



Appeal Decision

Site visit made on 18 February 2025

by R Kent BA (Hons) MTP DipM MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 March 2025

Appeal Ref: APP/V1260/W/24/3352683

Flats 3 and 4, 13 St. Johns Road, Boscombe, Bournemouth BH5 1EQ

- 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 European Equities PLC against the decision of Bournemouth Christchurch and Poole Council.
 - The application Ref is 7-2024-6643-R.
 - The development proposed is part single, part two storey rear extension and installation of first floor balcony to extend flats 3 and 4, following demolition of existing lean-to, alterations to fenestrations and erection of bin store and cycle store to rear.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. An amended plan reference J.17.2021-08J was submitted with the appellant's Appeal Statement. It makes a small alteration to part of the proposed roof on the rear elevation and does not result in a fundamental change in the proposal. The Council has had the opportunity to comment on the plan, which addresses inconsistencies it previously raised, and I have determined the appeal on the basis of that plan.
3. A new National Planning Policy Framework (the Framework) was published in December 2024 and further revised in February 2025. I have taken account of the 2025 Framework in my decision.

Main Issues

4. The main issues in this case are:
 - Whether the proposed development would preserve or enhance the character or appearance of the Boscombe Spa Conservation Area; and
 - Whether the proposal would provide acceptable living conditions for future occupiers of the development with regard to outlook.

Reasons

Conservation Area

5. The Boscombe Spa Conservation Area (CA) was designated in 1994. It derives its significance from the character and appearance of the Boscombe Spa Estate developed towards the end of the nineteenth and early twentieth century and from the fine examples of Victorian and Edwardian villas. St Johns Road is a wide

thoroughfare through the CA which reflects this character being fronted by a mix of substantial red brick and light rendered buildings.

6. The appeal site is located at the end of a short cul de sac off this main thoroughfare. The cul de sac serves a mix of predominantly two and a half storey red brick and rendered buildings many of which have paved car parking areas across their frontages. The buildings in the cul de sac, the main part of St John's Road and the wider CA are characterised by their distinctive pitched roofs, including on the modern development at 10 Wharncliffe Road on the western side of the site. Whilst No 13 and the neighbouring buildings to the east have had ground floor rear extensions, the rhythm and symmetry of the rear elevations at first floor level contributes positively to the character and appearance of the CA.
7. A two storey addition would be constructed across the rear of the building. Whilst the existing first floor gable would be recreated, the remainder of the two storey extension would have a substantial area of flat roof. The proposal would replace a previous single storey flat roof extension with a larger, single storey flat roof addition with an enclosed balcony created on part of its roof.
8. Whilst the rear elevations of the buildings are not visible from the road, they would be visible from adjoining land, including the car park and access road serving the flats beyond the southern boundary. The proposed flat roof element of the two storey extension would be jarringly at odds with the characteristic pitched roofs of the host building and its neighbouring buildings on the southern side of the cul de sac. It would also be at odds with the prevailing character of the CA.
9. Together with the proposed balcony and balustrade, which would project beyond the rear wall of the proposed first floor extension, the additions to the rear of No 13 would disrupt the symmetry of the rear elevations of the buildings on the south side of this part of St Johns Road. The resulting discordant effect would cause harm to the character and appearance of the CA.
10. Although I saw a small number of other buildings with flat roof extensions in the vicinity of the site during my site visit, not all were in the CA. Those which were, were not characteristic of the majority of the buildings in the CA. Not all elements of the CA contribute to its significance and I am not aware of the age or planning status of these other developments. Notwithstanding this, each proposal should be considered on its individual merits and the few other flat roofs I saw do not justify the further erosion of the CA which would be caused by the proposal.
11. For the reasons given, the design of the proposed extension would not preserve or enhance the character or appearance of the CA as a whole and would cause harm to its significance. This harm would be less than substantial and in accordance with paragraph 215 of the Framework should be weighed against the public benefits of the proposal. That balancing exercise must take place in the context of Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) which sets a strong presumption against a grant of planning permission for development that would fail to preserve or enhance the character or appearance of a CA.
12. The development would allow the internal reconfiguration and enlargement of the existing ground and first floor flats at the rear of the building and the removal of the previous single storey rear extension. The introduction of new windows to provide more natural light together with the proposed balcony to provide amenity space for

the first floor flat would improve living conditions for future occupants. A bicycle store would also be provided to encourage cycling as a sustainable form of transport for the occupants of all flats on the site.

