



Appeal Decision

Site visit made on 5 March 2024

by Juliet Rogers BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 April 2024

Appeal Ref: APP/V1260/D/23/3325239

17 Clowes Avenue, Bournemouth BH6 4ER

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr A Vickers against the decision of Bournemouth, Christchurch and Poole Council.
 - The application Ref is 7-2023-25299-D.
 - The development proposed is the creation of a new first floor to the existing bungalow to include increasing the ridge height and changes to the roof pitch, gable end to front elevation to include a small dormer to the rear elevation and skylights to the side elevations to accommodate additional bedrooms, cinema room, ensuite and shower room and internal alterations to the ground floor.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. During the appeal, a new version of the National Planning Policy Framework (the Framework) came into effect. However, as the Framework's policy content insofar as it relates to the main issue has not been significantly changed there is no requirement for me to seek further submissions on this latest version. I am satisfied no party would be prejudiced by determining the appeal accordingly.

Main Issues

3. The main issues are the effect of the proposed development on the:
 - living conditions of neighbouring occupiers of 19 Clowes Avenue (No.19) with specific reference to outlook and 83 Southbourne Coast Road (No.83) with specific reference to privacy; and
 - character and appearance of the area.

Reasons

Living conditions

4. The proposed development comprises alterations to the existing roof of the single storey appeal property to facilitate the habitable use of the loft space. Although no increase to the property's footprint is proposed, the appeal scheme would result in an increase to the ridge height, a steeper slope and openings in the roof.

5. The existing dwelling extends away from Clowes Avenue, with its rear elevation sited significantly beyond the rear building line of No.19. Given this relationship and the close siting of both properties to the plot boundary, the outlook from the ground and upper floor rear windows of No.19 and from parts of the rear garden is already restricted by the appeal dwelling. As the proposed development would result in a more steeply angled roofline to the rear of the dwelling, the neighbouring occupiers outlook would be further restricted. This would also heighten the sense of enclosure and overbearing effect experienced by the neighbouring occupiers along this boundary. It would be detrimental to their living conditions when using the rooms to the rear of the property and the garden.
6. The proposed rear window is recessed, with an area of flat roof immediately adjacent to it that could be used as a balcony area. Direct views into the rear garden of No.83 would be possible from the balcony area, thereby resulting in a loss of privacy to the neighbouring occupiers. However, had I been minded to allow the appeal, I could have imposed conditions restricting its use and the provision of obscured glass to this window so that the neighbouring occupiers of No.83 would not be likely to experience a loss of privacy.
7. I acknowledge the modifications the appellant has sought to make to a previously refused planning application¹. Nonetheless, I conclude that the proposed development would harm the living conditions of neighbouring occupiers of No.19 with specific reference to outlook. As such, it would be contrary to Policy CS41 of the Bournemouth Local Plan: Core Strategy (the Core Strategy) which seeks to enhance the amenities of neighbouring residents. It would also conflict with the Design Guide² where it states that proposals should not have an adverse effect on the living conditions or the amenity of neighbouring residents. As Chapter 12 of the Framework seeks to ensure new development maintains a high standard of amenity for existing residents, the proposed development would be contrary to this objective.

Character and appearance

8. The predominant residential form within Clowes Avenue and much of the surrounding area, comprises detached dwellings that are orientated towards wide avenues with deep verges and have frontages that maximise the width of the plot. Along with the flat topography of the area, this gives the area an open and spacious character, despite the close relationship between the side elevations of the built form.
9. A variety of architectural styles, use of materials and roofscapes are apparent within the street scene, with many properties having been altered or extended. Although several bungalow forms are present within Clowes Avenue, these also vary in type from single storey, including the appeal property, chalet style and those with roof additions such as dormer windows and gable ends. As such, no type or form dominates the street scene.
10. In mathematical terms, the increase in internal floorspace and volume of the appeal scheme in comparison to the existing dwelling would be large. This is considered to be excessive by the Council and would not result in a suitable subservience to the host dwelling, a basic principle set out in the Design Guide.

