

## PLANNING COMMITTEE



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| Application Address                       | 19 Avon Wharf Bridge Street Christchurch BH23 1DJ   |
| Proposal                                  | To replace existing roof lights with dormers to front and rear.<br>To erect conservatory to rear.   |
| Application Number                        | 8/20/0079/HOU   |
| Applicant                                 | Mr Martin White   |
| Agent                                     | Miss Nicole Pace  |
| Date Application Valid                    | 29 January 2020   |
| Decision Due Date                         | 25 March 2020   |
| Extension of Time Date (if applicable)    |   |
| Ward                                      | Christchurch Town   |
| Report status                             | Public  |
| Meeting date                              | 21 May 2020   |
| Recommendation                            | <b>Grant, in accordance with the recommendation in the report.</b>  |
| Reason for Referral to Planning Committee | This application is brought before committee at the request of Cllr Peter Hall as; <ul style="list-style-type: none"><li>• it may be contrary to Policy BE4, H12 &amp; HE2,</li><li>• it may not enhance the Conservation Area</li><li>• it is also in the public interest.</li></ul> |
| Case Officer                              | Alison Underwood  |

### Description of Development

1. To replace the existing roof window in the front elevation at second floor level, and in the rear roof window at first floor level with dormer windows. The rear dormer to have a full-length glazed door with a Juliette-style glass balustrade.

On the ground floor it is proposed to glaze-in the existing rear terrace area with a light-weight aluminium framework to form a conservatory.

### **Key Issues**

2. Principle of development
3. Impact on the heritage assets and the character of the Central Conservation area
4. Impact on neighbouring residential amenity
5. Impact on Flood Risk

### **Planning Policies**

6. Development Plan:

KS1 Presumption in favour of sustainable development  
BE4 New Development in Conservation Area  
HE2 Design of new development  
HE1 Valuing and Conserving our Historic Environment  
ME6 Flood Management, Mitigation and Defence  
BE16 Views and Vistas

7. Supplementary Planning Documents:

Christchurch Conservation Area Appraisal (Adopted 2005)  
Christchurch Borough-wide Character Assessment (2003) section 5.18

8. National Guidance

The guidance contained in the National Planning Policy Framework (NPPF) is a material consideration.

Section 7 – Requiring good design

Section 10 – Meeting the challenge of climate change, flooding and coastal change

Section 16 - Conserving and enhancing the historic environment

### **Relevant Planning Applications and Appeals**

9. 8/18/2200 - **19 Avon Wharf**: Erect conservatory to rear. New dormers to front and rear elevations with Juliet balcony to rear first floor. Retrospective forming of carport to front from existing garage. (Amended description) – Refused 15/02/2019.
10. 8/18/0556/HOU -**19 Avon Wharf**: Remove existing garage door to create carport, replace existing roof lights with dormers and erect conservatory - Withdrawn 23/07/2018

Relevant history for adjacent sites:

11. 8/06/0561 - **21 Avon Wharf**: Formation of 1st floor balcony at rear including introduction of patio doors - Approved 07/11/2006

12. 8/06/0560 **20 Avon Wharf**: Insertion of kitchen window at first floor level - Approved 07/11/2006
13. 8/17/0307/HOU **17 Avon Wharf**: Form flat roof with balcony to rear elevation - Approved 13/03/2017

### **Representations**

14. A site notice was posted in the vicinity of the site on 25/02/2020 with an expiry date for consultation of 17/03/2020, and an advertisement placed in the Bournemouth Echo on 21/02/2019.
15. 21 responses objecting to the proposed development have been received. These raise the following issues;
  - conservatory will adversely impact the conservation area
  - contrary to the architects' original design.
  - overlooking of neighbouring dwellings from front dormer
  - will set a precedent
  - out of keeping with the neighbouring property in Avon Wharf
  - loss of privacy on balcony at adjacent property (no.18)

### **Consultations**

16. Environment Agency  
No comments received
17. BCP Countryside Management  
No objection
18. BCP Conservation & Listed Buildings Officer

The Avon Wharf building is a piece of late 1970s award winning design. Whilst the building isn't specifically designated within the adopted conservation area appraisal, it nonetheless sits comfortably within the street scene and the riverside setting, in what is an historic locality. The roofscape in particular is important to the overall form of the building, being one of its distinctive features.

Whilst dormer windows are not out of keeping with this building, care needs to be taken that a number of minor cumulative alterations don't detract from the building as a whole. A dormer has been omitted since the previous refusal and the decision maker will need to be satisfied that the current scheme with its remaining front and rear dormers and conservatory extension would be in keeping with the building as a whole. Consideration must be given to whether the alterations erode the character of the building, at minimum any proposal must ensure the character and appearance of the conservation area at this point is preserved, and any harm justified/weighed against public benefit.

19. Christchurch Town Council

Town Council RAISE OBJECTION due to the proposed scheme, by reason of the number of dormers proposed would disrupt the architectural flow of the design of the roof of the building to the detriment of its character and appearance and to the wider Christchurch Conservation Area. The scheme is therefore contrary to policies HE1 & HE2 of the Christchurch and East Dorset Local Plan Part 1 – Core Strategy and saved policies BE4 points 1 and 4 and H12 of the Christchurch Borough Council Local Plan 2001.