13. However, I have not seen any convincing evidence that the living conditions of future occupiers could not be improved without a more sympathetic alteration to the building. Nor am I convinced that the replacement of the existing single storey extension or the provision of the bicycle store could not take place without the proposed extension. In any event, the public benefits associated with the proposed bicycle store would be extremely limited in this particular case. As a consequence, the public benefits of the development would not provide the clear and convincing justification for the harm to the CA.
14. The proposal therefore would not preserve or enhance the character or appearance of the CA and would conflict with policy 4.4 of the Bournemouth District Wide Local Plan 2002 (BLP), policies CS39 and CS41 of the Bournemouth Local Plan: Core Strategy 2012 (CS) and policy BAP1 of the Boscombe & Pokesdown Neighbourhood Plan 2019 (NP) in so far as those policies seek to protect and enhance the character and appearance of CAs and promote quality design. It would also conflict with the duty under the Act to pay special attention to preserving or enhancing the character or appearance of the CA.

Living conditions

15. The proposal includes the introduction of two first floor windows in the west elevation of the existing building. They would be clear glazed for the top half and obscure glazed for the lower half. The new windows would be close to the boundary with the adjoining property to the west.
16. From the evidence before me, obscure glazing of the lower half of the proposed windows would limit the angle of view which future occupants of the flat would have down into the neighbouring garden. I have not seen any convincing evidence to demonstrate that it would be insufficient to prevent harm to the living conditions of occupants of the adjoining property.
17. The equivalent room in the existing first floor flat has no external window and consequently no outlook at all. It relies on natural light from a high level, internal window to the main living space. The proposed partly obscure glazed windows would permit some outlook through the clear glazed element whilst reducing the ability for occupants of the flat to look down on the adjoining garden. By allowing natural light into the reconfigured room, the windows, even if partly obscure glazed, would improve the existing living conditions in that flat.
18. The proposed kitchen/living room space in the first floor flat would also continue to have an outlook to the south, including from the proposed balcony. As a consequence, overall, the first floor flat would have a sufficient standard of amenity and outlook to meet the day to day requirements of future occupants compared to the existing situation.
19. Although not part of the development plan, the 'Residential Development: A Design Guide' (2008) provides relevant guidance. As the proposed windows would have clear space between them and the nearest other building and natural light would be able to enter the reconfigured bedroom, the outlook from the room would

not be oppressive. Therefore, the development would not conflict with the guidance regarding outlook.

20. For the above reasons, the proposed development would not harm the living conditions of future occupiers of the development and would comply with CS policy 41 and NP policy BAP7 so far as they relate to the living conditions and amenities of future occupants.

Planning Balance and Conclusion

21. Whilst it has been suggested that the development plan is out of date, paragraph 232 of the Framework makes it clear that due weight should be given to existing policies according to their consistency with the Framework. The Framework recognises the desirability of new development making a positive contribution to local character and distinctiveness and has policies for conserving and enhancing the historic environment. It also recognises the need to create places with a high standard of amenity for existing and future users. Hence BLP policy 4.4, CS policies CS39 and CS41 and NP policies BAP1 and BAP7 are consistent with the Framework. As a consequence, the conflict with BLP policy 4.4, CS policies CS39 and CS41 and NP policy BAP1 should be given substantial weight in this appeal.
22. As described above, the development would improve the living conditions of the occupants of the flats and would provide a bicycle store to encourage sustainable transport. These are modest benefits which attract moderate weight in favour of the proposal. The harm to the CA however carries great weight against the proposal.
23. Whilst I have not found conflict with the development plan in respect of the effect on the living conditions of future occupiers, the harm that I have identified to the CA is sufficient to cause conflict with the development plan when read as a whole. The material considerations weighing in favour of the proposal do not indicate that the appeal should be decided other than in accordance with the development plan. For the reasons given above the appeal should be dismissed.

R Kent

INSPECTOR