



Appeal Decision

Site visit made on 10 April 2025

by **G Roberts BA (Hons) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 07 May 2025.

Appeal Ref: APP/V1260/D/25/3359533

44 Brackendale Road, Bournemouth, BH8 9JA

- 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 Caroline Dale against the decision of BCP Council.
 - The application Ref is 7-2024-24480-C.
 - The development proposed is erection of two-storey annexe to the rear of the existing dwelling
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. On the 12 December 2024 a revised National Planning Policy Framework (NPPF) came into force. However, the policies that are relevant to this appeal have not changed, albeit some of the paragraph numbering is different. For these reasons I have not sought the parties comments on the revised NPPF.

Main Issues

3. The main issues are the effect of the proposed development on: (a) the character and appearance of the host property and surrounding; and (b) the living conditions of neighbouring occupiers.

Reasons

Character and appearance

4. The appeal site comprises a large detached property within a spacious plot, set back from the road with its frontage largely used for off-street parking. The host has a long rear garden on multiple levels that drops down to a single storey detached garage on the rear (southern) boundary. The garage is accessed from a track that runs behind 46 Brackendale Road (to the east of the appeal site) onto Maurice Road. The track adjoins the rear garden of 99 Queens Park Avenue, within which are a number of mature trees and the side boundary of a chalet style bungalow that was recently constructed within the rear garden of 101 Queens Park Road, known as 2 Maurice Road (2MR).
5. The appeal proposal involves the construction of a two storey annex at the rear of the appeal site. It would include a car port to replace the existing garage and two

floors of accommodation including a bedroom, bathroom, store, games room/living area and home office.

6. The appeal proposal would be located on the lowest part of the tiered garden and a good distance from the rear of the host property. There are also a number of steps that would separate the two. The proposed annex would not be incorporated within or physically attached to the host building. Other than the garden, there would be no physical link or close interaction between the two. Although the proposed annex would be in the same ownership as the host building and share services (with the accommodation to be used I understand by the Appellants family and children) I am not convinced that the former considerations demonstrate a meaningful functional link between the two. It would also not, in my judgement, represent a traditional annex where you would expect the occupants to live as part of the household in the host (main) dwelling.
7. The scale and footprint of the appeal proposal is substantial. It would appear to have a similar width to the host property and a footprint that is about half that of the host. The proposed annex would also be two storeys in height. Section 3.8 of the Residential Extensions – A Design Guide for Householders (REDG) deals with ‘Annexes’. This states that where a separate structure is proposed it must be a suitable size for its purpose and that “*over large*” buildings will not be considered acceptable. The appeal proposal would, in my view, be “*over large*” and it would also not be subservient to the host property. As such, the proposal would conflict with this aspect of the REDG.
8. Whilst the proposed annex would share certain facilities and ownership with the host building, it is remote from the host and includes all the facilities and space required for a self-contained dwelling. I appreciate that there is no kitchen shown on the submitted plans, but there is more than sufficient space to accommodate one. As a matter of fact and degree, the appeal proposal could function as an independent dwelling. Even so, the development before me and the subject of this appeal, is for a proposed annex. There is no proposal before me for a separate dwelling. I have determined the appeal on this basis.
9. Policy CS41 of the Bournemouth Local Plan: Core Strategy (BCS) requires new development to be of a high quality and that through its scale, layout, siting and character and appearance, designed to respect the site and its surroundings and enhance character and local distinctiveness. The policy continues by stating that new development, which by virtue of its design would be detrimental to the built environment, amenity or character, will not be permitted.
10. The character of the area largely comprises detached properties within spacious or reasonably sized plots. Whilst some infill development has taken place on corner plots, the appeal site and other properties along Brackendale Road retain large and spacious rear gardens that follow the local topography. I accept that some of these properties do have outbuildings, rear extensions and/or conservatories, and others have single storey garages, as on the host. However, all of those buildings that I observed on my site visit are discrete, small and subordinate to their hosts.
11. As I found earlier, the appeal proposal would comprise a substantial building. As a consequence and given the absence of similar large annexes or outbuildings on adjoining sites, the proposed development would not respect the established character of the area, and neither would it complement or be subservient or

proportional to the host building. On the contrary, it would dominate this part of the appeal site and its surrounds. It would be out of character with the prevailing built form and would not respect or enhance its surroundings.