¹ Planning application ref: 7-2022-25299-C dated 27 January 2023

² Residential extensions: a design guide for householders (the Design Guide)

However, the Design Guide also requires proposals to maintain or enhance the character of the existing house and its setting. Through the retention of the proportions of the ground floor of the existing dwelling, the stepped ridgeline and the addition of a feature window to the façade, the appeal scheme would not look out of place in the street. Additionally, as outlined above, the proposed development would not increase the size of the existing building footprint. Therefore, whilst the plot has already been reduced in size due to the construction of the adjacent dwelling (No.15b)³, the open and spacious character of the area would be maintained.

11. Furthermore, the proposed ridge height would not exceed that of neighbouring properties and as noted above, when viewed from the street, the stepped down relationship of the existing roofscape would be maintained. Whilst the Design Guide identifies that changing the whole profile of the roof form, usually from a pitched roof to a gable can be highly visible in the street scene, it is also acknowledged that it can be successfully achieved in certain locations⁴. Given the presence of other gable ends within the street scene, including the adjacent No.15b, and the variety of roofscapes nearby, the extended development would not be a dominant feature in Clowes Avenue.
12. I conclude that the proposed development would not harm the character and appearance of the area and comply with Policy CS41 of the Core Strategy which seeks to ensure development enhances character and local distinctiveness, amongst other matters. As the proposed development would maintain the character of the existing dwelling and its setting it would accord with the Design Guide in this respect. It would also accord with Chapter 12 of the Framework which seeks to ensure development is sympathetic to the local character of its surrounding built environment.

Other Matters

13. My attention has been drawn to the previously approved planning application⁵ (the 2013 permission) for alterations, single and roof extension to the appeal bungalow to form first floor level. Whilst the Council contend that this permission has expired, based on the evidence before me and my observations during my site visit, the front porch feature which formed part of the 2013 permission has been constructed. Therefore, the 2013 permission is extant and there is more than a theoretical possibility that its remaining features could be constructed.
14. The 2013 permission comprises a similar increase in ridge height and roof slope to the rear as the proposed development. However, it also includes a dormer window to the first floor, positioned on the rear elevation of the property. This would extend the bulk of the altered dwelling into the plot, further restricting the outlook from No.19. Moreover, the dormer window would be sited closer to the rear boundary of the site with 83 Southbourne Coast Road (No.83), which would result in predominantly unrestricted views from the upper floor of the appeal property into the rear gardens of No.83 and its immediate neighbours. This would harm the levels of privacy neighbouring occupiers would be likely to experience when using their garden areas.

³ Planning application ref: 7-2014-25299-A dated 25 March 2014

⁴ Section 3.3 – Roof alterations

⁵ Planning application ref: 7-2013-25299 dated 11 September 2013

15. On this basis, the 2013 permission would cause greater harm to the living conditions of the neighbouring occupiers of No.19 than the proposed development. There is, however, the prospect that should the appeal be allowed the extant permission, or parts thereof, could be implemented in addition to the appeal scheme. This could include the rear dormer which would harm the outlook from No.19 and result in a loss of privacy to neighbouring occupiers of No.83. Therefore, in the absence of a mechanism before me to prevent the permitted scheme being constructed, including the rear dormer, I attach limited weight to the fallback position.
16. The proposed development would provide additional space for the appellant however this would be a private benefit and, as such, is not determinative in my decision.

Planning Balance and Conclusion

17. Whilst I have concluded that the proposed development would not harm the character and appearance of the area, it would harm the living conditions of the neighbouring occupiers of No.19 in respect to outlook. As a result, it would conflict with Policy CS41 of the Core Strategy. I attach significant weight to this conflict.
18. The proposed development conflicts with the development plan when considered as a whole and there are no material considerations, either individually or in combination, which outweigh the identified harm and associated development plan conflict.
19. I therefore conclude that the appeal should be dismissed.

Juliet Rogers

INSPECTOR