



Appeal Decision

Site visit made on 11 March 2025

by **L J O'Brien BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 23 April 2025

Appeal Ref: APP/V1260/W/24/3356222

Cedar Manor, 19-21 Poole Road, Bournemouth, BH4 9DE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 20, Class A.2(1)(e) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Drivegate Properties Limited against the decision of Bournemouth Christchurch and Poole Council.
 - The application Ref is 7-2024-4593-AC.
 - The development proposed is Prior approval procedure - Erection of an additional storey on each of the existing blocks of flats to create new residential units
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Decision

1. The appeal is allowed and prior approval is granted under the provisions of Article 3(1) and Schedule 2, Part 20, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for erection of an additional storey on each of the existing blocks of flats to create new residential units at Cedar Manor, 19-21 Poole Road, Bournemouth, BH4 9DE in accordance with the application 7-2024-4593-AC and the details submitted with it and subject to the conditions in the attached schedule.

Preliminary Matters

2. The National Planning Policy Framework (the Framework) was updated in December 2024, during the consideration of this appeal. Insofar as is directly relevant to the appeal, there are no substantive changes and no parties have been prejudiced as a result.
3. Schedule 2, Part 20, Class A of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (GPDO) allows for up to two additional storeys of new dwellinghouses immediately above the existing topmost residential storey on a building which is a purpose-built, detached block of flats, subject to limitations and conditions set out under Class A.1 and Class A.2.
4. The contested limitations and conditions relate to paragraph A.2(1)(e) which requires consideration of the external appearance of the building and to paragraph B.(15)(b) which states that regard is to be had to the National Planning Policy Framework (The Framework) so far as relevant to the subject matter of the prior approval, as if the application were a planning application. This therefore forms the main issue in this case.

Main Issue

5. I consider that the main issue in this appeal is whether the proposed development should be granted planning permission by Article 3, Schedule 2, Part 20, Class A of the GPDO having particular regard to the effect of the proposed development on the external appearance of the building.

Reasons

6. The appeal site comprises two blocks of flats set over seven storeys. Lift overruns are visible above the top storey of the existing blocks. The site fronts, and is accessed from, Poole Road. The existing blocks of flats are constructed with brick facing and include stone finished forward projections which contain the entrance and staircase lobbies.
7. The appeal site is located adjacent to the Poole Hill and West Cliff Conservation Area (CA) and is opposite the Grade II Listed Bourne Hall. Furthermore, the Drumconner Care Home at 20 Poole Road is opposite the appeal site and is a non-designated heritage asset. The Council have also drawn my attention to the Royal Victoria Mews which abuts the site to the east which is considered to be a building of merit due to both its architecture and its history as a former hospital.
8. Prior approval is sought for the construction of an additional storey of residential accommodation on top of each of the existing two blocks of flats to facilitate the creation of nine additional flats. The proposed development would be approximately 2.6 metres in height and would be set atop the existing roof, mirroring the existing footprint.
9. The proposed additional storey would be constructed using contemporary materials such as metal effect or zinc effect cladding with grey windows. Though these materials would be different to those used on the existing building, the darker colours would reflect colours found at roof level elsewhere in the area and would ensure that the additional storey would appear almost roof-like, reducing its visual impact. The steep slope of the proposed roof has a mansard-like quality thus further reducing its prominence.
10. I note that the proportions of the proposed windows would also differ from those on the floors below. However, as mentioned above, the additional storey would deliberately have a notably different appearance to the floors below. The symmetry created by the window layout would be retained, particularly to the front elevations, thus ensuring that the proposed windows would, despite their differences, sit comfortably within the overall design of the building.
11. The additional storey would unquestionably result in the buildings appearing taller than any others within the surrounding area. However, the existing buildings are already taller than others within the area and the additional storey would not be so much proportionally higher so as to unacceptably increase the overall height of the buildings. The proposed additional storey would be level with the height of the existing lift overrun of Block A and marginally lower than the overrun of Block B. As such, the proposal would serve to unify the building at roof level and would remove the lift overruns which, due to their tower-like appearance, materials, position and height, draw the eye and appear as visually discordant elements of the buildings.

12. The building is clearly visible from multiple surrounding view points; including from within the conservation area. The building is a feature in the backdrop to views from and towards the heritage assets within the area. However, this is already the case and, in my view, the removal of the protruding lift runs and the unification of the overall roofscape would result in a more cohesive building which would not appear visually jarring, as is currently the case due to the lift overruns. Intervening mature trees would provide screening which would soften the views of the appeal buildings from many surrounding viewpoints. In any event, as set out above I consider that the additional storey would not appear as a bulky or incongruous addition and would not cause harm in this respect.
13. For the reasons set out above, I consider that the proposal would not have an adverse effect on the external appearance of the building and would not cause harm to the character and appearance of the area, the setting of the CA or the nearby designated and non-designated heritage assets.
14. The development would meet the expectations of The Framework which promotes high standards of design and states that developments should be visually attractive and sympathetic to the character of the area. Furthermore, the proposal would conform with the Framework's expectation that heritage assets should be conserved in a manner appropriate to their significance and new development within the setting of heritage assets should seek opportunities to enhance or better reveal their significance.
15. Consequently, the proposed development should be granted planning permission by Article 3, Schedule 2, Part 20, Class A of the GPDO.

