



Appeal Decision

Site visit made on 15 July 2025

by Bhupinder Thandi BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 July 2025

Appeal Ref: APP/V1260/W/24/3357003

46-48 Southbourne Grove, Bournemouth BH6 3RB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
- The appeal is made by Mr D Lowman of Prestige Organisation Limited against the decision of Bournemouth Christchurch and Poole Council.
- The application Ref is 7-2024-5441-AH.
- The development proposed is described as erect a 4th storey of habitable accommodation to create 4no. self contained flats.

Decision

1. The appeal is dismissed.

Application for costs

2. An application for an award of costs was made by Prestige Organisation Limited against Bournemouth Christchurch and Poole Council. This application is the subject of a separate decision.

Preliminary Matter

3. The application is in outline with landscaping reserved for future consideration. I have determined the appeal on this basis.

Main Issues

4. The main issues are:
 - The effect of the proposed development upon the character and appearance of the host property and area;
 - The effect of the proposal upon the living conditions of occupiers of 1-4 New Park Road with regard to privacy and outlook; and
 - The effect upon the integrity of the Dorset Heathlands Special Protection Area (SPA), Ramsar and the Dorset Heaths Special Area of Conservation (SAC).

Reasons

Character and appearance

5. The appeal site is located within the Southbourne local centre comprising a three-storey building in retail and residential use. The building has a modern design incorporating render, cladding and expansive glazing with a flat roof design. It sits within a run of properties that are more traditional in terms of their architecture. Despite the host property being at variance in terms of its design the buildings

along this section of the road have a broadly coherent roof line which positively contribute to the street scene.

6. The proposed development would extend the full width of and cover almost the entire footprint of the host building below. The setback would do little to disguise the bulk of the addition to the roof which would be significantly large. Its overall size and form would be bulky, overly dominant and a disproportionate development resulting in a top-heavy building that would unacceptably harm the appearance of the area and disrupt the largely coherent roof line that exists.
7. The size and position of the windows would bear no relationship with the alignment and size of windows of the host property, nor would they be an appropriate contrast to the floors below resulting in a disjointed appearance. This would lead to an uncomfortable juxtaposition between the host property and the proposed development resulting in visual confusion harming the appearance of the building.
8. Given the above the proposed development would be an unduly prominent and conspicuous feature when viewed from the opposite side of the road as well as in mid-range views, particularly from the east. The existing parapet wall would do little to disguise its prominence when viewed from the surrounding area.
9. The appellant has drawn my attention to a roof extension granted planning permission at neighbouring property 50 Southbourne Grove. However, based on the evidence before me it is apparent that this proposal is materially different to the scheme before me being smaller in size, set back from the road frontage as well as set in from the sides. As such, I am not persuaded that the two schemes are directly comparable. In any event, every application and appeal must be considered on its own merits, as I have done. This factor does not lead me to reach a different conclusion in respect of this main issue.
10. The appellant has referred to photographic imagery to support their case. However, I am not satisfied that this is a true representation of the proposed development. As such, I give it negligible weight in coming to my decision.
11. The proposed development would unacceptably harm the character and appearance of the host property and the local area contrary to Policies CS21 and CS41 of the Bournemouth Local Plan: Core Strategy (2012) (CS); saved Policy 6.10 of the Bournemouth District Wide Local Plan (2002) (LP) and Residential Development: A Design Guide which, amongst other things, seek high quality design that contributes positively to the character and function of the neighbourhood and maintains or enhances the quality of the street scene.

Living conditions of existing occupiers

12. 1-4 New Park Road comprises a two and a half storey residential development with large windows and dormer windows facing the appeal property. Due to the existing close spatial relationship and orientation of the buildings there is a degree of mutual overlooking between the two properties.
13. Despite the appellant contending otherwise, due to its proximity the resultant height and bulk of the proposed development would be appreciable from inside Nos 1-4. The increased height and scale of the host property would be visually obtrusive resulting in a harmful overbearing effect on the occupiers of these properties.

14. Whilst there is a degree of mutual overlooking the height and position of the proposed windows in the rear elevation in such close proximity would result in actual and perceived overlooking. This would lead to an unacceptable loss of privacy for the occupiers of Nos 1-4 adversely affecting enjoyment of their properties. The use of handrails in front of windows and restricting use of the flat roof area would not overcome my concerns in respect of this matter.
15. Consequently, I conclude that the proposed development would adversely affect the living conditions of the occupiers of 1-4 New Park Road by virtue of loss of outlook and privacy. This would be contrary to CS Policies CS21 and 41, LP Policy 6.10 and Residential Development: A Design Guide which, amongst other things, require developments to respect the living conditions of occupiers of buildings in the vicinity.

Impact upon the Dorset Heathlands SPA, Ramsar and Dorset Heaths SAC

16. The appeal site lies within close proximity to the Dorset Heathlands SPA, Ramsar site and the Dorset Heaths SAC. The Dorset Heathlands are an extensive network of lowland heath recognised for their importance for nature conservation. As such, it is recognised by the Conservation of Habitats and Species Regulations 2017 (the Regulations) as an area of international importance.
17. The Council's reason for refusal relate to the effect of the development upon the integrity of the SPA, Ramsar and SAC sites. However, as I have found harm in respect of character and appearance and living conditions which are significant enough to dismiss the appeal there is no benefit in me pursuing this matter any further.

Planning Balance

18. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise. Therefore, whilst the development plan has primacy in decision making, there are circumstances where by material considerations may indicate that a decision otherwise than in accordance with the development plan should be taken.
19. The National Planning Policy Framework (the Framework) is one such material consideration. Paragraph 11 d) states that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.
20. However, paragraph 195 of the Framework indicates that the presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site. For the reasons set out above I have not reached such a conclusion and consequently paragraph 195 applies.

Conclusion

21. Whilst the tilted balance does not apply for the reasons set out above, even if it did, the harm of granting planning permission in respect of character and appearance and living conditions would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
22. For the reasons set out above the appeal does not succeed.

B Thandi

INSPECTOR