



Appeal Decision

Site visit made on 18 January 2024

by C Butcher BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 February 2024

Appeal Ref: APP/V1260/W/23/3327813

Shelley Cottage, 16A Boscombe Cliff Road, Bournemouth BH5 1JL

- 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 Amy Weatherley against the decision of Bournemouth Christchurch and Poole Council.
 - The application Ref 7-2022-9164-B, dated 25 July 2022, was refused by notice dated 15 February 2023.
 - The development proposed is the demolition of existing dwelling and erection of replacement dwelling with associated access and parking.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are: (i) whether the proposed development would preserve or enhance the character or appearance of the Boscombe Manor Conservation Area; (ii) the effect of the proposed development on cliff stability; and (iii) the effect of the proposed development on protected species.

Reasons

Conservation Area

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, 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. The appeal site itself is located on the edge of Boscombe Cliff Gardens, and the immediate area therefore has a spacious and verdant character.
4. 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, the proposed development would involve the demolition of the existing house and the construction of a new two storey dwelling. The current building is not of significant architectural merit, although its overall appearance, and the materials used, does accord with the built form in the surrounding area. Importantly, the limited height of the building and its pitched

roof, in combination with its general appearance, means that it does not currently appear as being particularly prominent or noticeable.

5. In contrast, the proposed replacement dwelling would be taller and would also be of a particularly modern design with a significant amount of glazing and a flat roof. Even taking into account the proposed additional planting, the building would be highly prominent from public vantage points, including from the adjacent footpaths. While some of the dwellings in the area have recent additions or alterations, the highly modern design of the proposed dwelling would appear incongruous with the predominant character of the Conservation Area. Furthermore, its additional height would ensure that it would be a more obvious and dominant feature than the existing building, and as such, this would lead to an erosion of the spacious and verdant character of the surrounds. I acknowledge that there are large blocks of flats nearby. However, these are mostly outside of the Conservation Area boundary, and in any event, their presence does not mean that the harm caused by the proposal would be acceptable.
6. 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. Great weight must be given to a designated heritage asset's conservation and any harm to its significance requires clear and convincing justification.
7. In this instance, the development would not provide a net increase in housing numbers. The appellant has suggested that the improved appearance of the replacement dwelling would help reduce crime associated with the adjacent public toilets. However, it is not clear to me how this would occur or why. I therefore attribute very limited weight to this issue. There is also no substantive evidence before me to suggest that the existing dwelling could not be renovated if considered necessary. 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 and would conflict with Policies CS21, 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.
9. It is also in conflict with Policies BAP1 and BAP2 of the Boscombe and Pokesdown Neighbourhood Plan, November 2019, which require development to reflect existing character and be well designed, while also seeking to resist the demolition of existing buildings. I do not find conflict with CS Policies CS30

and CS31, which relate to the provision of high quality green infrastructure and public open spaces.

Cliff Stability

10. The appeal site is located on top of a cliff above Boscombe Beach. The proposed site plan identifies that a soakaway would be provided on the north-western part of the site. The Council's geologist has noted that the site is located within an area in which soakaways are not permitted as a means of disposing of surface water. Furthermore, no information has been provided in relation to whether or not the proposal would maintain cliff stability.
11. Given the proximity of the site to the cliff edge, I am in agreement that further information is required to ensure that the proposed development would not result in harm to cliff stability. I do not consider that this issue could be successfully addressed through the imposition of conditions as the consideration of this issue could result in the need for a significant re-design of the scheme. It is therefore not possible to have any certainty that such conditions could be discharged.
12. I therefore conclude that the proposed development could result in harm to cliff stability, and as such, it would conflict with LP Policy 3.25, which in part, seeks to ensure that proposals would not adversely affect cliff stability.

Protected Species

13. As part of their appeal statement, the appellant stated that a survey was being produced to assess whether the demolition of the existing dwelling and removal of an oak tree could result in harm to bats. It does not appear that such a survey has been submitted to the appeal for my consideration. Given that I have found harm in relation to the other main issues, it is unnecessary for me to clarify this issue any further with the appellant.
14. Nevertheless, without the required evidence being before me, I cannot be certain that the proposal would not harm protected species. As such it would conflict with CS Policy CS41, which in part, seeks to conserve biodiversity and habitats.

Conclusion

15. The proposed development conflicts with the development plan when considered as a whole. The Council cannot currently demonstrate a 5-year supply and the current shortfall is significant. I have no evidence before me to suggest that this position is likely to improve in the short-term.
16. The tilted balance is not invoked, however, because the Framework at Paragraph 11d(i) and footnote 7 protects both areas and assets of particular importance, which include designated heritage assets, and provides a clear reason to dismiss the appeal.

17. As such, the proposed development conflicts with the development plan when considered as a whole. There are no material considerations, either individually or in combination, that outweigh the identified harm and associated development plan conflict. The appeal is therefore dismissed.

C Butcher

INSPECTOR