
Appeal Decision

Site visit made on 27 September 2023

by R Satheesan BSc PGCert MSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 October 2023

Appeal Ref: APP/V1260/C/22/3307068

17 Southwick Road, Bournemouth BH6 5PR

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Mr Jonathon James Fortescue Norris against an enforcement notice issued by Bournemouth, Christchurch and Poole Council.
 - The enforcement notice was issued on 18 August 2022.
 - The breach of planning control as alleged in the notice is without planning permission, the erection of a first-floor rear extension, as outlined in purple on the attached plan.
 - The requirements of the notice are:
 - 1) Demolish the first-floor rear extension, as outlined in purple on the attached location plan
 - 2) Remove any materials from the land associated with step 1
 - The period for compliance with the requirements is 6 months.
 - The appeal is proceeding on the grounds set out in section 174(2) (a) of the Town and Country Planning Act 1990 as amended. Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.
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Decision

1. The appeal is dismissed, and the enforcement notice is upheld, and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Ground (a) appeal and the Deemed Planning Application

Main Issues

2. The main issues are the effect of the development on:
 - The character and appearance of the host building and area;
 - The living conditions of the occupiers of Nos 15 and 19 Southwick Road in terms of outlook.

Reasons

Character and appearance

3. The appeal property is a two-storey detached dwelling, situated in a residential area with detached and semi-detached two storey properties. Properties in the street are predominantly characterised by double storey bay windows, pitched roofs, and the use of traditional materials including brick, slate and tiles. These

positive features in combination with tree lined street and landscaped front gardens provides a suburban and verdant character to the area.

4. Bournemouth Borough Council's Residential Extensions: A Design Guide for Householders, 2008 (Design Guide) states that any extension should respect the scale of the original building and the space around it. Prior to the current unauthorised development, the appeal property had been extended with a full width ground floor rear extension which was subservient to the character and appearance of the host building and area. In contrast, the existing full width first floor rear extension, in combination with the full width ground floor rear extension extends the building considerably.
5. The Design Guide also states that materials and details should be used that match the existing property, to tie the extension into the existing property. However contrary to the above guidance the rendered material and relatively small windows at first floor level fail to match the existing brick material and architectural features of the host building and adjacent properties. The excessive scale and poor design of the unauthorised development is accentuated by its visibility from neighbouring properties.
6. Therefore, despite the current development being located to the rear of the property, the effect of the scheme is overly dominant and diminishes unacceptably the character, appearance, and integrity of this building with consequent harm to the character and appearance of the area.
7. I therefore conclude that the development harms the character and appearance of the host dwelling and area. Accordingly, the development conflicts with Policy CS41 of the Bournemouth Local Plan: Core Strategy, 2012 (CS). Amongst other things, these require that all developments be well designed and of a high quality and development should, through its scale, density, layout, siting, character and appearance be designed to respect the site and its surroundings.
8. The development also conflicts with the National Planning Policy Framework, 2023 (the Framework) which seeks to ensure that developments are visually attractive as a result of good architecture, layout and are sympathetic to local character and history, including the surrounding built environment.

The living conditions of the occupiers of Nos 15 and 19 Southwick Road in terms of outlook

9. The Design Guide advises that extensions which loom over the boundary to the neighbouring property can be considered overbearing and oppressive. I appreciate the appeal site relates to a detached property and therefore the extension is not built on the boundary with neighbouring properties. Nevertheless, the excessive height, size and scale of the first-floor flat rear extension, in close proximity to both neighbouring properties results in a visually intrusive and unneighbourly form of development for occupiers of both Nos 15 and 19. Indeed, the outlook from the first floor rear bay window at No 15 and the garden patio and ground floor rear window at No 19 was restricted by this extension resulting in an increased sense of enclosure for the occupiers of these adjacent properties.
10. Consequently, the development has resulted in an unacceptably harmful effect on the living conditions of the occupiers of neighbouring property at Nos 15 and

19 Southwick Road with regard to outlook, in conflict with Policy CS41 of the CS and the Framework. Amongst other things, this states that the Council will seek to ensure that new developments, enhance the amenities of future occupants and neighbouring residents. The development is also conflicts with paragraph 130 of Framework which seeks to ensure all developments creates places with a high standard of amenity for existing and future user.

Other matters

11. I have had regard to the appellant's statement which refers to a number of extensions along the road. However, only limited details of these other extensions have been submitted and therefore I cannot be certain that the circumstances which led to those developments are directly comparable to the appeal scheme before me. Furthermore, most of these other extensions are on the opposite side of the road or further northeast along Southwick Road where properties are generally larger. However, full width first floor rear extensions are not a characteristic feature on this section of Southwick Road where the appeal site is located. In any event I have assessed the current appeal development on its own merits.

Conclusion on Ground (a) and the Deemed Planning Application

12. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning decisions to be made in accordance with the development plan unless material considerations indicate otherwise. I have found conflict with the development plan with regard to character and appearance and the living conditions to neighbouring occupiers with regard to outlook. None of the other matters raised by the appellant, including their concerns of relocating and the benefits associated with providing additional living space for their family outweigh the harms identified. Therefore, there are no material considerations that would lead me to a decision other than in accordance with the development plan in this case.
13. For the reasons given above I conclude that the appeal should not succeed. I shall uphold the enforcement notice and refuse to grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

R Satheesan

INSPECTOR