20. BCP Highways

The proposals include extensions and alterations to the existing house. The proposals will not increase the number of rooms and are therefore unlikely to increase the parking needs of the dwelling. Existing parking and access arrangements would not be adversely affected. The proposals would not have any significant implications for highway safety.

No highway objections.

21. Environmental Health

No objection

22. **Constraints**

- Conservation Area
- Flood Zone 2
- FZ3a 2093
- FZ3a 2133
- FZ3b 2133
- SSSI Impact Risk Zone
- Heathland 5km Consultation Area
- Contaminated Land - Medium Risk

**Site and Surroundings**

23. The application site is occupied by a 4-storey split-level terraced townhouse located on the eastern edge of the Avon Wharf, in a small gated riverside development adjacent to the banks of the Avon. From the entrance in Bridge Street, the site is accessed via a communal courtyard, and has an open-plan frontage, integral garage and parking area. The rear of the property faces east towards the River Avon, and there are private pontoon moorings and a walkway running between the dwelling and the river.

24. The site is located within the Christchurch Central Conservation Area and lies within Flood Zones 2 and 3. The surrounding area is mixed in character comprising residential and commercial property and includes listed and locally listed buildings.

## Planning Assessment

### Key Issues

#### 25. Principle of Development

26. This site falls within the Christchurch Town Centre Boundary and is identified as a main settlement in Policy KS2 of the Local Plan, being a sustainable location where development is supported. Both paragraph 14 of the NPPF, and KS1 of the Local Plan place a presumption in favour of sustainable development.
27. The proposal makes modest alterations to an existing residential property to improve living conditions within the house. The principle of altering this existing dwelling is acceptable in principle under Policy KS1 & KS2.

### Impact on heritage assets and the character of the area

28. The site lies within the Christchurch Central Conservation Area and, in accordance with the provisions of Policy HE1 of the development plan, the impact of the proposals on the setting and character of the designated area is a consideration in the assessment of the proposal.
29. The adopted CAA comments (pg. 56 - 58) that;

*“As set pieces of development and urban design, Rossiter’s Quay and Avon Court are both contemporary approaches to the idea of integrating the waterside with residential development.*

*Avon Court also provides interest in the street scene, although its setting back from the building line, despite retaining views of the Priory from Bridge Street, is unsuccessful as a piece of urban design leaving awkward unusable spaces with difficult unresolved management issues. It is also disappointing that the gated nature of this development produces an exclusive character to the detriment of the waterside which is almost entirely privately owned and can only be appreciated from a distance.*

*Both developments nonetheless contribute to the rich diversity of this character sub area which has seen significant change in recent years. Roof scape forms a particularly important part of the overall appreciation of townscape. Given the longer views and elevated viewpoints, traditional roof forms make an important contribution to the historic character of this part of the conservation area.”*

30. In the Designations map attached to the preceding Council’s adopted Conservation Area Appraisal, the Avon Wharf dwellings are not identified as buildings contributing positively to the Conservation Area. The majority of the surrounding buildings in Bridge Street are recognised as statutorily listed buildings, locally listed buildings or identified as contributing positively to the

Conservation Area, including the later Rossiters Quay scheme to the south & west. As the most recently adopted assessment of the character of the area, this document has primacy over earlier documents or assessments. Therefore, the weight to be attached to the contribution of the site to the heritage asset needs to be proportionate to the preceding Council's most recent assessment of the area in the Conservation Area Appraisal. Applying the adopted guidance, the site is less sensitive to change than the buildings which contribute positively to the Conservation Area.

31. Since Avon Wharf development was completed there have been, as would be expected, a number of additions and alterations to the various properties. The original concept is still largely intact and can be seen in the unusual design of the tilted-up dormers which the scheme replicates, roof windows and extensive non-traditional sloping roof-scape. This concept has not been materially compromised by the additions and alterations that have taken place over time, mainly due to their modest scale and form. Although conservatories did not feature in the original design scheme, the dwellings were provided with outside terraces and balconies, some more extensive than others, and in this particular case somewhat restricted in size.
32. There are a number of conservatories already in the vicinity of the site and in the wider conservation area, the closest of which being in the Rossiters Quay the development which abuts Avon Wharf to the south. Comments of objection have been received citing the potential impact of the conservatory on the original architectural concept of Avon Wharf, however, the design proposed utilises lightweight aluminium framing in a contemporary manner which is visually discrete in the context of the terrace, and not conspicuous.
33. The proposed dormer windows on the front and rear elevation reflect the original tilted-up style in the development and are modest in size and scale. The previous proposal, which was refused by the preceding Authority's planning committee has now been modified with the omission of 1 no. dormer window at second floor level on the rear elevation so that the large expanse of the upper rear roof slope is unimpeded. The width of the first floor dormer is also reduced. The proposed scheme now reflects the style of the rear elevation at the neighbouring dwelling at no.17 Avon Wharf, which has been previously altered at the rear elevation at first floor level. When viewed in this context, the proposal creates a balanced composition to the rear elevation of the terrace as a whole.
34. The front elevation of the property faces into the private courtyard of the development and therefore the proposed front dormer has limited impact upon the character and appearance of the street scene.

