



Appeal Decisions

Site visit made on 6 August 2024

by Stephen Hawkins MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 August 2024

Appeal A Ref: APP/V1260/C/23/3319532

Premier Food & Wine, 21 Charminster Road, Bournemouth BH8 8UE

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended). The appeal is made by Premier Food and Wine against an enforcement notice issued by Bournemouth, Christchurch and Poole Council.
 - The notice was issued on 14 March 2023.
 - The breach of planning control as alleged in the notice is the unauthorised erection of a second-floor rear extension.
 - The requirements of the notice are: (a) Demolition of the second-floor rear extension. (b) Make good any rear wall following compliance with (a) above to match the existing elevations. (c) Remove all debris and waste following compliance with (a) and (b) above, from the land affected.
 - The period for compliance with the requirements is four months.
 - The appeal is proceeding on the grounds set out in section 174(2)(g) of the Town and Country Planning Act 1990 (as amended). Since the prescribed fees have not been paid within the specified period, the appeal on ground (a) and the application for planning permission deemed to have been made under section 177(5) of the Act as amended has lapsed.
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Appeal B Ref: APP/V1260/W/23/3317949

Maisonette, 21 Charminster Road, Bournemouth, Dorset BH8 8UE

- 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 Erdogan Yigitoglu against the decision of Bournemouth, Christchurch and Poole Council.
 - The application Ref is 7-2022-7413-L.
 - The development proposed is described as '*Revised application of 7/2021/7413/K - dormer replacement to extend existing residential accommodation. Internal and external changes and improvements. Retrospective.*'
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Decisions

1. Appeal A-The appeal is dismissed and the enforcement notice is upheld.
2. Appeal B-The appeal is dismissed.

Preliminary Matter

3. The decision in Appeal B takes into account the revised National Planning Policy Framework (the Framework), published on 19 December 2023.

Appeal A

Ground (g) appeal

4. The ground of appeal is that the time specified for complying with the enforcement notice requirements falls short of what is reasonable.
5. The appeal site contains a three-storey building. A convenience store is on the ground floor and a maisonette occupies the upper floors. The notice attacks an extension erected to the rear of the building at second floor level, over part of a previous two storey addition.
6. The appellant did not define what longer period for compliance they considered to be more reasonable than the four months specified in the notice. The extension is an incomplete shell. The remedial works would be a small scale and relatively straightforward task for a suitably experienced small building contractor. Such works need not involve the use of specialist plant or equipment. The works are unlikely to take more than a few weeks at most to complete. There are likely to be a considerable number of contractors who possess the relevant skills and experience to undertake the works and who would be available to do so at relatively short notice. Although the works might involve a considerable financial outlay, there is little to suggest that securing any necessary funding would cause a particular difficulty, having regard to the likely time available to the appellant.
7. Accordingly, the compliance period specified in the notice is not too short and is reasonable. The ground (g) appeal fails.

Appeal B

Main Issues

8. The main issues in this appeal are:
 - The effect of the second-floor rear extension on the character and appearance of the host building and the surrounding area.
 - The effect on the living conditions of existing and future occupiers of the maisonette, having regard to outlook and natural light.

Reasons

Character and appearance

9. The host building is located towards the middle of a terrace of properties. The properties exhibit considerable similarities in terms of their architectural style, scale and external materials and form part of a local shopping parade.
10. The extension is of significant size and bulk. It has a considerable depth as well as width, protruding some distance beyond the original rear elevation of the host building and being almost as wide. The flat roof form pays little regard to the pitched main roof of the host building and the rest of the terrace and contributes to the extension having a rather squat and box-like profile. Also, the stark white coloured UPVC cladding on the external walls of the extension does not sit easily with the more mellow tones of brickwork on the rear elevation of the host building and the predominantly brick finishes of the original rear elevations in the rest of the terrace.

11. As a result, the extension appears as an awkward and alien addition which relates poorly to and fails to integrate satisfactorily with the more refined architectural qualities of the host building and the rest of the terrace. The elevated position serves to emphasise the unfortunate visual qualities of the extension, the somewhat utilitarian additions at the rear of other properties in the terrace generally having a relatively low profile and being at ground and first floor level. Changing the external wall finish to, for example, brick slips, tile hanging or coloured render, would only partly offset the visual harm identified above as the scale and roof form of the extension would be unaltered.
12. In reaching the above findings I acknowledge that views of the extension from nearby streets and other public vantage points are limited. Even so, the harmful visual consequences of the extension are readily apparent along the service road running to the rear of the site, as well as from neighbouring property. Moreover, the existence of limited public views is not a good reason for permitting unacceptable development as it could be repeated, causing further visual harm.
13. Therefore, the extension causes unacceptable harm to the character and appearance of the host building and the surrounding area. This is in conflict with Policy CS41 of the Bournemouth Local Plan Core Strategy (CS), which requires development to be well-designed and of a high quality that through its scale, siting, character and appearance respects the site and surroundings. The extension is also inconsistent with the Council's Residential Extensions Design Guide, which advises that rear extensions should respect the scale of the original building and have a roof form and materials which tie in with the existing property. For similar reasons, the extension is inconsistent with the Framework, which seeks to achieve well-designed and beautiful places.

Living conditions

14. The submitted drawings show the extension as enlarging the main bedroom in the maisonette, with access between the two internal spaces formed by enlarging the original rear facing window opening. Even so, as it is possible to access the extension from the hallway, it is entirely conceivable that it would be used separately from the bedroom in future.
15. Set in the context of future use of the extension as a separate habitable room, removing access to an external window represents a significant erosion in the quality of outlook previously enjoyed in the main bedroom. Also, by not having access to an external window the bedroom has been and would continue to be deprived of its previous source of direct natural light. Installing the proposed rooflight is unlikely to provide a level of natural light similar to that which would have been enjoyed in the bedroom prior to erecting the extension. In any event, doing so would not satisfactorily address the strong sense of enclosure and somewhat oppressive feel experienced in the bedroom following erection of the extension, having regard to the restrictive outlook available.
16. Consequently, the extension has an unacceptable effect on the living conditions of existing and future occupiers of the maisonette. This is also in conflict with CS Policy CS41, which requires development to provide a high standard of amenity to meet the day-to-day requirements of future occupants. In addition, by not ensuring reasonable daylighting and providing a reasonable outlook from habitable rooms, the extension is inconsistent with the Council's

Residential Development Design Guide. The failure to create a high standard of amenity for existing and future users is also inconsistent with the Framework.

Other Matters

17. I am given to understand that the appellant was misled over the need for planning permission for the extension. Also, I recognise that dismissing the appeal could potentially have serious consequences for the appellant and their young family. However, there is no firm evidence that particular hardship would be experienced. If the appeal were to be allowed and permission granted, the extension would remain long after any personal circumstances ceased to have relevance. Therefore, these matters carry little weight.

Conclusion

18. The extension has caused unacceptable harm to the character and appearance of the host building and the surrounding area, as well as to the living conditions of existing and future occupiers of the maisonette, in conflict with the Development Plan taken as a whole. There are no material considerations that indicate the decision should be made other than in accordance with the Development Plan.

Conclusions

19. For the reasons given above, I conclude that Appeal A should not succeed and I shall uphold the enforcement notice. Similarly, for the reasons given above, I conclude that Appeal B should be dismissed.

Stephen Hawkins

INSPECTOR