



Appeal Decision

Site visit made on 22 October 2025

by K Jones BA (Hons) DipLA CMLI

an Inspector appointed by the Secretary of State

Decision date: 24 November 2025

Appeal Ref: APP/V1260/W/25/3367237

44 Windsor Road, Christchurch BH23 2EE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for planning permission
 - The appeal is made by Mrs Mandy Scholz-Conway against Bournemouth Christchurch and Poole Council.
 - The application Ref is P/25/00187/HOU.
 - The development proposed is convert loft to habitable space including a side dormer.
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Decision

1. The appeal is allowed and planning permission is granted for convert loft to habitable space including a side dormer at 44 Windsor Road, Christchurch BH23 2EE in accordance with the terms of the application, Ref P/25/00187/HOU, subject to the conditions in the attached schedule.

Preliminary Matters

2. I have made a minor amendment to the description of development above to correct a typographical error and improve clarity.
3. The appeal relates to a planning application that was not determined by the Council within the prescribed period. I note that the Council would have refused planning permission should it have made a decision on the proposal. I have had regard to the parties' submissions in establishing the main issues which I set out below.

Main Issues

4. The main issues are the effect of the proposed development on i) the character and appearance of the area; and ii) the living conditions of neighbouring occupiers at 42 and 46 Windsor Road, with particular regard to privacy.

Reasons

Character and appearance

5. Windsor Road is characterised by a series of closely spaced bungalows addressing the road. Properties are located behind modest front gardens which often contain frontage parking, and which are typically enclosed by low boundary walls or fences. While the wider residential area contains significant variety in building types, sizes, and materials, Windsor Road comprises a regular pattern of bungalows which appear to have been originally built to the same footprint and design.

6. Many of the bungalows have since undergone modification, with some significant extensions including a variety of hipped and gabled roof extensions, and dormers. Despite these modifications, the street maintains a sense of uniformity. Somerset Road offers a visual and a physical break between the main length of Windsor Road and its cul-de-sac. However, the consistent layout of properties across this divide, the regular street trees, and the uniformity in building frontage mean that there is not a significant difference in the character of these two stretches of the road.
7. A significant contribution to this character is made by the single-storey hipped front projection on each property. In the main stretch of Windsor Road this projection lies on the left-hand side of the property as viewed from the road, and in the cul-de-sac it lies on the right. Even where this projection has been extended horizontally, a consistent eaves height, ridge height, and roof pitch maintains a modest single-storey element closest to the road. In views along the street, this creates an attractive and intimate character to the properties tucked behind the street trees.
8. The proposed development would introduce a significant roof extension, including a large box dormer to the northwest elevation. The central part of the roof would also be extended from a hipped roof to a gabled roof, with a small increase in ridge height. These changes would noticeably add to the massing of the roof and bring the roof massing forward in the plot. This is particularly true of the flush box dormer elevation. However, the bulk of the roof would still be set back from the front of the property, and the way in which the single-storey front hipped projection addresses the road would remain unchanged.
9. Accordingly, in a context of varied roofscapes behind a consistently modest frontage, the overall character and appearance of the building and its contribution to the street scene would not be significantly altered.
10. I therefore conclude that the proposed development would not unacceptably harm the character and appearance of the area. It would accord with Policy HE2 of the Christchurch and East Dorset Local Plan, Part 1 Core Strategy (2014) (the Core Strategy), and Policy H12 of the Borough of Christchurch Local Plan (2001) (the Local Plan). Amongst other matters these policies seek development that is appropriate in character, scale, and design to the immediate locality, and which is compatible with its surroundings in layout, scale, bulk, height, and visual impact. The proposal would also accord with chapter 12 of the National Planning Policy Framework (the Framework) where it seeks development which is sympathetic to local character, including the surrounding built environment.

Living conditions

11. The close-set nature of properties on Windsor Road leads to the potential for overlooking between dwellings with any modifications that introduce window openings to the sides of properties above ground floor level. In this instance, windows serving a bathroom and bedroom on the first floor are proposed within the side of the box dormer, looking towards No 42. Skylights serving a stairwell and bedroom are also proposed within the roof slope facing No 46. The skylight serving the bedroom would be at a high level within a full-height vaulted ceiling, and therefore would not present an opportunity for overlooking. However the remaining skylight and windows at this level would look directly towards the neighbouring properties and their outside amenity spaces.

12. The proposed bathroom and stairwell are not habitable rooms, and the window serving the bedroom on the first floor would be a secondary opening to that room. Each of these could therefore be fitted with obscured glazing and opening restrictors without adversely affecting the outlook from No 44. Such treatment could be secured by condition, and would ensure that there is no overlooking between the appeal property and No 42 or No 46.
13. Subject to a suitably worded condition, I therefore conclude that the proposed development would not unacceptably harm the living conditions of neighbouring occupiers at No 42 and No 46, with particular regard to privacy. It would therefore accord with Policy HE2 of the Core Strategy and Policy H12 of the Local Plan. Amongst other matters these policies seek development with a relationship to nearby properties which minimises general disturbance to amenity, and which does not adversely affect the residential amenities of existing and future occupiers of dwellings by the loss of privacy. The proposal would also accord with chapter 12 of the Framework where it seeks development which creates a high standard of amenity for existing and future users.

Conditions

14. The Council provided suggested conditions, which I have reviewed with regard to the Framework and the Planning Practice Guidance. I have amended the wording where necessary to improve precision and enforceability.
15. In addition to conditions relating to the statutory timescale and a list of approved plans for the purposes of clarity, a condition securing approved materials for the dormer is necessary to protect the character and appearance of the area. A condition relating to obscured glazing and restricted window opening is also necessary in order to protect the privacy of neighbouring properties. The Framework advises that conditions should not be used to restrict national permitted development rights unless there is clear justification to do so. In this instance, given the high potential for overlooking between neighbouring properties, there is clear justification to limit permitted development rights in so far as they relate to windows, dormer windows, and roof windows.

Conclusion

16. For the reasons given above the appeal should be allowed.

K Jones

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with drawing Nos: p4f/uk/1211241/1626876 (Location Plan), b90f/uk/1211241/1626873 (Site Plan), 002 (Proposed Ground Floor Plan, Proposed 1st Floor Plan, Proposed Roof Plan), 004 (Proposed Elevations).
- 3) The external surfaces of the development hereby permitted shall be constructed in the materials detailed on the application form. Notwithstanding this, prior to its installation, details of the materials to be used in the cladding of the dormer hereby permitted shall have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), upon first installation and all subsequent installations, the windows in the first floor on the side dormer elevation facing No. 42 Windsor Road, and the rooflight serving the staircase facing No. 46 Windsor Road shall be fitted with textured glass with an obscuration level of no less than Level 3 of the Pilkington Glass scale (or equivalent). No part of those windows that is less than 1.7 metres above the floor of the room in which they are installed shall be capable of being opened. Once fitted, the obscure glazed and non-opening parts of the windows shall thereafter be retained.
- 5) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no windows, dormer windows, or roof windows other than those expressly authorised by this permission shall be constructed.