



Appeal Decision

Site visit made on 8 June 2021

by J P Longmuir BA (Hons) DipUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 August 2021

Appeal Ref: APP/V1260/W/21/3270605

51 Bargates, Christchurch, BH23 1QE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Chris Brockway against the decision of Bournemouth, Christchurch and Poole Council.
 - The application Ref 8/20/0205/FUL, dated 25 February 2020, was refused by notice dated 24 September 2020.
 - The development proposed is demolition of existing building. Construction of new church building.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Subsequent to the determination of the application a unilateral undertaking has been submitted to commit to a payment for £5,000 for a parking review. The Council have withdrawn their objection on parking pressures, but their other grounds remain.
3. Subsequent to the submission of appeal statements, the revised National Planning Policy Framework (the Framework) was published on 20 July 2021. Both parties were given the opportunity to comment on its significance or otherwise.

Main Issues

4. The Council's decision notice does not make reference to the effect of the proposal on the general character and appearance of the area, however this is an explicit concern in paragraphs 83, 84 and 106 of their Committee report, the latter being a concluding summary. The Committee minutes state that councillors resolved to refuse the application in line with the report. Following the submission of their statements the main parties were asked to comment on the possible significance of this issue. The appellant suggested that the design was in keeping with the area and made reference to the submitted contextual analysis and the Council did not make additional comment. This issue is a pertinent material consideration but is also intrinsic with the effect of the proposal on the settings of heritage assets as they are part of the character and appearance of the area. I have segregated it from the settings of the heritage assets for the ease of reading.

5. The decision notice also does not refer to the settings of listed buildings. Nonetheless the 'BCP Conservation' response in paragraph 48 of the Committee report makes such comments. In any event, there is a statutory duty for the decision maker to consider such a matter and I have included it as a main issue.
6. The main issues are:
 - the effect of the proposal on the character and appearance of the area;
 - the effect of the proposal on the settings of the Christchurch Central Conservation Area, Listed Buildings- Nos 20-24 Bargates and non-designated heritage assets - the existing church and Nos 25-31 Bargates and;
 - the effect of the proposal on the living conditions of the occupant(s) of No2 Beaconsfield Road.

Reasons

Character and appearance of the area

7. The appeal site is on the edge of Christchurch town centre, separated by a large roundabout and bypass road. Bargates is a busy road with wide pavements and fronted by shops and other commercial properties, typically two and three storey, small individually distinct buildings, with varying styles and materials. The Christchurch Borough -wide Character Assessment notes the tightly packed street frontages. Notably there are several well-manicured and pollarded trees within the public pavement, including to the front of the appeal site.
8. The appeal site includes a two-storey building which faces on to Bargates, particularly with its two bays with hipped roof gables, which also contribute to its symmetrical appearance. It has distinctive mottled light brown bricks and red brick detailing, which the Heritage Statement (HS) notes is typical of the late Victorian period and reflects its recognisably domestic origins. It is currently used as an opticians and offices for the Baptist church and is very prominent for a substantial length of Bargates, in both directions.
9. The appeal site is on the corner of Bargates and a narrow offshoot, Beaconsfield Road, which is distinctive for its small terraced houses, some of which are brightly painted, dated as late 19th century by the HS. The Design and Access Statement (DAS) provides analysis of the massing along Beaconsfield Road, in particular figure 4.8 notes its 'spacial rhythm', and shows the comparatively modest scale of the terrace houses. The appeal site is highly prominent from Beaconsfield Road and is experienced in close range view.
10. The proposed building would have a split roofline so that mono-pitch slopes would be built either side of a flat roof central element. Whilst the split roof is intended to help break up the massing, it would not be likely to be perceived as such, as the eye would be drawn to connect both sides and would imagine it as a whole. As a result, the building would be perceived as a single entity, and its considerable expanse would be apparent: the massing of the building would not be appeased by the split roof.

