



Appeal Decision

Site visit made on 1 August 2023

by C Rose BA (Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 August 2023

Appeal Ref: APP/V1260/W/23/3317228

14 Raven Way, Christchurch BH23 4BQ

- 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 and Mrs Norman against the decision of Bournemouth Christchurch and Poole Council.
 - The application Ref 8/22/0642/FUL, dated 2 August 2022, was refused by notice dated 31 October 2022.
 - The development proposed is demolition of the existing dwelling and the erection of a replacement dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The appeal is accompanied by additional plans which show a blue dotted line added to the proposed plans to denote a previous proposal¹. An additional Site Plan has also been prepared with the first-floor layout annotated. These plans have not been subject to any public consultation but have been available to view by the Council and third parties. Given that the plans do not alter the proposal, and given my findings below, I am satisfied that no party would be prejudiced by my consideration of these additional plans. I have therefore considered them in determining this appeal.

Main Issues

3. The main issues are the effect of the proposal on:
 - the character and appearance of the area, and
 - the living conditions of the occupiers of No.12 Raven Way with particular regard to outlook and privacy, and the occupiers of No.1 Fulmar Road with particular regard to privacy.

Reasons

Character and Appearance

4. The site is viewed in association with the general pattern of development on Raven Way and its junction with Fulmar Road that are characterised by detached properties. These properties are set back from the road following well defined building lines utilising a range of materials. The dwellings comprise a mix of traditional and more contemporary designs with a number benefitting

¹ 8/21/1162/HOU

from accommodation within roof forms that are subservient to the ground floor built form.

5. The proposed dwelling would be set forward of the existing bungalow, forward of the established building line to Raven Way and the building line as it follows the road round into Fulmar Road. The existing building line and position of the dwelling ensure that the built form follows the curve in the roads minimising the bungalows prominence in the street scene.
6. As a result of the projection forward of the building line, position closer to the pavement, and increased height and bulk from the first floor, particularly when viewed on approach along Raven Way, the proposal would be in stark contrast with the general pattern of development in the area. The contrast with the existing pattern of development would be heightened by the overhanging first floor to the front and side elevations that result in the building having a top-heavy appearance. This would be the case despite the proposal being amended from the previous scheme and following the prevailing ridge heights.
7. I viewed the other redevelopments carried out in the area referenced by the appellant² at the time of my site visit, recognise the presence of gabled roof forms and recessed balconies. However, those other dwellings do not significantly project forward of their respective building lines, with development contained within subservient roof forms.
8. Whilst the contemporary approach and use of recessed balconies would complement the surrounding built environment and comprise appropriate materials not too dissimilar to the other redevelopments in the area, these matters would not overcome the unacceptable impact of the development that I have previously identified.
9. For the above reasons, I conclude that the proposal would have a harmful effect on the character and appearance of the area. Accordingly, the proposal would not comply with Policy HE2 of the Christchurch and East Dorset Local Plan Part 1 – Core Strategy (April 2014) (CS) and Policy H12 of the Borough of Christchurch Local Plan (March 2001) (LP) and the National Planning Policy Framework (the Framework). Amongst other things, these seek to ensure that development is of a high quality reflecting and enhancing areas of recognised local distinctiveness, permits development if it is compatible with or improves its surroundings, are appropriate in character, scale and design to the immediate locality and achieve well-designed places sympathetic to local character.

Living Conditions

10. The orientation of the proposed dwelling and its position on the plot would result in its side and rear elevations being in close proximity with the side boundary and rear garden to No.12 Raven Way. Due to the tapered nature of the rear gardens to the appeal site and No.12, the proposal would also face towards the rear garden to No.1 Fulmar Road.
11. The close relationship of the proposed dwelling to No.12, combined with its two-storey height, and increased depth and mass in comparison to the existing dwelling would result in an overbearing impact on, and unneighbourly relationship with, the rear of No.12 and its garden. Whilst the building is not

² 15, 16, 18, 19 Raven Way, 3, 5 and 11 Fulmar Road, 1 Merlin Way

directly to the rear elevation of No.12, it would be located in very close proximity alongside and highly visible from the rear of No.12 and its outdoor space.

12. The proposed upper floor would contain a full-height window to Bedroom 3 located very close to the rear garden of No.12 Raven Way. Given the distance to the neighbouring garden, triangular nature of the plots and given the size of the window and position at first-floor level, views from the window would directly overlook the rear garden of No.12. Whilst any overlooking would be towards the middle of the garden rather than directly towards the rear elevation of the dwelling, the close relationship and raised position close to the boundary would nonetheless result in an unneighbourly relationship with the garden area that is limited in size. The relationship would be harmful despite the presence of louvres to Bedroom 3 as they would only partially reduce the outlook from the window.
13. Whilst there is a further first floor window proposed to the Master Bedroom to the rear of the dwelling, this window is set back from the rear elevation between flank walls adequately minimising any opportunity for overlooking. Furthermore, any outlook from this window is towards the very bottom of nearby gardens at a greater distance.
14. I appreciate the presence of a first-floor bedroom window to the rear of No.16 Raven Way, consented Juliette balcony to No.1 Fulmar Road and that mutual overlooking in residential areas is common. Nonetheless, windows to the rear of No.16 and No.1 would face directly down their own gardens, thus reducing any potential for overlooking of neighbouring plots. In light of No's 12 and 14 Raven Way being bungalows on tapering plots with no first-floor windows, there relationship is much more sensitive to change with very limited mutual overlooking between them at present.
15. Due to the distance to the garden of No.1 Fulmar Road with intervening boundary treatments, there would be no unacceptable overlooking of its rear garden.
16. I recognise that the proposal has been amended from the previous scheme, and that it would be generally no closer to No.12 Raven Way. However, these matters do not overcome the harm I have identified above.
17. For the above reasons, and although I find that the proposal would not harm the living conditions of the occupiers of No.1 Fulmar Road with regard to privacy, I conclude that the proposal would harm the living conditions of the occupiers of No.12 Raven Way with particular regard to outlook and privacy. Accordingly, the proposal is contrary to Policy HE2 of the CS and Policy H12 of the LP and the Framework. Amongst other things, these seek to ensure, amongst other things, that development will be permitted if it is compatible with or improves the relationship to nearby properties including minimising general disturbance to amenity, that the residential amenities of existing occupiers are not adversely affected by the loss of light or privacy and promote a high standard of amenity for existing users.

Other Matters

18. The proposal would benefit from suitable landscaping, access, car parking and amenity space. In addition, the proposal would not harm trees or wildlife.

However, as these are requirements of local and national planning policies, they are neutral in my consideration.

19. I recognise that the proposal would meet the appellant's family needs and has been designed to reduce energy consumption and provide bat and bird boxes. Nonetheless, these matters do not outweigh the harm I have identified.

Conclusion

20. Overall, for the reasons given above, the proposal conflicts with the development plan and there are no material considerations, including the Framework, that would outweigh that conflict. Therefore, the appeal is dismissed.

C Rose

INSPECTOR