



Appeal Decision

Site visit made on 6 June 2023

by C Butcher BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 August 2023

Appeal Ref: APP/V1260/W/22/3310869

1 Hylton Manor, 17 Boscombe Overcliff Drive, Bournemouth BH5 1LN

- 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 AL and Mrs Y Levison against the decision of Bournemouth Christchurch and Poole Council.
 - The application Ref 7-2021-1885-F, dated 15 April 2021, was refused by notice dated 27 June 2022.
 - The development proposed is demolition of existing building and erection of a dwellinghouse with basement, open air swimming pool, pool house and associated hard and soft landscaping.
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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 or appearance of the Boscombe Manor Conservation Area;
 - protected species, with particular regard to bats; and
 - the living conditions of the occupiers of No's. 15 and 19 Boscombe Overcliff Drive and No. 53 Keswick Road, with particular regard to privacy.

Reasons

Character and appearance

3. The appeal site is located within the Boscombe Manor Conservation Area, a predominantly residential area close to the seafront. From the evidence before me, and from what I saw when I visited the site, the significance of the Conservation Area, in so far as it is relevant to this appeal, is derived from the value of the suburban development of Boscombe in the late nineteenth and early twentieth century, and the architectural styles and tastes of the time. It has an aesthetic value due to the appearance of the buildings that comprise the Conservation Area, and in combination with the layout, this results in a spacious and verdant character.
4. The existing building on the appeal site is a detached dwelling which has a number of traditional features including a pitched tile roof with gables on the principal and western elevations, as well as a gabled porch with supporting wooden posts. It has dormer windows within the roof space, although these are of a modest size. While the building is slightly taller than the neighbouring houses at No's. 15 and 19, and it has dormer windows in the roof space, it is

still very much perceived as a two-storey dwelling. Furthermore, while it has been altered over time, it still retains the massing and proportions of an Edwardian house and sits comfortably next to its neighbours at an entry point to the Conservation Area. Despite the external alterations, much of the building's overall architectural integrity has been preserved and its attractive appearance makes a positive contribution to the Conservation Area.

5. The proposed replacement dwelling would be of a similar height to the existing building. However, at roof level, it would have a significantly greater mass. It would therefore be perceived as being bulkier and much more imposing and, in combination with the taller windows on the east and west elevations, this would result in the dwelling having the appearance of a three-storey building. As a result, it would appear much larger than the older neighbouring dwellings, despite being of a similar size. It would therefore seem out of place and incongruous, and the existing rhythm of development, which comprises three two-storey buildings, would be visually broken. Furthermore, the additional mass would mean that the second floor of the property would be physically closer to the side elevations of No's. 15 and 19 than at present. The replacement dwelling would also have a greater footprint on the site. These aspects of the proposal would make the immediate area feel more cramped, and the resulting reduction in spaciousness would be at odds with, and harmful to, the prevailing character of the Conservation Area. The harm arising from this would be exacerbated by the fact that the appeal site is in a particularly prominent location.
6. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention is paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area. In this instance, due to the limited scale of the development, the harm would be relatively localised. However, the appeal site is located at a prominent entry point to the Conservation Area, and so this localised harm would also be harmful to the character and appearance of the Conservation Area as a whole. The proposal would have a negative effect on the significance of a designated heritage asset and would result in 'less than substantial harm'. In these circumstances, the National Planning Policy Framework (the Framework) requires that this harm must be weighed against public benefits. Any harm to the significance of the Conservation Area must be given considerable importance and weight.
7. In this instance, the development would not provide a net increase in housing numbers. The appellant has submitted evidence to suggest that the existing dwelling would be difficult and costly to repair. However, doing so is still a possibility, and in any event, this does not justify replacing it with a dwelling which would be harmful to character and appearance. The appellant has suggested that the proposal could result in an increase in biodiversity on the site. However, being a single residential plot, any increase in biodiversity would be fairly limited, and it is not clear why similar outcomes could not be achieved without the proposed development taking place. Any remaining benefits would be private in nature, including the provision of more living space for future occupants, and the potential for greater energy efficiency.
8. I therefore conclude that the public benefits do not outweigh the less than substantial harm I have identified. The proposed development would therefore fail to preserve or enhance the character or appearance of the Conservation

