



Appeal Decision

Site visit made on 17 October 2023 by R Dickson BSc (Hons) MSc MRTPI

Decision by John Morrison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 December 2023

Appeal Ref: APP/V1260/D/23/3324654

54 Broadway Lane, Bournemouth BH8 0AA

- 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 & Mrs Rocco & Iryna Saverio Ruggeri & Niavezhyna against the decision of Bournemouth Christchurch and Poole Council.
 - The application Ref 7-2023-2261-G, dated 17 April 2023, was refused by notice dated 9 June 2023.
 - The development is described as a "retrospective application to erect a single storey garden annexe".
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters

3. At the time of the site visit, the development appeared to have been completed in accordance with the submitted plans. I have proceeded on the basis that retrospective planning permission is sought through the appeal.

Main Issue

4. The main issue is the principle of the proposed development with specific regard to its effect on the character and appearance of the area.

Reasons for the Recommendation

5. The appeal building is a substantial structure in the rear garden of No 54. The accommodation comprises an open plan kitchen and living space, a shower and WC, a dining room, an office and a double bedroom. It has a front door that addresses the plot's driveway. It has windows facing Chesildene Drive as well as the driveway and the rear of the plot. The elevation that faces No 54's garden is a solid wall with roof lights.
6. The Council's Residential Extensions: A Design Guide for Householders (Design Guide) sets out, amongst other things, what is reasonable for the purposes of an annexe. It explains that, if they are to be detached buildings, they must remain subservient to the existing property and be of a suitable scale for its purpose. Over large buildings will not be considered acceptable and creating an independent dwelling within the curtilage of an existing house is rarely viewed

favourably. It goes on to say that if permission is granted for an annexe, conditions will be imposed to ensure that the structure is not used as an independent home.

7. Putting the intentions of the appellant briefly aside, and on its face, the proposed annexe is a large building in terms of its floor area and overall height. It has the facilities to be able to be occupied fully independently of No 54. I appreciate that a bathroom and kitchen would not necessarily a dwelling make but in the case of the appeal scheme, and applying fact and degree principles, the provision of accommodation and facilities within the proposed annexe would go beyond even that. Taking into account also how the building addresses its own frontage which can be accessed entirely separate from No 54, one could easily park a vehicle in front of it and it has been designed and built to face entirely away from what one would, if it were to be annexed accommodation, reasonably assume to be a communal private garden space.
8. It is the appellant's intention to use the annexe for domestic storage and in connection with painting and hobby craft. It is also to provide accommodation for guests when gatherings occur. There is no mention in the evidence as to the accommodation being provided for a family member or how specifically it would function with some reliance on the host dwelling. There could be space for storage, but it is not shown on the plans. In addition, I remain to be convinced that accommodation for guests would require, by association, its own dining, living and food preparation facilities.
9. The appellant seems amenable to the use of a condition to restrict the occupation of the building if it were to be accepted as an annexe. Be that as it may, I am unsure as to how one could be enforced with the above in mind and equally how it could be complied with when the accommodation provided would not require any reliance on the host dwelling.
10. The prevailing character of the immediate area is low-rise buildings, in the form of bungalows and dormer bungalows. There are two storey dwellings further afield. Generally speaking, there is a designed and evolved hierarchy to buildings in the area. Larger primary uses face their road frontage and outbuildings are to the side and rear and exist as subservient ancillary/incidental structures performing uses as such. This results in a discernible open and spacious feel to gardens specifically which, along with the above, contributes positively to the character and appearance of the area.
11. The siting of this substantial building which would present and exist in character terms as a primary one (a dwelling for all intents and purpose) takes up a significant proportion of No 54s curtilage. It has a crowding and cramping effect, competing for visual and character dominance with No 54. Its appearance, design and function would be as an independent unit of accommodation somewhat squeezed between No 54 and the closest dwelling on Chesildene Drive, unacceptably reducing the area's established speciousness and eroding the defined hierarchy by being disproportionate in both land take and height to No 54. The prominent location of the building alongside Chesildene Drive, coupled with its scale and lack of screening, makes it highly visible and thus exacerbates the above effects. Furthermore, the materials used are not a common feature of the area. This means that it is not as readily absorbed into the street scene in a way that a smaller and similarly constructed outbuilding would be.

12. There are other outbuildings of substance in the wider area. The appellant has provided some examples. Some are used as annexes albeit I am not aware of their individual circumstances. Notwithstanding, they do tend to be within larger gardens and are proportionately much smaller than their host. I note the pitched roof garage example cited albeit this is clearly a garage and as such an incidental outbuilding which sits alongside and set back from its dwelling. These examples do not therefore justify the appeal scheme.
13. With this and the above in mind, the principle of the development would not be acceptable, and it has an unacceptably harmful effect on the character and appearance of the area. This would be contrary to the Council's Design Guide on annexed accommodation specifically which would, consequently, lead to conflict with Policy CS41 of the Bournemouth Local Plan: Core Strategy 2012 (LP). This seeks, amongst other things, to ensure that new developments and spaces are well designed and of a high quality. It goes on to say that development should, through its scale, density, layout, siting, character and appearance be designed to respect the site and its surroundings.

Conclusion and Recommendation

14. For the reasons given above, the appeal scheme conflicts with the development plan and there are no material considerations worthy of sufficient weight that would indicate a decision other than in accordance therewith. I therefore recommend the appeal be dismissed.

R. Dickson

APPEAL PLANNING OFFICER

Inspector's Decision

15. Whilst proposed as an annexe, and as has been explained above, the development presents as one capable of independent occupation and thus function as a dwelling with there being justifiable concerns over whether a condition to restrict its occupation would pass the required tests. That being so, it may be the case that the development could have, both in isolation and along with other plans and projects, an adverse effect on the integrity of the Dorset Heathlands Special Protection Area, Ramsar Site and Dorset Heaths Special Area of Conservation.
16. In the event any development were to be permitted, an Appropriate Assessment would be required to determine any such effects and whether, in accordance with the Council's Strategic Access Management and Monitoring measures, any contributions would be required from the appellant to address any mitigation. To not do so would be contrary to, amongst other regulations, Policy CS33 of the LP. Since the appeal is dismissed however, this matter will not be taken any further.
17. I have considered all the submitted evidence and my representative's report and on that basis the appeal is dismissed.

John Morrison

INSPECTOR