



Appeal Decision

Site visit made on 24 July 2024

by G Roberts BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 August 2024

Appeal Ref: APP/V1260/W/24/3341319

4A Station Road, Parkstone, Poole, BH14 8UB

- 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 Indi's Restaurant Ltd against the decision of BCP Council.
 - The application Ref is APP/23/01432/F.
 - The development proposed is construct ground floor rear extension to existing restaurant.
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Decision

1. The appeal is allowed and planning permission granted to construct ground floor rear extension to existing restaurant at 4A Station Road, Parkstone, Poole, BH14 8UB in accordance with the terms of the application, Ref APP/23/01432/F, dated 11 December 2023 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: TP.21183-1 (Location Plan); TP.21183-2 (Block Plan); TP.21183-4 (Plan as Proposed); TP.21183-6 (Ground Floor Elevations as Proposed); TP.21183-7 (Floor Plan as Proposed).
 - 3) Notwithstanding the materials shown on the approved plans, no development shall take place until full details of the materials to be used on the external surfaces of the development hereby permitted, including the replacement of the UPVC with timber, have been submitted to an approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
 - 4) No development shall take place until the details of the means of ventilation for the extraction and dispersal of cooking smells/fumes, including details of its method of construction, odour control measures, noise levels, its appearance and finish have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be installed before the use of the development hereby permitted commences and thereafter shall be permanently retained.

Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of various heritage assets.

Reasons

3. The appeal site lies within the Ashley Cross Conservation Area (ACCA). Section 72(1) of the Planning (Listed Buildings and Conservation Area) Act 1990 requires, therefore, that special attention be paid to the desirability of preserving or enhancing the character or appearance of that area. Similar advice is to be found in the National Planning Policy Framework (December 2023) (Framework) and in policy PP30 (Heritage Assets) of the Poole Local Plan (November 2018) (PLP).
4. The host property is also recognised as a 'Positive Feature' within the ACCA and lies within the setting of 6 – 30 (even) Station Road, which are designated as Locally Listed Buildings. The host and this terrace are thus all non-designated heritage assets (NDHA). Paragraph 209 of the Framework states that when considering the effect of an application on the significance of a non-designated heritage asset, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
5. The appeal proposal involves the construction of ground floor rear extension. The submitted plans indicate that it would comprise a conservatory style extension with UPVC frame but the Appellants Statement of Case (ASOC) confirms that they would be in agreement to replace the UPVC with timber. I have assumed that this also applies to the emergency exit (door).
6. I have based my assessment of the proposal on the Ashley Cross Conservation Area Character Appraisal & Management Plan (2012) (ACCAMP) and my own observations on site. The ACCAMP states that the area includes a mixture of residential and commercial properties dating from the Victorian and Edwardian periods, a number of which are listed or locally listed. Also, that its high density development, cohesiveness, urban grain and the architectural detailing of individual properties, all contribute towards the special interest of the area.
7. The commercial uses and shops, particularly those around Ashley Cross Green are also an important part of the character of the area as well as its vitality and viability. Map 2 shows the appeal site and the terrace, to the east, as falling within a 'Positive Feature'. The properties to the west are shown as a 'Tradable Feature', with the residential properties to the south of the appeal site on the opposite side of Wessex Road shown as a 'Neutral Feature'.
8. The proposed extension would largely be sited in between the part two storey and part single storey rear extension to the host, and the part two and part single storey extension to 6 Station Road (No.6), to the east. The single storey element to No.6 has a flat roof which does not appear to be original and its brickwork is painted white. A small element of the new extension would wrap around the rear of the host's single storey extension. It would include a flat roof that aligns with the eaves to the mono pitch roof of the existing extension. From the flat roof there would be a small pitched roof of glazing, to match that on the existing extension, leading to a glazed flat roof on the remainder.
9. The proposed extension would, in my view, be modest in terms of its height, footprint and scale. The proposed mainly flat roof would assist in reducing its

bulk and visual prominence. It would essentially comprise a very lightweight structure, which through the use of glazing and timber would have a traditional conservatory style appearance. As such, its design and small scale would not compete with the host property. It would also allow most of the host's original features, on the rear elevation, including large areas of buff brickwork, slate roofs and roof forms, sashes and brick arches to be retained.

