



Appeal Decision

Site visit made on 13 November 2025

by **J Evans BA(Hons) AssocRTPI**

an Inspector appointed by the Secretary of State

Decision date: 18 November 2025

Appeal Ref: APP/V1260/D/25/3372226

2A Colville Road, BOURNEMOUTH BH5 2AG

- 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 Mrs Sheila Jones against the decision of Bournemouth Christchurch and Poole Council.
 - The application Ref is P/25/02332/HOU.
 - The development proposed is the Installation of window to bathroom wall.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal proposal before me has taken place. Section 73A of the Town and Country Planning Act 1990 (the Act) makes allowance for the submission of a planning application for development which has been carried out before the date of the application.
3. Section 55 of the Act describes development as the carrying out of building operations or the making of material changes of use. The description of the development on the original application form refers to a number of matters relating to the background to the appeal proposal which do not fall within the meaning of development as described in Section 55 of the Act. Further, the description on the decision notice and on the appeal form refer to the appeal proposal as retrospective, which again is not necessary having regard to Section 55 of the Act. As a result, I have revised the description of the development to better reflect the proposal before me.

Main Issue

4. The main issue is the effects of the appeal proposal on the living conditions of neighbouring occupiers, namely No. 2 Colville Road.

Reasons

5. No. 2A is a detached single storey dwelling positioned on a parcel of land to the rear of No. 2 Colville Road. As I understand it, No. 2A was originally a garage which was re-developed as a single storey dwelling. The plot size for No.2A is relatively small, whereby it contains only a small area of outdoor space, and the physical form of the dwelling is positioned close to or directly upon the boundaries of the appeal site.

6. The side south-western elevation of No. 2A presents directly to the rear garden of No.2 and it is on this elevation that the bathroom window subject to this appeal has been installed. I understand that previously the elevation presented as a blank wall with no openings.
7. The shape of the window as presented on photographs that have been provided to me, and as observed during my site visit, is rectangular in shape, being narrower in its width than in its height, which differs from the more boxed shaped opening shown on the submitted plans, but nonetheless the material matters subject to my consideration remain broadly the same in either case.
8. The appellant has set out through their Appeal Statement that the window serves a bathroom, which has been subject to damp and mould issues, and the opening was installed to improve airflow and ventilation in the room seeking to address these matters. The appellant has also pointed out that the bathroom is a non-habitable room with a low intensity of use, and that planning conditions could be used to maintain obscure glazing and restrictive opening mechanisms to the window.
9. However, whilst I acknowledge all the points raised by the appellant, the key issue for me is that the window opening is positioned directly upon the boundary of the rear garden of No.2 and fronts directly towards the garden area, this represents the primary area of private outdoor space for this property. It is my view that the physical presence of the opening fronting directly onto this garden area is in itself harmful to the enjoyment of the garden space of No.2.
10. Whilst I accept that direct overlooking could be resolved through conditions, the perception of somebody being in the room, irrespective of the use of the room, behind the opening and alongside associated activity, would in itself be unwelcome and intrusive when occupiers of No. 2 are using their garden area and this would erode the enjoyment of the garden space. Further when the window is open, even partially, associated noise would also be evident.
11. The appellant has suggested an ivy trellis screen to cover the opening, but even if this could resolve the concerns I have identified above, which I am not convinced would be the case, it would appear as a very odd and out of place feature against the boundary wall, and would not represent good design.
12. Ultimately, the window is harmful to the enjoyment of the outdoor living environment of No.2 Colville Road as a consequence of its proximity and relationship to the rear garden of this property. Conditions can not adequately resolve these harmful effects.
13. The proposal would therefore conflict with Policy CS41 of the Bournemouth Local Core Strategy (2012) and the guidance contained within Residential Extensions: A Design Guide (2008), which amongst other matters, require development to respect the site and its surroundings and provide a high standard of living conditions for residents.

Conclusions

14. Whilst I acknowledge the potential benefits of the proposal to the occupiers of No. 2A, such as seeking to address damp issues in the bathroom, these considerations do not outweigh the harm I have identified with regard to the effects upon the living conditions of existing and future occupiers of No. 2 Colville Road.

15. As a result of these negative effects, the proposal is in my view unacceptable, and contrary to the development plan, when read as a whole. There are no material considerations that would justify a decision contrary to the provisions of the development plan, in this case.
16. For all of the above reasons, having regard to all matters raised, I conclude that the appeal should be dismissed.

J Evans

INSPECTOR