



Appeal Decision

Site visit made on 13 October 2025

by **D R Kay BA Dip.Arch RIBA**

an Inspector appointed by the Secretary of State

Decision date: 30 October 2025

Appeal Ref: APP/V1260/W/25/3369115

Caspian House, 111 Old Christchurch Road, Bournemouth Christchurch Poole, Bournemouth BH1 1EP

- 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 B-PAK Ltd against the decision of Bournemouth Christchurch and Poole Council.
 - The application Ref is P/25/00010/FUL.
 - The development proposed is Installation of replacement UPVC windows to first, second and third floors of the front elevation.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development on the application form refers to 'Retrospective'. However, as the term 'retrospective' is not a description of development, I have omitted it from the description in the header.
3. The appeal site is located in close proximity to a Grade II Listed Building and is within the Old Christchurch Conservation Area (CA). I am mindful of the statutory duties placed on decision-makers by sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) (the Act) to have special regard to the desirability of preserving listed buildings or their settings, and to preserve or enhance the character or appearance of conservation areas respectively.
4. During my site visit it was apparent that the replacement windows were already in place and therefore, the appeal is for retrospective works. Accordingly, I have determined the appeal on this basis.
5. The evidence and Council's decision notice refers to the emerging 'Old Christchurch Road Conservation Area Appraisal and Management Plan' (CAA). However, as this document has not been adopted by the Council, I therefore attach limited weight to it in the determination of the appeal.

Main Issue

6. The main issue is the effect of the appeal development on the character and appearance of the local area, bearing in mind the special attention that should be paid, to the desirability of preserving the setting of the nearby Grade II listed 'Dalkeith Building', and the extent to which it would preserve or enhance the character or appearance of the Old Christchurch Conservation Area.

Reasons

7. The CA covers a wide area in the Towns centre. It encompasses a number of terraces of shops, many neo-Georgian, but with significant Victorian, Edwardian and some art deco buildings at later dates. These terraces housed shops at ground floor with residences above, which have subsequently been converted to a variety of other uses. The significance of the CA, insofar as it relates to this appeal, is derived from the historic layering of the built environment, displaying the vigour and imagination in the creation of the heart of a prosperous Victorian seaside town, and the architectural value of the assemblage of commercial, domestic and religious buildings of very high quality, many of which are listed.
8. The 'Dalkeith Building' at 83-103 Old Christchurch Street, was listed in September 1984 (Ref:1276725) and was erected in 1893, as a terrace of shops, offices and dwellings incorporating a hotel. The building has a wealth of detailing, including red brick and stone neo-gothic and venetian sections, Tudor half-timbering, carved stone half-hexagonal projecting bays, sash windows and casements with leaded lights, and an iron balustrade running the length of the façade above the shop fronts, which results in a rich and eclectic building. Much of this has been retained as original, though shop fronts at ground level have been replaced by more modern frontages. The building sits within Old Christchurch Road, which has several other significant Victorian terraces, of similar scale, and with varying levels of detail.
9. Given the above, I find that the significance of the listed building and its setting, insofar as it relates to this appeal, is derived partly from the quality and richness of its architectural detail, and partly from its historical and social significance within the development of the town.
10. The appeal property is a three and a half storey mid-terraced property constructed in the late Victorian era. The ground floor consists of a modern shopfront; the upper floors are constructed in red brickwork, with significant pilaster, string course and frieze detailing, and with a projecting half hexagonal bay window at first floor level. The top storey is accommodated behind a mansard style roof and with an ornate Dutch gable formed in matching brickwork, the apex of which carries a stone columnar plinth with an eagle statue atop. Detailed brick feature chimneys are present to each of the properties in the terrace, with ornate clay pots to their top.
11. The terrace within which the appeal property is located consists of seven such properties, though the appeal property and the adjacent 109 Old Christchurch Road, which are located at the centre of the terrace, are the only ones with the Dutch Gable feature. However, 117 Old Christchurch Road, the end of the terrace, has a feature octagonal bay running through the upper floors, culminating in an octagonal turret at roof level. Some of the terrace of properties retain an ornate iron balustrade railing at first floor level above the shopfronts, which is believed to have run the full length of the terrace.
12. The terrace sits immediately adjacent to the Grade II listed Dalkeith Building, it is therefore, well within the sphere of influence on the setting of the Listed building and how it is experienced. The terrace, and therefore the appeal property, is also considered by the Council to be a non-designated heritage asset, making a positive contribution to the street scene of the CA as a designated heritage asset.

