



Appeal Decision

Site visit made on 25 April 2023

by G Ellis BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 June 2023

Appeal Ref: APP/V1260/D/23/3318001 13 The Grove, Bournemouth, BH9 2TR

- 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 Ria Laws against the decision of Bournemouth Christchurch and Poole Council.
 - The application Ref: 7-2022-26523-E, dated 18 November 2022, was refused by notice dated 23 January 2023.
 - The development is a terrace over the existing single-storey side extension.
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Decision

1. The appeal is allowed, and planning permission is granted for a terrace over the existing single-storey side extension at 13 The Grove, Bournemouth, BH9 2TR in accordance with the terms of the application, Ref 7-2022-26523-E, dated 18 November 2022 and the plans submitted with it, subject to the condition: -
 - 1) Notwithstanding the details on the approved plans, details of the rear screen to the roof terrace shall be submitted to and approved in writing by the local planning authority within two months of the date of this permission. The approved screen shall be implemented within three months of its approval and thereafter be retained for so long as the use persists.

Procedural Matter

2. The terrace has already been created and therefore the proposal is partly retrospective in that the rear screen has not yet been installed.

Main Issues

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

Reasons

4. The appeal property is a detached house with bay windows to the front and is of the same general style as other along the street. They create a regular pattern of development with the space between them often forming driveways and/or garages. A single-storey extension has recently been added to the side of No.13 which infills the space up to the neighbour. It has a false pitch roof to the front and the terrace has been created on the flat roof behind. When I visited, the terrace area contained seating and plants, and a pergola extends over the space with a glazed screening panel to the rear.

5. The terrace is set some distance back from the front elevation and the screening panel is inset from the rear edge of the extension. Due to this recessed position, it is not seen in general views along the street, although from directly opposite parts of the existing structures and plants are visible above the roof. The pergola is however not part of this proposal and was refused by the Council under an earlier application¹.
6. The appellant explains that the terrace is to create a quiet and sensory space for their child. Whilst terraces are not a common feature in the locality it is a modest and enclosed space sited between two flank elevations and without the pergola would be a discrete feature. Notwithstanding this, the proposal would replace the existing rear screen with a timber panel with an obscure glazed section on top. Effectively at first-floor level, this would be an incongruous and prominent feature which would form a solid barrier and as a result, would increase the visual intrusion from the street and in the private views from neighbouring properties to the rear.
7. As part of my considerations, I must also assess whether conditions could address the adverse effects. The harm, in this case, is derived from the materials to be used for the screen. The timber screen appears to have been a response to the concerns raised to the previous scheme (as currently in situ) in that it would not hide activity, increase noise, and create a perception of overlooking. As I saw on-site the existing obscure panel does not permit any views through, and due to its glazed nature does not have the same physical and visual presence. Additionally, while the outdoor space is elevated, I do consider the space to be of a scale or form that would result in a level of noise or activity that would be unduly harmful to the living conditions of adjoining occupiers and the Council has raised no specific objections in that regard in its reason for refusal. Thereby if the materials were altered to obscure glazing the identified harm would be sufficiently mitigated.
8. The obscure panel already in place is part of the pergola structure, which is to be removed. As such a condition would be required to confirm the details of the screening panel and to ensure that it is retained to protect privacy. With this provision, I do not find that the terrace would have an adverse impact on the character and appearance of the area.
9. Therefore, I find that the development would accord with the provisions of Policy CS41 of the Bournemouth Local Plan: Core Strategy which seeks high standards of sustainable and inclusive urban design and to be well designed respecting the site and its surroundings. It would also reflect the guidance in the Council's Residential extension – A guide for Householders in relation to terraces/balconies in that it would not be very visible from the street, it is not large and would not result in overlooking. Finally, it would accord with the design requirements of the National Planning Policy Framework.

Other matters

10. Whilst I am aware that there is a condition on the approval for the extension (Council reference 7-2022-26523-C) restricting the use of the flat roof to the extension as a terrace I have considered the proposal before me on its own merits in accordance with Development Plan.

¹ 7-2022-26523-D - Retrospective Application to form a terrace with a timber pergola structure over existing single storey side extension.

11. The presence of the rear garden, that the terrace was created without the benefit of planning permission and that there have been several planning applications relating to the side extension are not matters which alter my findings on the main issue.

Conditions and Conclusion

12. As noted above a condition is required to secure the details of the obscure glazed screening panel, but as the development has commenced no further conditions are necessary.
13. For the reasons set out and having regard to all other matters raised the appeal is allowed.

G Ellis

INSPECTOR