



Appeal Decision

Site visit made on 21 May 2024

by David Wyborn BSc(Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 June 2024

Appeal Ref: APP/V1260/W/23/3331696

The Willows, 27 Grosvenor Road, Bournemouth BH4 8BQ

- 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 Goldpoint Developments against the decision of Bournemouth Christchurch and Poole Council.
 - The application Ref is 7-2023-7320-F.
 - The development proposed is alterations to the existing building and roof top extension to form additional flat with associated bin, cycle and car parking.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal has been accompanied by a Unilateral Undertaking (UU) under s106 of the Town and Country Planning Act 1990 (as amended). The UU includes an obligation for a payment to mitigate the recreational impacts from occupants of the additional unit of residential accommodation on the Dorset Heathlands Special Protection Area, Ramsar Site and Dorset Heaths Special Area of Conservation. This payment would provide the required Dorset Heathlands Mitigation Strategic Access Management and Monitoring Contribution in accordance with the Dorset Heathlands Planning Framework Supplementary Planning Document.
3. In these circumstances, I have found no reason to believe that this would not adequately mitigate the recreational pressure on these European habitat sites, such that the proposal, either alone or in combination with other schemes, would not have a likely significant or adverse effect on the integrity of these sites. I am satisfied that this deals with this element of the reason for refusal.

Main Issue

4. The main issue is the effect of the proposal on the character and appearance of the host building and area, having regard to whether or not the development would preserve or enhance the character or appearance of the Westbourne Conservation Area (the Conservation Area).

Reasons

5. The information indicates that this general area was originally laid out in the 1860s as a gracious, low density residential area. Since that time, it appears that parts have been redeveloped, often at a higher density. To the north of the area, also within the Conservation Area, there is a shopping area said to be

of the late Victorian and Edwardian period, with residential streets projecting south. The Conservation Area encapsulates this mixed form of development and in the south eastern corner section, and contributing to its heritage significance, are some remaining Victorian Villas, such as Clair Lodge, 49 West Cliff Road and April Lodge, 76 West Cliff Road. These buildings retain much of their Victorian character and appearance, in particular due to their reasonably unaltered form and architectural detailing. They appear to be located within their original plots and these buildings add positively to this part of the Conservation Area.

6. Outside the Conservation Area, in the vicinity of the appeal site, there are other buildings which are located on redeveloped plots of previous Victorian Villas. These buildings tend to be more modern, three storey blocks of flats, although Chine Lodge, 80 West Cliff Road has a fourth floor.
7. The appeal property, 27 Grosvenor Road, is located within the Conservation Area. It was one of the original Victorian Villas, however, it has been subdivided into flats and is much altered. For instance, the pitched roof has been removed and replaced with a flat roofed third floor, and the sides of this upper floor are clad in tile. Many of the period features, such as chimneys and gables, have been lost. Furthermore, other additions and changes, for instance, the mainly uPVC windows with their pattern and openings, and the addition of the balconies, have further eroded the original Victorian Villa character and appearance. Nevertheless, the building remains in its original plot, retains some modest elements of its earlier form, such as with the bay windows onto West Cliff Road, and while not a positive element of the Conservation Area, there is sufficient remaining form and scale to enable it to be legible as an altered older property. It is located at the junction of Grosvenor Road and this section of West Cliff Road and is, therefore, at a gateway into the Conservation Area.
8. The appeal scheme seeks to make a range of alterations to the building, including the removal of the tile hanging and by adding an additional floor over much of the existing flat roof to provide another residential flat. The removal of the tile hanging to the present upper floor, the provision of the parapet and the extension up of the projecting front section over the main door fronting Grosvenor Road, would give the building a more vertical emphasis, moving the identity of the building further away from its Victorian origins. Furthermore, the additional floor, including with its flat roof, large openings on the West Cliff Road side, the composite cladding and the form of the eaves overhang, would pay little respect to the origins of the building.
9. Indeed, the roof extension would have the appearance of a more contemporary addition and I am not satisfied that with its form, height, appearance and detailing, it would relate and assimilate successfully with the Victorian origins or character of the original building. It would still appear as a top heavy building, albeit now higher, and would not sympathetically integrate, even with a modern interpretation or approach, with the other buildings within the Conservation Area with their more traditional form, shape, proportions and general height. The harm resulting from the roof addition would be publicly visible at this gateway into the Conservation Area and the resulting building would erode further elements of local distinctiveness, that contributes to its significance.

