



Appeal Decisions

Site visit made on 25 August 2026

by **Paul T Hocking BA MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 11 September 2026

Appeal A Ref: APP/V1260/C/25/3359540

Appeal B Ref: APP/V1260/C/25/3359541

The land and premises at 17, The Litzo, 37-39 Boscombe Spa Road, Bournemouth BH5 1AS

- The appeals are made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeals are made by Mr Antony Goodship (Appeal A) and Mrs Bethel Goodship (Appeal B) against an enforcement notice issued by Bournemouth Christchurch and Poole Council.
 - The notice was issued on 19 December 2024.
 - The breach of planning control as alleged in the notice is: Without planning permission, the erection of raised platforms to the rear of the dwelling.
 - The requirements of the notice are: (i) Demolish the raised platforms consisting of different tiers, stairs, decked areas, balustrades, enclosures and foundations posts at the rear of the dwelling; and (ii) Remove all debris, rubbish or other materials accumulated from the land affected as a result of complying with step (i).
 - The period for compliance with the requirements is 3 months
 - The appeals are proceeding on the grounds set out in section 174(2)(a), (c), (f) of the Town and Country Planning Act 1990 (as amended). Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.
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Summary of Decisions

1. The appeals are dismissed and the enforcement notice is upheld subject to a variation.

Preliminary Matter

2. There has been a revised National Planning Policy Framework published by Government since the enforcement notice was issued. It however does not raise new issues that are determinative for the purposes of my assessment and therefore injustice to the parties does not arise.

Appeals A and B – The ground (c) appeal

3. For the appeal to succeed on ground (c) the onus is on the appellants to demonstrate, on the balance of probabilities, that there has not been a breach of planning control. This could be because the matters alleged do not constitute development, planning permission has already been granted for the matters alleged in the enforcement notice or they are permitted development.
4. The allegation relates to the erection of raised platforms to the rear of the dwelling. The first requirement of the notice then provides some assistance by disaggregating the development enforced against, in that it requires the demolition of the raised platforms consisting of different tiers, stairs, decked areas, balustrades, enclosures and foundations posts at the rear of the dwelling. This is

consistent with the allegation and reasons for issuing the notice and not disputed by the appellants.

5. The appellants contend the development enforced against is permitted development arising from Part 1, Class E, and Part 2, Class A, rights of the General Permitted Development Order, as amended (the GPDO).
6. During my site visit I could see that the development enforced against is accessed via stairs comprising 4 steps down from the rear of the dwelling. This opens onto an upper platform enclosed on both sides with timber panelling. To the rear of this platform is timber panelling of a lower height as well as stairs comprising 8 steps which provides access to a significantly lower platform, edged in timber and with an artificial grass surface. There is then a small, planted area, at a further slightly lower level and again edged in timber. These areas are also enclosed by timber panelling, but of various heights. The void then created by the upper platform area is enclosed by similar timber panelling.
7. There is very little evidence that the development enforced against was constructed other than as a single building operation. Even if the appellants were correct that the height of the raised platforms accord with Class E rights of the GPDO and the guidance¹, the development enforced against spans the vast majority of the rear garden. Given to the front of the dwelling there is only a small area of land with a hard surface² it casts considerable doubt in my mind that the development enforced against would cover no more than 50% of the total area of the curtilage, as defined by Class E of the GPDO. Indeed, the appellants have provided very little evidence in this respect, when the onus is on them to demonstrate their case on the balance of probabilities. I also have very little evidence to demonstrate on the balance of probabilities that the stairs between the raised platforms would amount to permitted development.
8. Furthermore, the appellants seek to rely upon Class A rights of the GPDO by disaggregating the timber panelling enclosures, as it is asserted these do not exceed 2m in height above ground level. However, even if that is the correct approach, there are parts of the timber panelling that would appear to exceed 2m in height above ground level because they are situated on a raised platform. This is particularly apparent from the adjoining property at No.18.
9. As a matter of fact and degree the appellants have therefore failed to demonstrate on the balance of probabilities that the development enforced against amounts to permitted development.
10. There is then very little evidence that the raised platforms enforced against either have the benefit of a planning permission or do not constitute development.
11. The appeal on ground (c) therefore fails.

¹ Permitted development rights for householders Technical Guidance, September 2019

² And see appeal decision APP/G1250/C/07/2062341 for findings on extent of curtilage at the appeal site and consequential reduction in size of a previous raised deck

Appeal A – The ground (a) appeal

Main Issues

12. The main issues are the effect of the development on:

- the character and appearance of the area; and,
- neighbouring living conditions.

Reasons

13. The site is occupied by a three-storey mid-terraced dwelling positioned in a private residential development. The development the subject of the deemed planning application relates to the erection of raised platforms to the rear of the dwelling, in the form I have previously described.

Character and appearance

14. The raised platforms constitute a substantial structure, spanning the vast majority of the rear garden. It is also of considerable height given its depth from the rear of the dwelling coupled with the steep sloping gradient to the rear of the properties within the terrace.
15. Whilst I accept that the development can unlikely be seen from the public domain, there is very little evidence of comparable structures of this scale, layout and siting in the vicinity. Given its depth and consequent height, it is then unduly prominent in the context of the rear aspect of the adjoining properties within the terrace and so cannot be said to be aesthetically pleasing or in accordance with the pattern of development more generally.
16. I conclude the development is harmful to the character and appearance of the area in contravention of Policy CS41 of the Bournemouth Local Plan: Core Strategy, 2012 (the CS). This policy, amongst other things, requires development through its scale, layout and siting to respect its surroundings. This is a planning harm to which I attach considerable weight.

