



Appeal Decision

Site visit made on 29 February 2024

by G Roberts BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07.03.2024

Appeal Ref: APP/V1260/D/23/3334835

33 Montague Road, Bournemouth, BH5 2EW

- 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 Jonathan & Lin Brookes against the decision of BCP Council.
 - The application Ref. 7-2023-28935-A, dated 7 July 2023, was refused by notice dated 5 October 2023.
 - The development proposed is erection of a car port.
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Decision

1. The appeal is allowed and planning permission is granted for erection of a car port at 33 Montague Road, Bournemouth, BH5 2EW in accordance with the terms of the application, Ref. 7-2023-28935-A dated 7 July 2023, and the plans submitted with it and subject to the conditions listed below.
 - 1) The development hereby permitted shall begin before the expiration of three years from the date of this permission.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 2023 50; 2023 51; 2023 52; 2023 53.
 - 3) No development shall commence until there shall have been submitted to and approved in writing by the Local Planning Authority a Landscaping Plan. The Landscaping Plan shall include indications of all existing hedgerows, trees and other planting on the land, identify those to be retained and set out measures for their protection throughout the course of the development and thereafter. Any hedgerows, trees or planting shown on the approved Landscaping Plan to be retained which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species.

Preliminary Matters

2. A revised version of the National Planning Policy Framework (Framework) was published in December 2023, after the appeal was lodged. Even so, the relevant design policies of the Framework remain unchanged, albeit some of the paragraph numbering is different.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the host property and surrounding area.

Reasons

4. The appeal site is located on the eastern side of Montague Road and comprises a two storey detached property set within a spacious plot. The host property is set well back from the road and has recently been refurbished. As the land rises to the east, from the road, the host property sits at a higher level to its front boundary and the road. On the southern side of the frontage to the host is a drive that leads to an integral garage. Immediately in front of the host property itself is a patio, an area of gravel and finally an area of tarmac. Other than the gap for the driveway, the front and side boundaries to the appeal site are enclosed by fencing, hedgerows and planting. As I observed on site and as is shown on the submitted plans, the hedgerow on the front boundary has a height of some 4 metres. As such, views of the appeal sites' frontage from the road and public vantage points are limited to those through the open gap to the driveway.
5. The surrounding area comprises similar two storey detached properties within spacious plots, with most set back a similar distance from the road, albeit there are some properties that are sited closer. As with the appeal site, a number of these properties frontages are used for off-street parking, with trees, hedgerows and boundary landscaping.
6. The appeal proposal involves the construction of an open sided wood framed car port, with a flat roof. The height of the proposal would be some 2.9 metres and the submitted plans show that it would be sited within the tarmac area on the frontage of the appeal site.
7. Due to the height of existing boundary treatment the proposed car port would effectively be screened from the road. I accept that glimpsed views of the proposal would be possible through the open gap that leads to the driveway, but even those views would be of a lightweight open sided timber structure which would, in my view, appear as a discreet and sympathetic addition to this part of the appeal site. The open sided design of the proposed car port would enable views through it and it would provide an attractive feature and finish to the large area of existing tarmac.
8. The proposed car port would also work well with the topography of the appeal site and the height of the existing boundary treatment, and as a result the proposal would sit comfortably on the site and would not have any harmful impact on the character and appearance of the area. As such, I am satisfied that the proposal would not, as the Council allege, be incongruous or out of keeping with local character. In relation to retaining existing boundary treatment, I do not share the Council's concerns and agree with the Appellant that the proposal must be assessed in relation to the boundary treatment that currently exists. The submitted plans show this boundary treatment being retained and there is no evidence before me to suggest that this will not be the case. Even so, I also concur with the Appellant that this is a matter that can be secured and controlled through an appropriate landscaping condition.

9. The Council have referred to policy CS41 of the Bournemouth Local Plan: Core Strategy (October 2012) (BLP) which requires new development to be well designed and of high quality, and that new development should, through its scale, density, layout, siting and character and appearance, be designed to respect the site and its surroundings. For the reasons set out above, I am satisfied that the proposed car port would comply with these requirements and thus the aims and objectives of this policy.
10. Turning to the Residential extensions: A Design Guide for Householders (September 2008) (Design Guide), the Council allege that the proposal would fail to comply with 'Basic Principle 1'. This 'Principle' requires new development to maintain and enhance the character of the existing house and its setting. As I have found above, the proposed car port would represent a modest addition to the frontage of the appeal site, which, due to its simple design would not result in any harm to the character and appearance of the area. In relation to the considerations that should be taken into account when assessing this 'Principle', set out in paragraph 2.2, the proposal would be proportional and subservient to the host property, the pallet of materials used would be of a high quality and the proposal would retain existing landscaping and trees.
11. Whilst I accept that the proposal would be sited in front of the existing building line, I am not convinced that this would on its own be sufficient to justify the refusal of planning permission. My attention has not been drawn to any specific policy or guidance on car ports or on maintaining building lines when considering the form of development proposed. Even so, as I have found, the proposal would not result in any harm to local character and would accord therefore with 'Basic Principle 1' of the Design Guide.
12. Accordingly, I find that the appeal proposal would comply with policy CS41 of the BLP and the principles of the Design Guide, as well as paragraph 135 of the Framework. The latter requires decisions to ensure that development adds to the overall quality of the area, is sympathetic to local character, including the surrounding built environment and landscape setting.

Conditions

13. Having regard to the advice in the Framework and the Planning Practice Guidance chapter on the use of planning conditions, a condition requiring compliance with the submitted plans is necessary and reasonable to secure a high quality development. I have added a list of approved plans for clarity. I also consider that a condition requiring the submission and approval of a Landscaping Plan, to protect and retain existing hedgerows, trees and planting, is also reasonable. However, I have amended the suggested wording to reflect a more standard format and the details included within the application.

Conclusion

14. For the reasons given above and having taken all the matters raised into account I conclude that the appeal should be allowed.

G Roberts

INSPECTOR