



Appeal Decision

Site visit made on 31 October 2023

by Adrian Hunter BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 February 2024

Appeal Ref: APP/V1260/W/23/3318204

2 Knyveton House, Knyveton Road, Bournemouth BH1 3QW

- 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 C Wilson against the decision of Bournemouth, Christchurch and Poole Council.
 - The application Ref 7-2022-12197-E, dated 18 August 2022, was refused by notice dated 2 February 2023.
 - The development proposed is extension to roof to create an additional floor with 4 x self contained flats that include 4 x terraces on the south and west elevations, with bin and cycle storage.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. For the purposes of clarity and precision, the description of development given above is taken from the Council's Decision Notice.
3. During the appeal a signed Unilateral Undertaking under Section 106 of the Town and Country Planning Act 1990 was submitted to mitigate the impacts from future occupiers on the integrity of European Sites and their features. This is a matter I will consider later.

Main issues

4. The main issues in this appeal are:
 - The effect of the proposed development on the character and appearance of the existing building and the East Cliff Conservation Area;
 - The effect of the proposed development on the living conditions of residents of the existing ground floor flat from the proposed bike store; and
 - The effect of the proposed development on nationally and internationally designated sites.

Reasons

Character and appearance

5. The appeal site lies on the corner of St Swithun's Road South and Knyveton Road within the East Cliff Conservation Area (ECCA). Within this part of the ECCA, buildings are predominately large detached two-storey Victorian buildings, set within generous plots. Buildings are set back from the road,

often behind landscaped frontages, which serve to partially screen development. Roads are relatively wide and, in the vicinity of the appeal site are extensively tree lined. This, combined with the loose grained nature of development gives the area a sub-urban, verdant and sylvan character.

6. The appeal site is located on the edge of the ECCA, which extends further to the east and the south. Within the wider ECCA there are a range of building types and sizes, which has occurred as parts of the ECCA have been re-developed over the years, and resulted in instances where buildings are taller than the appeal property. To the west of the appeal site, outside of the ECCA, are a number of more recent, modern developments, which comprise buildings that are between 8 and 10 storeys.
7. The appeal property is a detached, three storey, flat-roofed, corner block, white painted building with an L-shaped footprint. It is Art Deco in its appearance and is acknowledged by both the appellant and the Council to be a positive building within the ECCA. Its height is comparable to the surrounding buildings within the ECCA. In response to its corner location, it has two street facing elevations. To the boundary with Knyveton Road is a low masonry wall, with landscaping, including trees to the front.
8. The appeal property, due to its corner location is visible from both within and outside of the Conservation Area and as a result, is already a relatively prominent feature.
9. Whilst the proposed extension would be recessed slightly from the parapet and incorporate the existing and prominent roof top plantroom, it would extend across the full width of the building. It would increase the height of the building, to the point that it would extend above the neighbouring properties. The extension would therefore be visible as a prominent, and overly dominant form of development, from both within and outside of the ECCA. As such, I find that the proposed development, due to its height, scale and bulk would detract from the character and appearance of the host building, which would in turn fail to preserve or enhance the character and appearance of the ECCA. I acknowledge the contemporary design of the proposed extension, however in this instance, I do not consider such an approach to overcome the harm I have identified.
10. I note the presence of larger buildings further along Knyveton Road and elsewhere within the wider ECCA, however given the prominent, corner position of the appeal site and the importance it plays within the ECCA, I do not consider that their presence provides any justification for the harm that I have found. Neither do I consider that due to its corner location, does this justify the provision of a taller building, especially given its location and acknowledged importance within the ECCA. Furthermore, given their position outside of the ECCA I do not consider that the taller buildings to the west of the appeal site to set any justification for the proposed development. I also note the presence of trees along the frontage of the appeal site which provide some screening. Whilst this may restrict views of the proposed development from certain locations, this is not sufficient to overcome the harm I have identified.
11. In respect of the impact of the proposed extended bin store upon the existing trees, whilst I agree with the Council that there is insufficient information to enable a detailed assessment to be undertaken, I note the pre-commencement condition proposed by the appellant. In this instance, I therefore consider that

the matter could adequately be resolved through the detailed information as part of a planning condition.