Other Matters

16. The application site lies in the vicinity (within 5km and beyond 400m) of designated Dorset Heathlands SPA (Special Protection Area), Ramsar Site and Dorset Heaths SAC (Special Area of Conservation) such as Turbary & Kinson commons and Bourne Valley located in the Borough. The proximity of the protected sites raises considerations on the requirements of the Habitats Directive 1992 for these sites to be maintained at, or where necessary restored to, a favourable conservation status.
17. As such, it is a condition of granted prior approvals that development must not commence until the developer has received separate written notification of the approval of the Local Planning Authority under regulations 75-77 of the Conservation of Habitats and Species Regulations 2017. The appellant will be required to satisfy the local planning authority that the development would have no adverse effect on the integrity of the protected sites. Such an application is a matter for the main parties to address outside of this appeal before the development starts. As such, it is not a matter for me to consider further as part of this appeal.

Conditions

18. Schedule 2, Part 20, Class A.2 of the GPDO sets out a series of conditions which should be applied to development which is permitted. In this case, any development under Class A is permitted subject to the condition that it must be completed within a period of 3 years starting with the date prior approval is granted.

In the interests of clarity I have also imposed a condition specifying the relevant plans.

19. Furthermore, any development under Class A is permitted subject to the condition that before beginning the development, the developer must provide the local planning authority with a report for the management of the construction of the development, which sets out the proposed development hours of operation and how any adverse impact of noise, dust, vibration and traffic on occupiers of the building and adjoining owners or occupiers will be mitigated.
20. In addition the Council have suggested a number of other conditions. In the interests of precision and clarity I have undertaken some minor editing and rationalisation of the conditions proposed by the Council. Due to the sensitive location of the appeal site I have included a condition requiring details and samples of the materials to be used to be submitted to, and approved by, the Council.
21. In the interests of promoting sustainable transport I have imposed a condition in respect of the provision of cycle parking. Despite the details shown on the plans there appears to be an outstanding concern in respect of the facilities for the collection of waste. For the avoidance of doubt and in the interests of clarity I have imposed a condition requiring details of a refuse bin store to be agreed by the Council.

Conclusion

22. For the reasons set out above, and having regard to all other matters raised, I allow the appeal and prior approval is granted.

L J O'Brien

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site, Block and Location Plan Dwg No: 9710/200 Rev C, Block A: Seventh Floor Plan Dwg No: 9710/201 Rev A, Block A: Proposed Elevations Dwg No: 9710/202 Rev B, Block B: Seventh Floor Plan Dwg No: 9710/203 Rev A, Block B: Proposed Elevations Dwg No: 9710/204 Rev B, Existing Elevations and Floor Plans Block A Dwg No: 9710/205 Rev A, Existing Elevations and Floor Plans Block B Dwg No: 9710/206 Rev A, Block: A Bike Store Plans and Elevations Dwg No: 9710/207 Rev A, Block: B Bike Store Plans and Elevations Dwg No: 9710/208, Converted Bin Store: Plans and Elevations Dwg No: 9710/209.
- 3) Details/samples of the roof, windows and walls materials to be used shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any superstructure works on site. Development shall be carried out in accordance with the approved details.
- 4) Before the development is occupied or utilised, all cycle parking shall be constructed and arranged as shown on the approved plans and thereafter retained, maintained and kept available for occupants and visitors of the development at all times.
- 5) Within three months of commencement of development, unless agreed in writing by the Local Planning Authority, details of a refuse bin store suitable for the extra requirements needed for the new flats, showing the site location, elevations and materials to be used in the construction of the bin store shall be submitted to and approved in writing by the Local Planning Authority. The approved store shall be completed prior to the occupation of any of the units of accommodation granted by this permission and shall be retained and maintained thereafter unless otherwise agreed in writing by the Local Planning Authority.
- 6) Prior to the commencement of the development hereby permitted, the developer must provide the local planning authority with a report for the management of the construction of the development, which sets out the proposed development hours of operation and how any adverse impact of noise, dust, vibration and traffic on occupiers of the building and adjoining owners or occupiers will be mitigated. The works thereby approved shall be carried out in accordance with that approval unless subsequently otherwise approved in writing by the local planning authority.