



Appeal Decision

Site visit made on 18 May 2023

by N Praine BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 May 2023

Appeal Ref: APP/V1260/D/22/3312067

31 Huntvale Road, Bournemouth BH9 3HW

- 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 Terry Casserly against the decision of Bournemouth, Christchurch and Poole Council.
 - The application Ref 7-2022-28633-A, dated 14 September 2022, was refused by notice dated 15 November 2022.
 - The development proposed is described as the demolition of existing garage and creation of annexe for elderly relative.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of existing garage and creation of annexe for elderly relative at 31 Huntvale Road, Bournemouth BH9 3HW in accordance with the terms of the application, Ref 7-2022-28633-A, dated 15 September 2022, subject to the following conditions:
 - 1) The development hereby permitted shall be begun within three years of the date of this permission.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 22-741/002 Rev. B and 22-741/003 and retained as such.
 - 3) The materials used in development hereby permitted shall match those as specified on the application form unless details are submitted to, and approved in writing by, the Local Authority.
 - 4) The annexe accommodation hereby approved shall be used as ancillary to the main dwellinghouse only, and not as a separate entity.
 - 5) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development Order) 2015 (or any order revoking and re-enacting that Order with or without modification), no enlargements of the annexe hereby permitted shall be constructed without the grant of further specific planning permission from the Local Planning Authority.

Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

3. The appeal site comprises a bungalow with the proposed development sited in the rear garden. While it would have a larger footprint, the proposed development would be lower than the existing garage structure. It would also have limited visibility from public vantage points given its single storey scale, and intervening screening.
4. Large, flat-roofed outbuildings do not always positively enhance their host building or the character and appearance of an area. While some harm does arise with its relationship to the host building, I note the appellant has secured a Lawful Development Certificate (LDC) for a structure of similar design and proportions (Bournemouth, Christchurch and Poole Council ref: 7-2022-28633).
5. This therefore creates a viable fallback position which is a material consideration. The Courts have held that in considering the concept of a fallback development there should be a "real prospect" of it being implemented and not just a theoretical possibility that the development might take place.
6. In this regard, the appellant has taken clear steps to show that a similar structure could be achieved under Permitted Development and there is no clear evidence to support a conclusion that the fallback scheme would not be implemented if the appeal was dismissed. This therefore represents a fallback which is material to my consideration of the current proposal.
7. I am therefore satisfied that there is a real prospect of the fallback development taking place and I attach substantial weight to this consideration. The Council has also provided limited evidence as to how the proposed development would be harmful to the character and appearance of the area over and above the fallback position.
8. While there would be some increased activity this has not been clearly shown to be detrimental. On this basis and having carefully considered the evidence, the proposed development would not unacceptably harm the character and appearance of the area.
9. The proposed development would therefore comply with the relevant provisions of Policy CS41 of the Bournemouth Local Plan: Core Strategy 2012, the Residential Extensions: A Design Guide 2008 and the National Planning Policy Framework. These, amongst other things, seek to promote high quality design which responds to local distinctiveness.

Other Matters

10. The proposed drawings have been drawn to scale and while figured dimensions are not provided, the Council has not objected to the accuracy of these scaled drawings. Based on what is before me, I have no reason to consider the drawings would prevent a reasonable understanding of the size of the proposed development.

Conditions

11. I have attached conditions on the time limit for development, plans and use in the interests of certainty. The materials condition is also necessary to ensure that the development is in keeping with the character and appearance of the area.

12. Having regard to the size of the site and the relationship of the site to adjoining properties and the street scene, it is also reasonable to remove permitted development rights for alterations to the annex. This is in order that the effect on neighbouring occupants and the character and appearance of the area can be considered in the future.

Conclusion

13. For the above reasons, having regard to the development plan as a whole, the approach in the Framework and all other relevant considerations, the appeal is allowed.

N Praine

INSPECTOR