12. I have had regards to my duty under S72(1) of the Town and Country Planning (Listed Building and Conservation Areas) Act 1990 as to the desirability of preserving or enhancing the character or appearance of the ECCA. Accordingly, I conclude the proposal would cause less than substantial harm to the significance of the ECCA as a designated heritage asset. Paragraph 208 of the National Planning Policy Framework (The Framework) requires such harm to be weighed against the public benefits of the proposal.
13. I have considered the provision of four one-bedroomed dwellings in terms of their contribution to the supply of housing in the area, especially where it is accepted that the Council are unable to demonstrate a five year supply of housing land, as well as in respect to helping to support local services and facilities and provide investment during the construction. I also note the accessible location of the appeal site in relation to local services and facilities, along with the identified CIL contribution.
14. However, given the modest scale of the development, the associated benefits carry only limited weight relative to the harm and the associated development plan policy conflict identified above, and would not outweigh the less than substantial harm to the significance of the ECCA. Given the national importance to protecting heritage assets, relative to the limited benefits that would accrue from the appeal development, all of the considerations that weigh in favour of the proposal do not clearly outweigh the identified harm to the heritage asset, to justify the development. Furthermore, whilst it is acknowledged that there is a lack of a five-year supply of housing land, housing land supply issues are likely to be temporary, while the harm to the Conservation Area would be permanent.
15. For the reasons outlined above, I therefore conclude that the proposed development would fail to preserve the character and appearance of the ECCA and it would cause less than substantial harm to its significance as a designated heritage asset. In the absence of any significant public benefits to outweigh this harm it would be in conflict with saved Policies CS21, CS39 and CS41 of the Bournemouth Local Plan: Core Strategy and saved Policies 4.4, and 6.8 of the Bournemouth District Wide Local Plan (2002). Amongst other things, these policies seek to conserve the local character and historic environment and protect existing trees. The proposed development would also conflict with the aims of The Framework as it would fail to sustain the significance of the designated heritage asset where the public benefits would not outweigh the harm.

Living conditions

16. The proposed development includes for the provision of a single storey cycle store to be located to the rear of the appeal building. It would be located on an area currently used for car parking, and immediately in front of an existing ground floor window.
17. Given the position of the window in relation to the existing car parking area at the rear of the building, it is likely that this room and others within the flat, already experience a degree of noise and disturbance. As a result, I do not consider that the provision of the enclosed bike store would result in any

adverse harm to the living conditions of residents of the ground floor flat from additional noise and disturbance. Furthermore, whilst the proposed bike store would be positioned in very close proximity to the rear ground floor window of the rear corner flat, as a result of the single storey design of the store and the fact that the ground level falls away, it would not result in an unacceptable loss of daylight to the rear flat. In this respect, I also note that the flat is served by a number of windows to both the front and side.

18. For the above reasons, I therefore conclude that the proposed bike store would not harm the living conditions of existing residents of the rear ground floor flat and, in this respect, accords with policy CS41 of the Bournemouth Local Plan: Core Strategy and saved Policy 6.8 of the Bournemouth District Wide Local Plan (2002), the Residential Development and The Framework. Amongst other things, these policies seek to protect the living conditions of future residents.

SSSI and European Sites

19. The appeal site lies within 5km of the internationally protected Dorset Heathland SSSI, which is also part of the designated Dorset Heathlands Special Protection Area (SPA) and Ramsar Site, and also the Dorset Heaths Special Area of Conservation (SAC). It is also within close proximity to Poole Harbour, which is a SPA, SSSI and Ramsar Site.
20. The appellant has provided a Unilateral Undertaking (UU) as part of the appeal. This secures a financial contribution towards the Strategic Access Management and Monitoring (SAMM), as sought by the Council. However, given my conclusion on the other main issues, it is not necessary or appropriate for me to carry out an Appropriate Assessment as required under The Conservation of Habitats and Species Regulations 2017 (as amended) (the Habitats Regulations). Thus, given my overall conclusion on the main issues it is not necessary for me to consider this matter in any further detail.

Other Matters

21. Residents of neighbouring properties have raised concerns associated with the effect of construction upon their living conditions, noise, waste disposal and parking issues. However, these matters do not alter the main issues which have been identified as the basis for the determination of this appeal.

Conclusions

22. I have found that the proposed development would not have an adverse effect upon the living conditions of existing residents. However, this is outweighed by the harm I have found to the ECCA as a designated heritage asset. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Adrian Hunter

INSPECTOR