Living conditions

17. I accept there is mutual overlooking experienced between the terrace of properties given the existing balconies. There is also adequate back-to-back distances with those neighbouring properties that are situated broadly to the south.
18. The timber panelling then obscures most of the views of the rear gardens of the adjoining properties within the terrace, however, the stairs to the lower platform afford unacceptable additional direct views into the rear garden of No.18.
19. Moreover, the raised platforms, in the form I have previously described, are a substantial structure of considerable height. It consequently has an overbearing impact, particularly to the rear garden of No.18. Owing to the angle of the steep sloping gradient, parts of this rear garden are at a considerably lower level, which serves to exacerbate the height and presence of the upper platform still further. This arises owing to the depth of the upper platform from the rear of the dwelling. It is therefore a very prominent structure that immediately abuts the comparatively small usable rear garden of No.18. It is consequently detrimental to the main

outside amenity spaces of No.18, such as where there are areas of hardstanding for tables and chairs.

20. I appreciate there is planning history relating to other differing designs and forms of raised platforms/decking at the site, but these have since been replaced by the development enforced against and also would appear to have been smaller in scale. There has also been permission for the erection of decking at No.18, but this was in 2010 and has not been constructed.
21. It is said that the height of the timber panelling is necessary for security purposes, but much of this is situated on the raised platforms which are already considerably elevated in parts, and there is little other evidence such as police reports or of security implications to demonstrate why only this timber panelling is the remedy.
22. I conclude the development is harmful to neighbouring living conditions in contravention of Policy CS41 of the CS. This policy, amongst other things, requires that development not be detrimental to amenity. This is a planning harm to which I attach considerable weight.

Other Matters

23. It is said the raised platforms provide a betterment over that which could occur lawfully using permitted development rights. I am however not persuaded by this based on the evidence before me. I therefore afford such a contention only limited weight.
24. The Council has raised concerns about cliff stability. Owing to the type of development enforced against, I am of the view that a suitably worded planning condition could have appropriately dealt with this matter pursuant to saved Policy 3.25 of the Bournemouth District Wide Local Plan, 2002. On this basis it therefore attracts neutral weight.
25. The Council has also cited Policy BAP2 of the Boscombe & Pokesdown Neighbourhood Plan, 2019. This policy however focuses on the preservation of locally listed buildings, reducing energy emissions and ensure the recycling of materials. It would therefore appear to be of limited relevance to the deemed planning application and so I afford these matters only neutral weight.

Conclusion

26. There are not material considerations that indicate the ground (a) appeal should be determined other than in accordance with the development plan. For the reasons given above, I therefore conclude that the ground (a) appeal should fail.

Appeals A and B – The ground (f) appeal

27. The purpose of the enforcement notice is clearly to remedy the breach of planning control and it does not seek to under-enforce. Therefore, for an appeal on ground (f) to succeed it would be necessary for the appellants to explain why the steps required by the notice to be taken exceed what is necessary to remedy the breach of planning control and propose alternatives steps.
28. That the appellants own their rear garden and can use it for incidental purposes is not unusual. It is then said that removing the decked area itself would make no material difference to overlooking. I however do not accept this and have already

found unacceptable harm in respect of the development enforced against. There is then no detailed scheme before me to provide any reasonable certainty of what the appellants actually intend to retain in the alternative or whether this would be practicable, such as in respect of safety or the ability to access the remainder of the rear garden.

29. The retention of an uncertain amount and/or form of the development enforced against would thus not remedy the breach of planning control.
30. The appeal on ground (f) therefore fails.

Appeals A and B – The ground (g) appeal

31. Whilst a ground (g) appeal has not been lodged by the appellants, I have discretion to consider such a ground of appeal.
32. Given my findings of harm in respect of the ground (a) appeal largely arise from the depth and consequent height of the upper platform and the staircase to the lower platform, and there is a history of decking at the property, it strikes me as reasonable to afford the appellants the opportunity to consider an alternative scheme with the Council. This may amount to one of permitted development or one for which planning permission is required.
33. A period of 8 months would thus allow a reasonable period in which to do so, and so I will vary the notice to this effect. If an alternative scheme is not agreed and carried out, the requirements of the notice still bite, and the period of 8 months would not unduly perpetuate the breach of planning control.

Appeals A and B - Overall Conclusion

34. For the reasons given above I conclude that the appeals should not succeed. I shall uphold the enforcement notice subject to a variation and refuse to grant planning permission on the deemed application.

Formal Decisions

Appeal A

35. It is directed that the enforcement notice be varied by:
 - substituting '*8 months*' as the time for compliance in section 6 of the notice
36. Subject to this variation the appeal is dismissed and the enforcement notice is upheld. Planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Appeal B

37. It is directed that the enforcement notice be varied by:

- substituting '8 months' as the time for compliance in section 6 of the notice

38. Subject to this variation the appeal is dismissed and the enforcement notice is upheld.

Paul T Hocking

INSPECTOR