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## Appeal Decision

Site visit made on 19 December 2024

**by C Shearing BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 13<sup>th</sup> January 2025

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**Appeal Ref: APP/V1260/D/24/3348763**

**The Lodge, 16A Manor Road, Bournemouth BH1 3EY**

- 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 Shimshi Weiss against the decision of Bournemouth Christchurch and Poole Council.
  - The application Ref is 7-2024-374-Y.
  - The development proposed is demolition of existing conservatory and construction of a 2 storey rear extension.
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### Decision

1. The appeal is dismissed.

### Preliminary Matter

2. During the course of the appeal, a new National Planning Policy Framework has been published (the Framework). The policies which are most relevant to the determination of the appeal have not been subject to substantive changes and I am satisfied that the parties have not been prejudiced by my taking it into account.

### Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the area, with particular regard to the effects on the East Cliff Conservation Area including its trees.

### Reasons

4. The site lies within the East Cliff Conservation Area (the ECCA), which is characterised by its wide tree lined streets which accommodate predominantly blocks of flats and villas set within generous plots and surrounded by mature trees and landscaping. The gaps between the buildings provide glimpsed views from the road to the trees and spaces behind, which provide a backdrop to the built form. These attributes contribute positively to the significance of the ECCA and the character and appearance of the area. Due to the appeal site's location within the ECCA, I am required to pay special attention to the desirability of preserving or enhancing the character or appearance of this area.
5. The Lodge is a modest dwelling which sits behind the principle block of flats of Erinbank Mansions. As a result of its scale and position it has very limited visibility from the road, and its plot is largely enclosed by trees and landscaping as well as closeboard fencing. The Council accept that the

proposed extension would be fairly subservient with an appropriate footprint in relation to the host property, and that its design would match the existing building. I have no strong reason to reach a different view.

6. There are concerns that the appeal scheme could be implemented alongside another scheme for alterations and extensions, which received planning permission in April 2024<sup>1</sup>. While together both schemes would notably increase the size of the building and its coverage of the plot, there is not substantive evidence to suggest why this would amount to visual harm or would not preserve the character or appearance of the ECCA. Given their scale and location, even if both alterations were undertaken, the building would maintain its appearance as a visually ancillary dwelling to the surrounding frontage buildings, and would preserve those characteristics which contribute positively to the ECCA.
7. As above, the trees which enclose the appeal site form part of the verdant backdrop of the larger surrounding buildings and are visible in glimpses from Derby Road as well as from surrounding land and properties. The existing trees within the eastern site boundary are very close to the rear elevation of the existing house and its conservatory. This includes a Bay Laurel and Sycamore, both identified by the appellant as being 'Category B', of moderate quality and with a life expectancy of at least 20 years. I observed the Sycamore tree to have particularly strong amenity value as it has a canopy which rises above the height of the house. Those trees would be retained, but with the proposal encroaching into their Root Protection Areas (RPAs) and canopies. There is dispute surrounding the extent of the RPAs and effects of existing structures including the conservatory and patio areas and the appellant's report does not include ground investigations to clarify what effects those structures may have had on the root systems. However the extension would be almost entirely within the RPA of the Sycamore as calculated in accordance with BS5837 2012. While varying foundation designs could be used to reduce digging as set out by the appellant, based on what I have seen, it is not apparent whether this could be achieved for the entirety of the foundations required within the RPA.
8. In any event, and even if a satisfactory foundation design could be achieved, the resulting extension, by reason of its height, proximity to those trees and their canopies, as well as its east facing windows, would threaten the future of those retained trees. It would be very likely to give rise to pressure to prune or fell those trees given the likelihood of them causing damage or restricting natural lighting and particularly accounting for any future growth. Their loss, or significant reduction, would reduce the verdant qualities of the site and fail to preserve those attributes which contribute to the ECCA's significance.
9. The proposal would also entail the removal of a smaller Cherry Laurel which the appellant considers to be a lower quality tree and I have no strong reason to reach a different view. While it contributes in part to the verdant character, given its quality its removal alone would not be harmful.
10. By reason of its harm to the protected trees on the site, the proposal would fail to either preserve or enhance the character or appearance of the ECCA. This would conflict with saved policies 4.25 and 4.4 of the Bournemouth District Wide Local Plan 2002, insofar as they relate to the protection and

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<sup>1</sup> 7-2023-374-X

retention of trees, and also policies CS39 and CS41 of the Bournemouth Local Plan Core Strategy 2012 where they require development to respect site surroundings and protect designated heritage assets from proposals that would adversely affect their significance.

### **Heritage Balance**

11. I find the harm to the ECCA to be less than substantial for the purposes of assessment against the Framework, and that the level of harm would be moderate. Nonetheless, the Framework requires that great weight be given to the asset's conservation. Paragraph 215 of the Framework requires that, where a development will lead to less than substantial harm to the significance of a designated heritage asset, this should be weighed against the public benefits of the proposal. In this instance no public benefits are apparent which would outweigh the harm identified, given the benefits would be private to the occupants.

### **Other Matters**

12. The proposal would be used by the appellant's wife who I understand has a disability and the additional space would provide the important benefit of better accommodating her needs. If the appeal is dismissed then this would have negative consequences for the appellant's family, restricting use to the existing spaces and those for which planning permission has previously been granted. However, in this particular instance, in light of the harm identified above and based on the information before me, those effects would be outweighed by other considerations on balance.
13. The appeal site adjoins the grade II listed Bournemouth Natural Science Society to the north and forms a part of the setting in which it is experienced from the surrounding area. Given the distance between the buildings together with their separation by landscaped grounds, and as the appeal site would maintain the appearance of an ancillary building, the proposal would preserve its setting.
14. I appreciate that pre-application advice was given in respect of tree impacts. However, this was inevitably informal advice of the Council and does not provide reason to alter the above judgement.

### **Conclusion**

15. For the reasons given, the appeal is dismissed.

*C Shearing*

INSPECTOR