Area and would result in harm to its significance. This would fail to satisfy the requirements of the Act, paragraph 197 of the Framework, and would conflict with Policies CS39 and CS41 of the Bournemouth Local Plan: Core Strategy, October 2012 (CS), as well as Policy 4.4 of the Bournemouth District Wide Local Plan, February 2002 (LP). Taken together, these policies seek to protect designated heritage assets and ensure that development is of a high quality design. It is also in conflict with Policy BAP1 of the Boscombe and Pokesdown Neighbourhood Plan, November 2019, which requires development to reflect existing character and also seeks to resist the demolition of existing buildings. Finally, the proposal is also contrary to paragraphs 197, 200, 202 and 206 of the Framework, which set out how designated heritage assets, including Conservation Areas, should be conserved and enhanced.

Protected Species

9. The Council's reason for refusal suggests that a phase 2 bat survey was not submitted as part of the application. The appellant has provided evidence that the survey, prepared by Greengage, was submitted in June 2021, prior to the application being determined. The survey concluded that the proposed development would likely have a negligible impact on roosting bats, and it does not appear that the Council disputes these findings.
10. Nevertheless, the survey is now two years old, and it is not certain that the results of an updated survey would be the same. The appellant has suggested that a new survey is being undertaken. However, as it stands, I do not have up to date evidence before me to conclude that the proposal would not harm protected species. As such, it is contrary to CS Policies CS30 and CS35 and LP Policy 4.25. Taken together, the relevant aspects of these policies seek to protect wildlife habitats and biodiversity. It is also contrary to paragraph 174 of the Framework which sets out that decisions should contribute to, and enhance, the natural environment.

Living conditions

11. The existing dwelling has windows within the roof space on the eastern, western and rear elevations. From what I saw when I visited the site, it is very likely that these windows, along with the windows at first floor level, currently offer views of the gardens of No's. 15 and 19, and No. 53 Keswick Road, and also views into the side windows of No's. 15 and 19.
12. The proposed development would include taller windows on all elevations when compared to the current building, and at second floor level, they would also be set slightly higher within the roof space. In addition, the side elevations at roof level would be closer to the neighbouring properties than is currently the case. However, despite this, the location of the existing windows means that, while viewing angles may change slightly, it is unlikely that the proposed development would result in any new views being offered of No's. 15 and 19 that currently don't exist. The proposed building would extend further to the rear of the site than the current property. This may provide slightly greater opportunities for overlooking the property and garden of No. 53 Keswick Road. However, this would be fairly minimal, and the views offered would still be at an oblique angle and over a reasonable distance.
13. Any small increase in overlooking would be mitigated by the installation of obscured windows on the first and second floors of the proposed dwelling, as

shown on the approved plans. This could be secured via an appropriately worded condition.

14. I therefore conclude that the proposed development would not result in harm to the living conditions of the occupiers of No's. 15 and 19, or No. 53 Keswick Road, having particular regard to privacy. It is therefore in conformity with CS Policies CS21 and CS41, the relevant aspects of which seek to protect living conditions.

Other Matters

15. The officer report states that the appeal site is within 5km of the Dorset Heathlands Special Protection Area and Ramsar site, and part of the Dorset Heaths candidate Special Area of Conservation. However, as I am dismissing the appeal I do not need to consider this issue further.
16. The appellant has raised concerns that the Council determined the application without having proper regard to the most up to date plans. Even if that were the case, I have considered the up to date approved plans as part of this appeal, and I have set out why the proposed development would result in harm.

Conclusion

17. I have found that the appeal proposal would cause harm to the significance of the Boscombe Manor Conservation Area and that it has not been demonstrated that the proposal would not harm protected species. These are important matters and conflict with policies in the development plan which are most important in determining the appeal. Consequently, the proposal would conflict with the development plan taken as a whole, notwithstanding that I have found no harm to the living conditions of neighbouring occupiers and the proposal may comply with other policies in the plan. The appeal is therefore dismissed.

C Butcher

INSPECTOR