10. In summary, the proposal would make the building more prominent and in an unsympathetic way, and would further diminish and not respect the Victorian origins of the building and historical context. This would, in turn, downgrade even further the contribution this corner plot building makes to the character and appearance of the Conservation Area. This harm would materially and unduly undermine this part of the Conservation Area's significance as a heritage asset. While the harm would be localised to the area surrounding the appeal site, I consider the level of harm would, nevertheless, be fairly substantial in terms of the impact on the host building and adjoining area.
11. In conclusion on this main issue, the development would harm the character and appearance of the host building and area, and would not preserve or enhance the character or appearance of the Conservation Area. I am conscious in coming to this conclusion of the duty to pay special attention to the desirability of preserving or enhancing the character or appearance of any land or buildings in a conservation area¹. It also follows that the scheme would conflict with Policies CS6, CS21, CS39 and CS41 of the Bournemouth Local Plan: Core Strategy (2012), saved Policies 4.4 and 6.10 of the Bournemouth District Wide Local Plan (2002) and the National Planning Policy Framework (the Framework) which seek, amongst other things, that development is sympathetic to local character and history, including the surrounding built environment.

Other Matters

12. I have carefully considered all the representations raised including objections from local residents. I consider that the substantive issue in this case is the effect of the proposal on the character of the area and I have analysed this matter above. I have considered all the other matters raised, such as potential overlooking and the issues with parking and waste. However, the Council did not refuse the proposal on these grounds and, following my site visit, I have found no reason to disagree.

Heritage and Planning Balances, and Conclusion

Heritage balance

13. The combined effect of the proposal would be to cause harm to the character and appearance of the Conservation Area and, therefore, detract from the significance of this designated heritage asset. The harm to the Conservation Area as a whole would be less than substantial within the meaning of paragraph 208 of the Framework. In accordance with the Framework, this harm should be weighed against the public benefits of the proposal.
14. The benefits of the scheme would be the boost to housing supply of an additional unit of accommodation on a windfall site and in a location that has good access to services and facilities, and links to public transport. There would be economic and social benefits to the area during construction and in subsequent occupation. The additional unit of accommodation would make efficient use of the land, however, given the harm I have found on the main issue in this appeal, the scheme would be contrary to the Framework approach that an increase in density should take account of the desirability of maintaining an area's prevailing character and setting.

¹ Section 72(1) of The Planning (Listed Buildings and Conservation Areas) Act 1990.

15. Overall, even when taking into account the lack of a Framework compliant supply of housing land and even assuming that this was a substantial shortfall, as only a single additional unit of accommodation would be provided, the cumulative benefits should afford limited weight in favour of approval.
16. On the other hand, the Framework advises that any harm to the significance of a designated heritage asset should require clear and convincing justification and that great weight should be given to the asset's conservation, irrespective of the level of potential harm. I have found that the public benefits of the proposal should afford limited weight. They would not outweigh the harm to the Conservation Area and its significance, which would be fairly substantial in terms of the impact on the host building and adjoining area, and which in accordance with the Framework is required to be attributed great weight. The heritage balance, therefore, falls against the proposal.

Planning Balance

17. The appeal proposal would harm the character and appearance of the area, including the heritage significance of the Conservation Area. This is a significant issue and the harm would be to an extent that the scheme would conflict with the development plan when considered as a whole.
18. The evidence indicates that the Council is unable to demonstrate a Framework compliant five year supply of housing land. In these circumstances, the presumption in favour of sustainable development as set out in paragraph 11d of the Framework is engaged, unless the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed.
19. In this case, after undertaking the heritage balance, the harm to the Conservation Area, a designated heritage asset, provides a clear reason for refusing the development proposed. Consequently, the presumption under paragraph 11d of the Framework is disengaged and the appeal should be determined under a normal planning balance.
20. Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.
21. I have analysed the benefits of the proposal under the heritage balance above and found that they should be attributed limited weight in favour of approval. The harm to the character and appearance of the area, and in particular the adverse impact on the significance of the Conservation Area, is fairly substantial albeit localised and I have attributed it great weight. It follows that the harm and related policy conflict would not be outweighed by the benefits of the scheme. Accordingly, the planning balance falls against the appeal proposal.

Conclusion

22. For the reasons given above, the scheme would not comply with the development plan when considered as a whole and there are no material considerations that outweigh the identified harm and associated development plan conflict. I therefore conclude that the appeal should be dismissed.

David Wyborn INSPECTOR