13. The appeal development has removed the previously existing timber framed windows to the first, second and third floors, and has replaced them with uPVC framed windows. This has resulted not just in a material change to the frames of the windows, but significant changes to the pattern of the windows in design terms.
14. Windows at second and third floor levels, which were previously traditional timber sliding sash have been replaced by top-hung opening casements. The primary window to the Dutch gable has changed from having a curved head, which followed the curve of the brickwork opening, to a square head, part of the frame disappearing behind the arched brickwork. The previous decorative dentil detail to the transom of these top floor windows has also been lost in this process.
15. Windows at first floor have more closely followed the pattern of the previous windows at this level, which must previously have been the subject of earlier inappropriate replacement, rather than following the original window pattern displayed in windows in adjacent properties in the terrace. I find that the combination of the change in material, which results in thicker, more prominent frame profiles, and the pattern of the opening lights to top hung casements, which would be significantly more prominent in views up and down the road when open, has a harmful effect on the host building, the CA and setting of the adjacent listed building.
16. Evidence has been put before me regarding the presence of other uPVC windows in the locality, which I viewed at my visit. However, whilst parts of the terrace and other properties in Old Christchurch Road already contain UPVC windows, this does not justify further erosion of the CA's character and appearance.
17. Taking account of the above, I find the appeal development would fail to preserve the setting of the listed building and would harm the significance of the CA. Consequently, I give this harm considerable importance and weight in the planning balance of this appeal.
18. Paragraph 212 of the National Planning Policy Framework (the Framework) advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to their conservation. Paragraph 213 of the Framework goes on to advise that significance can be harmed or lost through the alteration or destruction of those assets, or from development within their setting and that this should have a clear and convincing justification.
19. Whilst I have found harm to the CA and the setting of the listed building, I would assess this as being less than substantial harm for the purposes of the Framework, with the level of harm being at the lower end of this category. Paragraph 215 of the Framework requires this harm to be weighed against any public benefits of the development. The appellants have stated the development represents significant and much-needed investment in the town centre, and would provide improved energy efficiency for occupants, a decent working environment and would make the premises more desirable to future tenants.
20. I find that these are primarily private benefits for the appellants, with any public benefit being marginal. They could also have been achieved by replacement windows which were in keeping with the materials and pattern of original and adjacent development. I have no convincing evidence otherwise, of public benefits

that would outweigh the harm I have found to the CA and the setting of the listed building, which result from the appeal development.

21. Having regard to my duties under the Act, I conclude that the appeal development would fail to preserve the character or appearance of the CA or the setting of the Grade II listed 'Dalkeith Building' as designated heritage assets.
22. It follows therefore, that I find the appeal development is contrary to Policies CS39 and CS41 of the Bournemouth Local Plan: Core Strategy (2012), Policy 4.4 of the District Wide Local Plan (2002), Policy D4 of the Town Centre Area Action Plan and Chapter 16 of the Framework. These require, among other things, that development is of a high quality of design, that respects the distinctive historic or architectural character of the area, which protects designated heritage assets from inappropriate development, which contributes positively to the appearance of the public realm, and for great weight to be given to the conservation of heritage assets.

Conclusion

23. For the reasons set out above, I conclude that the appeal development would be contrary to the development plan, read as a whole, and that there are no material considerations, including policies in the Framework, that would justify determining other than in accordance with it. Therefore, the appeal is dismissed.

D R Kay

INSPECTOR