



Appeal Decision

Site visit made on 24 April 2024

by J Evans BA(Hons) AssocRTPI

an Inspector appointed by the Secretary of State

Decision date: 08.05.2024

Appeal Ref: APP/V1260/D/24/3338585

1 Shawford Gardens, Bournemouth, Dorset BH8 0PE

- 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 Danielle Hoyle against the decision of Bournemouth, Christchurch and Poole Council.
 - The application Ref 7-2023-29040 dated 6 November 2023, was refused by notice dated 9 January 2024.
 - The development proposed is described as a part single, part two storey extension to rear.
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Decision

1. The appeal is allowed and planning permission is granted for a part single, part two storey extension to rear at 1 Shawford Gardens, Bournemouth, Dorset BH8 0PE in accordance with the terms of the application Ref 7-2023-29040 dated 6 November 2023, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Block and location plan Drawing ref:2034P/101; Existing floor plans Drawing ref:2034P/102; Existing elevations Drawing ref:2034P/103; Proposed site plan Drawing ref:2034P/100a; Proposed floor plans Drawing ref:2034P/104a; Proposed elevations Drawing ref:2034P/105; and SUDs plan Drawing ref:2034P/106.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 - 4) The surface water drainage management system as set out on SUDs plan Drawing ref:2034P/106 shall be fully implemented prior to the commencement in the use of the development hereby permitted.

Procedural Matters

2. I have used the description of the development as set out on the decision notice as I consider this better reflects the proposal before me.

Main Issue

3. The main issue is the effects of the proposal on the living conditions of existing occupiers, having particular regard to the effects on No. 2 Shawford Gardens and No.2 Shawford Road.

Reasons

4. The appeal property is a two-storey dwelling positioned towards the northern end of the cul-de-sac of Shawford Gardens. The surrounding area is characterised by predominantly two storey properties from the latter half of the C20, constructed at a relatively high density, whereby there is a close interaction between properties, with mutual overlooking of rear gardens, and tight knit relationships between building form.
5. The appeal property itself is of a conventional two storey form, with a small conservatory to its rear northern elevation. It forms part of a small grouping of properties that have been constructed in a L-shape. The appeal property is located to the north-eastern end of this grouping.
6. The appeal proposal seeks to replace the rear conservatory with a part two storey and part single storey extension. The two-storey component of the proposal would be positioned towards the western side of the rear garden of the appeal property, next to the boundary with the adjoining property of No.2 Shawford Gardens.
7. No.2 Shawford Gardens primary outlook is to its rear (northern) and side (western) elevations, due to the building form running perpendicular to its southern side and the appeal property being situated to its eastern side. It has an irregular shaped plot, that provides for a large garden space to its rear, it also has various single storey extensions leading out from the rear and side. At first floor level No.2 Shawford Gardens has two windows facing over its back garden, in particular it has a window almost immediately adjacent to the boundary with the appeal property, which would appear to serve an upper floor bedroom.
8. The two-storey component of the appeal proposal would project out into the rear garden of the appeal property by circa 3m close to the first floor window referred to above. It would present a blank elevation on its western side, fronting towards No.2 Shawford Gardens.
9. Following my visit to the appeal property and the surrounding area, I am of the view that whilst the blank elevation would clearly be noticeable when looking out of the upper floor window serving No.2 Shawford Gardens, it would not unduly prejudice outlook across this property's garden and further beyond. Further, the window serving No.2 Shawford Gardens is double paned and therefore provides a reasonably wide angle of outlook, this would also mitigate a perception of enclosure from the proposed first floor extension next door. The effects of the proposal on No.2 Shawford Gardens would also be offset as a consequence of the slight stepping away of the proposed extension from the site boundary, and the projection of only 3m in length from the existing rear boundary wall of the appeal property.
10. I am also satisfied that the appeal proposal would not have any significant effect on the daylight serving this window, due to the positioning of the

extension to the eastern side of No.2 Shawford Gardens and the orientation of the sun.

11. Turning to the effects upon No. 2 Shawford Road which is positioned to the north of the appeal property, the concern from the Council in this regard, is with the potential for overlooking and loss of privacy from the first floor window of the proposal.
12. The Council outline in their Case Officer's Delegated Report the separation distances between the two properties, which from everything I saw during my site visit, I have no reason to disagree with. The Council refer to a figure of approximately 16.61m between the proposed first floor window and an existing first floor window serving what appeared to be a bedroom to the rear of No.2 Shawford Road. On this point, the Council have referred to their Residential Extensions Design Guide for Householders (2008) which, amongst other matters, promotes separation distances of 21m between rear facing windows on parallel dwellings.
13. During my site visit, I observed that it was possible to look upwards into the first floor window serving No.2 Shawford Road from the appellant's garden, I also could look out towards this window and elements of the rear garden of No.2 Shawford Road from the first floor window serving the existing bathroom on the appeal property. However, the views towards the window were not direct, this was due to the differing orientations of the appeal property (which orientates on its rear elevation to the north/ north-east) to that of No.2 Shawford Road (which orientates on its rear elevation to the south-west). The two properties are also not in a direct correlation with each other in terms of their siting. The rear elevations of these properties are therefore not parallel. I also observed that views over the private garden space of No. 2 Shawford Road were limited as a consequence of the angles involved and other intervening features, including boundary enclosures and garden buildings.
14. With that said, the proposed extension would result in a first floor window being closer to the window on No.2 Shawford Road and its garden. The proposed window would also be larger, and would serve a bedroom, rather than a bathroom. This would mean that outlook from the proposed first floor window would be closer to No. 2 Shawford Road and the outlook would be likely to increase from what is possible from the existing bathroom. This would be at a first floor level vantage point, which would be at a different level from the lower views from the garden area of the appeal property.
15. However, whilst the window opening would be closer to No.2 Shawford Road, the views towards the first floor window would remain oblique, there would not be direct views into the internal space of this property, which would be from a circa 16.5m separation distance away. Further, due to the angled nature of the outlook and intervening physical features, the proposal would also not unduly invade outdoor private space or prejudice other areas of internal space serving No. 2 Shawford Road, ultimately this property would retain a good standard of living environment as a consequence of the appeal proposal.
16. Accordingly, I find that the proposal accords with the provisions of Policy CS41 of the Bournemouth Local Plan: Core Strategy (2012), the Residential Extensions Design Guide for Householders (2008) and paragraph 135 f) of the National Planning Policy Framework (2023), which collectively, amongst other matters, seek development to have regard to its relationship with the amenities

of neighbouring residents, and to secure a high standard of living conditions for both existing and future users.

Conditions

17. The standard time limit is required together with a condition listing the plans in the interests of certainty. I have also included a condition requiring that the proposed external materials to be used match those on the existing building. Whilst no further conditions have been sought from the Council through their completed Questionnaire, I consider it is necessary for a condition to be imposed ensuring that the soakaway provisions set out on the SUDs plan Drawing ref:2034P/106 are delivered as part of the proposal in the interests of securing satisfactory drainage from the appeal site.

Conclusion

18. For the reasons given above, having regard to all matters raised, I conclude that the appeal should be allowed.

J Evans

INSPECTOR