35. The alterations proposed to the dwelling are relatively low-key and modest in scale and form. The development would have a neutral impact on the overall character of the Conservation Area and would not harm the setting of nearby listed buildings. As such, the proposed development would result in less than substantial harm to the heritage asset of the conservation area and would therefore be acceptable under the NPPF guidance. The proposals also thereby comply with the statutory requirement to preserve or enhance the character or appearance of the Conservation Area.

### **Impact on neighbouring Residential Amenity**

36. Owing to the tight-knit nature of development within Avon Wharf and the proximity of windows and outside terraces to each other, there is quite a high level of mutual overlooking existing from one property to another arising from the original design. The proposed dormers serve existing rooms within the dwelling and the floorspace of the property at these levels is not increased as a result of the proposals. The cill height of the existing rooflight to the top floor bedroom is 0.98m (approx.) and currently affords view out into the front courtyard. The cill height will be marginally increased with the proposed dormer. The addition of the proposed dormer windows on the front and rear roof slopes is not therefore considered to result in a substantial increase in overlooking, nor lead to a material loss of privacy at adjacent neighbouring properties. The dormers are not considered to result in a material loss of light or overshadowing to the neighbouring properties.
37. Whilst the concerns raised by the occupants of no.18 are acknowledged, the rear balcony at this dwelling is already open to public view across the river, and will not therefore be compromised by the addition of the dormer/Juliette balcony on the rear of no.19 as proposed.
38. The proposed conservatory encloses an existing terrace at the property to create more usable space within the existing living room at the property. Due to the staggered arrangement of the properties, the extension is set back behind no. 18 which projects further to the east and thereby has an acceptable impact on the living conditions of this neighbour. To the south, the extension will be separated from No.20 - which extends to the same level - by a solid wall. Thereby, acceptable privacy to this neighbour will be maintained.
39. Officers are satisfied that the scaled back scheme has been designed to be compatible with or improve its surroundings in its relationship to nearby properties including minimising general disturbance to amenity. It thereby complies with the tests in Policy HE2 of the Local Plan.

40. It is noted that the works only require planning permission by virtue of being located within the Conservation Area. Outside of the CA, the works would be permitted development.

### **Flood Risk**

41. The site lies within present day Flood Zone 2 of the Strategic Flood Risk assessment (medium probability of flooding) and within the future Flood Zone 3a (2086 and 2126 levels) placing the property at high risk of flooding in an extreme event. The proposed development would not however introduce additional risk over and above the existing use, and by reason of its design it is considered that the proposal would be unlikely to affect water flow or result in an increase flood risk elsewhere. As such, the development complies with Policy ME6.

### **Summary**

42. The site lies within the urban area, where such development is acceptable in principle. The proposed development maintains acceptable living conditions at neighbouring residential properties. The proposal is acceptable in that it respects the setting of adjacent listed buildings and complies with the statutory test to preserve or enhance the character or appearance of the Central Conservation Area.
43. There is no additional risk of flooding at the dwelling or impact on the flow of flood waters in other areas as a result of the development.

### **Planning Balance**

44. The proposal is considered to represent sustainable development, complying with Policy KS1 and is therefore recommended for approval.
45. Applying the guidance in paragraph 196 of the National Planning Policy Framework (2019), this impact must be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. The scheme will facilitate the ongoing use of the property as a dwelling house, which is considered to be its optimum use and the public benefits in this case are considered to outweigh any impacts to the heritage asset.
46. In reaching this decision the Council has had due regard to the statutory duty in Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 which states that "*with respect to any buildings or other land in a conservation area, ... special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.*"
47. In reaching this decision the Council has had due regard to the statutory duty in Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 which states that "In considering whether to grant planning permission for

development which affects a listed building or its setting, the local planning authority... shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.”

## **RECOMMENDATION**

It is recommended that this application be granted subject to the conditions below, which are subject to alterations/additions by the Head of Planning provided any alteration/addition does not go to the core of the decision:

### **Conditions:**

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date of this permission.

Reason: This condition is required to be imposed by Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in accordance with the following approved plans no.

XC.20.003.001 Site Location and Block plan

XC.20.003.002 Site Layout

XC.20.003.005 Existing Floor Plan

XC.20.003.006 Existing Elevations

XC.20.003.100 Proposed Floor plans

XC.20.003.200 Proposed Elevations

Received on 24th January 2020

Reason: For the avoidance of doubt and in the interests of proper planning.

3. The materials to be used in the external surfaces of the proposed development shall be as specified in the approved application unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of design and amenity.

### **Informatives:**

1. The applicant(s) is (are) advised that the proposed development is situated in close proximity to the property boundary and "The Party Wall etc. Act 1996" is therefore likely to apply.
2. For the avoidance of doubt, the applicant(s) are advised that this planning permission does not convey the right to enter land or to carry out works affecting or crossing the boundary with land which is not within your control without your neighbour's consent. This is, however, a civil matter and this planning consent is granted without prejudice to this.

## Background Papers