



Appeal Decision

Site visit made on 1 March 2024

by G Roberts BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 March 2024

Appeal Ref: APP/V1260/D/23/3335031

85 Littledown Avenue, Bournemouth, BH7 7AX

- 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 Rokas Siauciulis against the decision of BCP Council.
 - The application Ref. 7-2023-28840-B, dated 18 August 2023, was refused by notice dated 25 October 2023.
 - The development is proposed annex ancillary to main house.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have adopted the description of development as it appears on the application form but removed the word 'retrospective' as this is superfluous and is not an act of development.
3. 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 and environmental policies of the Framework remain broadly the same, albeit some of the paragraph numbering is different.

Main Issues

4. The main issues are: (a) the effect of the proposed development on the character and appearance of the host property and streetscene; and (b) whether sufficient information has been provided to assess the impact of the development on contaminated land.

Reasons

Character and appearance

5. The appeal site is located at the eastern end of Littledown Avenue and to the south of a busy roundabout. It comprises a two storey detached house with the frontage used for parking and landscaping, and a good sized garden at the rear. A detached single storey outbuilding (annex), which is the subject of the appeal, is sited east running along the side of the main dwelling. Similar two storey detached houses are to be found along Littledown Avenue, albeit they do vary in terms of their style, scale, form, design and pallet of materials.
6. The appeal proposal seeks planning permission for a detached single storey annex. As the building (annex) has already been constructed, permission is

sought retrospectively, albeit in response to a previous refusal the submitted plan also shows external changes including a relocated porch and door, and alterations to the internal room layout.

7. The Council contend that the proposed building would be tantamount to a new dwelling, the principal basis for this being the facilities that it contains and its appearance. Whilst I acknowledge that the proposed annex contains the facilities required for a separate dwelling, they are also the type of facilities you would expect to see in an annex. There is no evidence before me to indicate that the building could not function as an annex. Even so, the proposal as submitted only seeks planning permission for an annex and not a new dwelling. If the building was not used as proposed or if there was a material change of use in the future to create a separate dwelling, then a separate grant of planning permission would be required, and the building would be at risk of enforcement action if such permission is not granted or was not sought.
8. Turning to its scale and design, I agree with the Council that the building represents a poor design that is unsympathetic to the host property and the streetscene. That finding would remain the same even with the proposed alterations shown on the submitted plan. The host property comprises part buff brick and part render, materials that are commonly found in Littledown Avenue. I understand that the original outbuilding, which the appeal proposal replaced, had a similar pallet of materials. In contrast and as is confirmed in the application form, the annex comprises cladding to the walls and fibre cement slate tiles to the pitched roof. As I observed on site, the colouring of the cladding is an unnatural brown/orange shade. Combined, these materials result in a building that is not of the high quality required by the policies of the development plan and not of the high quality that you would expect to see in such a visually prominent location.
9. Policy CS41 of the Bournemouth Local Plan: Core Strategy (October 2012) (BLP) requires new development, amongst other requirements, to be well designed and of high quality, and that 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, the annex conflicts with these requirements and the aims and objectives of this policy.
10. Paragraph 3.8 of the Residential extensions: A Design Guide for Householders (September 2008) (Design Guide) requires annexes to be subservient and suitable in scale for their purpose. Other guidance, in my view, equally applies, such as paragraph 3.5, on detached garages, where the emphasis is to ensure that development does not spoil the setting of the host property and that high quality materials are used that respect those used on the main property. Also, that the height of the new building has regard to how it will appear in the streetscene. Paragraph 2.2 also includes 'Basic Principle 1' which requires new development to maintain and enhance the character of the existing house and its setting, with particular emphasis on the use of high quality materials. As I have found above, the annex represents a poor design that is unsympathetic to the host and results, visually, in an incongruous addition to the streetscene.
11. The Appellant has referred to the intention to refurbish the roof to the host property with similar roof materials to those on the annex. However, that is not part of the appeal scheme, there is no guarantee that those work will be undertaken and I can only consider the proposal that is before me having

regard to its relationship with the host property, as existing. The Appellant has also referred to the option of rendering the annex. It is unclear whether this option has been discussed with the Council and as the Procedural Guide – Planning Appeals – England, states, the appeal process should not be used to evolve a scheme. Even so, this option would involve a material change to the development for which planning permission is sought. For all these reasons, it is not a matter that could be controlled by a condition.

12. Reference has been made to the fallback option of a new outbuilding built under permitted development. I accept that a fallback option is a material consideration to which weight can be accorded. The Appellant states that the roof height of the annex as built is some 3.6 metres and that if reduced to 2.5 metres it would fall within the ambit of permitted development. However, the Appellant has not provided any substantive evidence in the form, for example, of a plan or Certificate of Lawful Development, to confirm that an outbuilding of this height would be lawful. Moreover, it is not for me to determine whether a lower building would be permitted development in relation to an appeal that has been made under section 78 of the Town and Country Planning Act 1990. Even so, assuming a lower height outbuilding could be built under permitted development, the impact of that building on the host and streetscene would be significantly less than the building constructed on site and the proposal that is before me. For all of these reasons, the existence of this fallback does not affect my findings on this issue.
13. Accordingly, I find that the proposed annex has resulted in harm to the character and appearance of the host property and streetscene and thus fails to comply with the requirements of policy CS41 of the BLP and the guidance within the Design Guide.

Contaminated land

14. Policy 3.20 of the Bournemouth District Wide Local Plan (February 2002) states that where it is anticipated that contamination may be present on or near a site proposed for development, an assessment will be required to characterise the contamination and establish the risks involved. The Appellant does not appear to dispute the requirement for an assessment, but has deferred incurring these costs until such time as the issue surrounding the acceptability of the annex building, in planning terms, has been resolved.
15. I am satisfied, due to the policy 3.20 and the location of the appeal site within the buffer zone to nearby tips, that an assessment of potential contamination risk is required to support the appeal proposal. If I were minded to allow the appeal and grant planning permission, I am also satisfied that this matter could be controlled through an appropriate condition, requiring an assessment to be submitted and approved by the Council prior to the completion of any of the outstanding works and/or prior to the occupation of the building.

Conclusions

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

G Roberts

INSPECTOR