No other matter is of such strength or significance as to outweigh the considerations that led me to my conclusions.

G Powys Jones

INSPECTOR

Schedule of Conditions

1. The development hereby permitted shall begin not later than three years from the date of this decision.

2. The development hereby permitted shall be completed in accordance with the following approved plans: Ref J25.2021-0; -01A; -02A; -02C; -06; -07.

3. The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those of the existing dwelling.