



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: 04 March 2024

Appeal Ref: APP/V1260/W/23/3326364

184-186 Old Christchurch Road, Bournemouth BH1 1NU

- 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 R Kallas (Tasty (Bournemouth) Ltd) against the decision of Bournemouth, Christchurch and Poole Council.
 - The application Ref 7-2023-2849-K, dated 29 March 2023, was refused by notice dated 26 May 2023.
 - The development proposed is a single storey rear extension and extraction flue.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I observed on my site visit that development has commenced but is not yet complete. I have therefore made my decision based on the plans before me and from what I observed on my site visit.

Main Issues

3. The main issues are: (i) whether the proposed development would preserve or enhance the character or appearance of the Old Christchurch Road Conservation Area, and its effect on the setting of the Shul Bournemouth Hebrew Congregation Synagogue, a Grade II listed building; and (ii) the effect of the proposed development on the living conditions of neighbouring residents, with regards to noise, odour and vibration.

Reasons

Character and Appearance

4. The appeal site is located within the Old Christchurch Road Conservation Area, an area that contains a mix of uses close to the town centre. 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 development of Bournemouth town centre, and the architectural styles and tastes of the time. It has an aesthetic appeal due to the appearance of the buildings that comprise the Conservation Area.
5. In vicinity of the appeal site, the significance of the Conservation Area is primarily experienced when viewing the front elevations of the buildings from Old Christchurch Road. However, the character of those buildings can still be readily appreciated when viewed from the rear on Glen Fern Road. Indeed, from this vantage point, despite some more modern additions, the traditional

brickwork, window designs and balustrades at roof level can all be easily observed. As such, the rear of these buildings do contribute positively to the Conservation Area as a whole.

6. The development before me comprises two distinct parts. Firstly, a metal flue pipe has been attached to the rear of the building which runs from first floor level up to the roof. The rear of the building is highly visible from Glen Fern Road. From there, the flue is seen as a significant industrial type structure that is clearly at odds with the more traditional features of the building. I recognise that it has been installed within a recess, however, it is still very prominent, and this is particularly the case at roof level where the flue bends out and over the attractive stone balustrade. For these reasons, this incongruous feature causes obvious harm to the character and appearance of the Conservation Area. Painting the flue would do little to reduce this harm. A similar flue already exists on the neighbouring property. However, the Council has set out that this was permitted partly on the basis that, at that time, a mature tree shielded views from the road to a large extent. Given that the tree is no longer there, the context has changed quite considerably. Indeed, the presence of the neighbouring flue does not represent sufficient reason to cause further harm to the character of the area.
7. Secondly, a single storey extension has been added to the rear of the building. At present the walls comprise unfinished breeze blocks, however construction has not yet been completed and so what is there at present does not represent the finished development. Nevertheless, even when completed, the more modern appearance of the extension would clearly look out of place in the context of the brick built building it is attached to, and this would somewhat erode its existing historic character. This would be the case no matter what colour the walls were painted. Rear extensions have been erected on other buildings on the terrace. However, the appeal site is particularly visible from the road and so the harm is more acute. The appellant has noted that walls could be erected by utilising permitted development rights. However, the walls that have been constructed are slightly taller than those that would be allowed under permitted development, and in combination with the flat roof, this ensures that the extension would appear as a bulky and imposing structure which would be highly visible.
8. The appellant has drawn my attention to the fact that there are major redevelopment proposals in this area that may well shield views of the flue and extension to some extent. However, from the limited information I have available to me, it is not clear when this development will take place, or exactly how it will relate to the rear of the buildings on Old Christchurch Road. As such, this uncertainty leads me to afford very limited weight to this issue.
9. 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, due to the limited scale of the development, the harm would be relatively localised. However, 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.

10. In this instance, the development would help support the existing business which would have some limited economic benefits for the local area. However, this does not outweigh the less than substantial harm I have identified. The 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 CS39 and CS41 of the Bournemouth Local Plan: Core Strategy, October 2012 (CS), Policy 4.4 of the Bournemouth District Wide Local Plan, February 2002 and Policies D3, D4 and part 3.4 of the Town Centre Area Action Plan, March 2013. Taken together, the relevant aspects of these policies seek to protect designated heritage assets, while ensuring that development is well designed and that it preserves character and appearance.
11. The appeal site is close to the Grade II listed Bournemouth Hebrew Congregation Synagogue. Its significance arises from its general appearance and use. The building is primarily appreciated from Wootton Gardens. Indeed, the rear of the building can only be glimpsed from the appeal site. Because of this I am satisfied that the proposal would not cause harm in this regard and would therefore preserve the setting of the listed building and the contribution it makes to its significance. However, this does not affect the harm that I have identified to the Conservation Area.

Living Conditions

12. The upper floors of the building that is the subject of this appeal, and those of the adjacent buildings, are in residential use. These premises are therefore in close proximity to the flue and rear extension. The appellant has noted that there was a flue on the rear of the building previously, and that the extraction fan does not form part of the proposed development. While this might be the case, there is no substantive evidence before me that enables me to determine what impact, if any, the location and design of the current flue has in relation to noise, vibration and odour, or whether mitigation measures are required. For example, it is possible that the extractor fan could cause the new flue to vibrate to a greater extent than was the case previously, and that this could be felt or heard by neighbouring residents. While I accept that the appellant intended to reduce the impact on living conditions of neighbours, I cannot be absolutely certain that the new flue does not result in harm without the necessary evidence.
13. In relation to the rear extension, the appellant has set out that the outside space can already be lawfully used. I accept that an extension with a roof could reduce noise. However, a covered area is also likely to attract greater numbers of customers to this part of the building. Again, without a noise assessment, the impact on neighbouring residents cannot be determined.
14. As a result, I find that the development could cause harm to the living conditions of neighbouring residents. As such, it would conflict with CS Policies CS38 and CS41, the relevant aspects of which seek to preserve living conditions.

Conclusion

15. The proposed development conflicts with the development plan when considered as a whole. Accordingly, 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