10. I accept that some of the host's features, such as part of the buff brickwork and two sash windows, would be screened, but this loss would be limited and would not be harmful to any of the NDHA's. I say 'screened' as the submitted plans show that the proposal would be affixed to the rear extension with the original wall and windows retained. The proposal would be offset from the rear extension to No.6, with the glazed flat roof sitting below the eaves to the flat roof of that extension. For the above reasons, I am satisfied that the proposal would not result in any harm to the NDHA's.
11. The impact of the proposal on the host's footprint would also be limited with the majority of the original rear profile and outline to the host being retained. The use of a traditional pallet of materials of wood and glazing combined with the small scale of the proposal would ensure that it complements the host, results in an extension that is both proportional and subservient, that does not in any way dominate the host or its neighbours and is not visually prominent.
12. The above findings are supported by the fact that the proposal would be sited in an area that I understand was used for storage and refuse/recycling and is accessed from the service yard that serves the host and its neighbours. At the time of my site visit, the area was, in fact, being used for outside dining, with tables and chairs covered by two large awnings, screened from the service yard by a timber fence and gate. Even so, from the closest public vantage points on Wessex Road, to the south, only the timber fence was barely visible. The views from this public vantage point are, in fact, dominated by the large expanse of tarmac, parking and buildings, all in the foreground to the host, with the buildings located either side of the access leading to the rear service yard.
13. It is unclear whether the outside dining area benefits from planning permission, but its existence reinforces my finding that the proposed extension would not result in any harm to the NDHA's or to the ACCA as a whole. Also, that in the context of the limited views that exist from Wessex Road, the new extension would largely be subsumed by surrounding development. Those views that do exist would be glimpsed, long range and only of the rear element of the modest extension. As such, the proposal would not harm or impact on the significance of any heritage assets or be visually prominent in any important views or vistas within the ACCA. For the above reasons, I am satisfied that the proposal would not result in any harm to the special interests of the ACCA.
14. Both parties have referred to the ACCAMP and local listing descriptions/lists focusing on the original features of the front elevations to the host and wider terrace, and these being the main contributions to their heritage value and the special interest of the area. Whilst I concur with those views, I accept that the rear of properties can also be of importance in revealing the significance of the various assets. Even so, as I have found, the proposal would result in most of the original features, form and profile to the host being retained, with a limited impact on its original footprint. The proposal must also be viewed in the context of other extensions that have been approved by the Council in the area

including that at No.6, referred to in the ASOC, where the footprint of the original locally listed building appears to have been altered extensively without, in my view, harming those assets or the ACCA as a whole.

15. The Appellant has referred to the benefit of removing an extractor duct which had already happened by the time of my visit. Also, the benefit of securing a viable and optimum use for the vacant unit and enabling the business to grow. As I confirmed earlier, the ACCAMP highlights the contribution that shops play to the vitality and viability of the town centre, which includes the appeal site, and to the character of the ACCA as a whole. These benefits accord with other development plan policies as well as policies in the Framework and add further weight and support to my findings.
16. Reference in the Council's Delegated Report has been made to Code 5 of the ACCAMP which seeks to retain gaps between buildings where redevelopment or extensions are proposed. The Council contend that this would apply to the gap between the rear extensions of the host and No.6. I am not convinced by that argument. The Code refers to larger replacement buildings being sited further away from the boundary in order to maintain existing gaps, and gaps between "*buildings*" and not existing outriggers or extensions, as in this case. Even if I were wrong, given the host's immediate context including the various approved developments, the proposal would not, in my view, result in any harm to the built rhythm of the rear elevation to the host and neighbouring properties nor would it result in the loss of an important gap.
17. Accordingly, I find that the proposed extension is acceptable and that it would preserve the character and appearance of the ACCA, as a whole, in that it would leave it unharmed. The proposed extension would represent a modest and appropriate addition to the host property in accord with policy PP30 of the PLP and paragraph 209 of the Framework. As the proposal would leave the ACCA unharmed there is no need to undertake the assessment set out in paragraphs 206 - 208 of the Framework.

Conditions

18. I have considered the Council's suggested conditions against the advice in the Framework and the Planning Practice Guidance chapter on the 'Use of planning conditions'. Conditions requiring compliance with the submitted plans and for details of the extraction system to be submitted and approved by the Council are necessary and reasonable to secure a high-quality development and in the interests of neighbouring occupiers living conditions. A condition that requires the materials to be used in constructing the permitted extension, including the replacement of the proposed UPVC with a timber frame/door, is also necessary and reasonable to secure a high quality development.

Conclusion

19. 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