12. The appeal proposal would be highly visible from public vantage points on Maurice Road and from neighbouring properties. The fact that the proposed building would sit on higher ground relative to 2MR and the road itself, and include two storeys, results in a development that dominates its local setting. Its visual impact would be accentuated by its design including its large flat roof and timber cladding, both of which would not be in keeping with the host or neighbouring properties. Overall and even allowing for the local topography, the scale, mass and height of the proposal would be excessive and together with its poor design it would not enhance character or local distinctiveness and would be detrimental to the built environment.
13. Whilst I accept that paragraph 135 of the NPPF states that innovation and change should not be discouraged or prevented, it also states that developments should function well and add to the overall quality of the area, be visually attractive as a result of good architecture and layout, and be sympathetic to local character, history, including the surrounding built environment and landscape setting. For the reasons set out above, the appeal proposals would be contrary to a number of these requirements.
14. In relation to the example of an annex allowed on appeal at 34 Hengistbury Road, referred to by the Appellant, I note that the Inspector in that case considered that the annex could be controlled by a condition. Whilst I do not disagree with that finding, that was, of course, in relation to an annex that the Inspector found to be acceptable. From the details provided, it was completely different in terms of scale, mass, height, siting, form and local context, to the proposal that is before me. As such, it does not affect the findings I have reached on this issue.
15. Accordingly, I find that the appeal proposal would result in significant harm to the character and appearance of the area contrary to policy CS41 of the BCS, the REDG and the corresponding policies of the NPPF. Whilst the Council have also referred to policy 4.25 of the Bournemouth District Wide Plan this relates to 'landscaping' and does not appear to be directly relevant to the objections raised.

Living conditions – neighbours

16. The proposed building would be sited close to the side boundary of 2MR. Whilst the proposal would be nestled into the local topography, it would be two storeys in height extending across most of the width and a fair proportion of the length of this bottom tier to the host's garden. It would be highly visible from the private amenity area to 2MR, but to a lesser extent its secondary side window. Even though there is a reasonable distance between the two, the combined height, massing and scale of the proposed development would still have an overbearing impact on their living conditions.
17. The principal windows serving the proposed annex are on the ground and first floor southern elevation facing towards 2MR and the garden of 99 Queens Park Avenue. The rear boundary of the latter contains a number of mature trees that effectively screen views of the proposed development. However, as I observed from standing in the private amenity area of 2MR, the proposed windows, specifically those on the first floor, would provide the occupiers of the new annex with views into that private

amenity area. The Appellant suggests they would be oblique. Whilst they would be at a slight angle there would still be clear views from an elevated position, where no such views exist at present. As a consequence, the proposal would result in an unacceptable loss of privacy to occupiers of that property. The local topography, landscaping and trees would not mitigate for the level of harm that arises.

18. Turning to paragraph 6.56 of the Appellants Grounds of Appeal, I have noted the suggestion of an alternative design whereby some of the proposed first floor windows could be partly obscured to a height of 1.8 metres. Paragraphs 16.1–16.2 of the ‘Procedural Guide: Planning Appeals – England’ (September 2024) state that it is important that what is considered by the Inspector is essentially the same as that considered by the Local Planning Authority, as well as interested parties, at the application stage. Paragraph 16.3 refers to the ‘tests’ that will be considered when amended plans or design changes are proposed, ‘tests’ which, since the *Wheatcroft Principles*, have evolved through the judgement of *Holborn Studios Ltd v The Council of the London Borough of Hackney* [2017] EWHC 2823 (Admin).
19. Neither the Council nor, more importantly, interested parties, have been consulted on this alternative or had an opportunity to comment on whether it would affect their objections to the development. Consultation is an important part of the planning system and given that overlooking is an important issue in this case, it’s would not be appropriate at this stage of the appeal process to consider such an alternative as to do so would, in my view, cause unlawful procedural unfairness to interested parties. Even so, I am not convinced that such changes would be acceptable or mitigate for the harm and poor building relationships that arise.
20. I accept that obscure glazing can be used to mitigate overlooking from a window that serves a staircase or bathroom, albeit in the case of the latter, that glazing is often to protect the privacy of the occupiers as well. Most cases will also relate to small side or rear windows close to an adjoining property. However, in my view, it would not be appropriate on main habitable rooms and specifically rooms where the windows in question provide the principal outlook and light to that room. Its use in this case, would result in a poor outlook from the main habitable rooms and thus a substandard level of internal accommodation. In addition, to be effective the windows would need to be fixed shut below a certain height which is not shown and would again compromise the standard of internal accommodation. For all these reasons, this alternative does not affect my findings on this issue.
21. Accordingly, I find that the proposed development would result in significant harm to the living conditions of neighbouring occupiers contrary to policy CS41 of the BCS, the REDG and paragraph 135 f) of the NPPF. These seek to ensure that new development secures a high standard of amenity for existing and future occupiers.

Conclusions

22. For the reasons given above and having taken all other matters raised into account, I conclude that the appeal should be dismissed.

G Roberts

INSPECTOR