11. The DAS also emphasises that the split roof would be accompanied by recessed walling underneath, which would provide a break at the upper levels but the building line at ground level would be maintained. However, whilst this would provide a physical break in the roofline, it would not overcome the above focus of the two mono-pitch roof slopes and their imagined connectivity because they are such strong features. Consequently, the recessed gap would not significantly relieve the perception of the building's bulk.
12. Furthermore, the split roof being both unusual and on an open corner would stand out. It would appear overly elaborate as there is no apparent reason for such a roof form.
13. The south east wall, fronting Beaconsfield Road, would consist of various segments of materials and windows which are varied so much so that the wall would look fussy and overly complicated.
14. The north western side would continue the split form of the roof, which would be discernible from Bargates due to a gap in the frontage. Although this would not be as prominent as the (above) south eastern side, it would also appear discordant.
15. The rear elevation would include four sections of mono-pitch roofs at various heights, which would result in a busy and complicated array of elements. This elevation would be discernible from Beaconsfield Road through a gap in the frontage and would appear unduly complex and out of context with the neighbouring simple dwellings.
16. The submitted cross section shows that the height of the building would be comparable to the adjacent carpet shop building. Consequently, the height would be in keeping. Similarly, the front elevation has a regular pattern of fenestration, which would differentiate the two floors and appropriately face the public domain, maintaining the building lines of Bargates and Beaconsfield Road.
17. The design would overly attract attention and detract from the simple detailing and modestly proportioned buildings lining Bargates and Beaconsfield Road. Such a strident and complex design would need its own space (in large grounds) rather than being seen as an integral part of a street of simple architecture.
18. I therefore conclude that the proposal would significantly harm the character and appearance of the area.
19. Policy HE2 of the Christchurch And East Dorset Local Plan Core Strategy (CS) requires design of development to be of a high quality, reflecting and enhancing local distinctiveness as well as the consideration of bulk and architectural style amongst other criteria. Policy CH1 requires development to respect the townscape of Christchurch town centre. Paragraph 130 of the Framework promotes design which is sympathetic to the surroundings and maintains a strong sense of place. The proposal would be in conflict with the above policies.

Setting of heritage assets

20. The Christchurch Central Conservation Area (CA) is close to the north and south of the appeal site. The Christchurch Central Conservation Area Appraisal

and Management Plan notes the Saxon street pattern, the domestic and modest scale of the architecture, brick buildings, narrow deep burgage style plots within the designation and the number of traditional buildings. The Appraisal does not indicate any historic connection between the CA and the appeal site. To the north there is no visual connection, but from the south the appeal site is seen, albeit at 80m distance as suggested in the case officer's report, and obliquely, in conjunction with the rest of the buildings fronting Bargates. Thus, the appeal site visually forms part of the setting of the Conservation Area.

21. Nos 20-24 Bargates on the opposite side of the road from the appeal site and indirectly facing are grade II listed buildings. These have narrow gable widths and modest proportions, which is particularly evident with No 24, which is sited gable end on to the road. The HS describes this as a rare survival of the 18th century development of the Bargates area. Nos 20-24 have a modest window/wall ratio and simple detailing and arrangement of windows. They were used for making watch/clock chains for which the town was renown, but I have not been made aware of any evidence showing a historic connection with the appeal site. The appeal site is intervisible with these listed buildings and therefore visually forms part of their setting.
22. The Council has identified the existing church opposite the site and 25-31 Bargates as non-designated heritage assets (locally listed buildings). The submitted details do not show any historic connection with the appeal site. From some viewpoints they would be seen in conjunction with the appeal site: effectively they are part of the frontages to the street. Consequently, the appeal site visually forms part of the setting of the non-designated heritage assets.
23. I therefore find that the value of the Conservation Area, listed buildings and non-designated heritage assets lies in their simplicity and cohesion of their surroundings: they form an intrinsic part of the Bargates frontages, wherein there is variation in architectural style, materials and detailing, but the scale, siting and sedate nature of the architecture means the historic buildings are seen in the frontages as a whole. The proposal would impact on all their settings in the same way, by being overly strident, on a prominent corner. It would attract undue attention and dominance which would undermine the prominence of the assets and the manner in which they blend into their surroundings.
24. I therefore conclude that the proposal would harm the significance of the heritage assets.
25. Policy HE1 of the CS emphasises that all designated and non-designated assets are irreplaceable and contribute to the social, cultural and economic environment. It seeks to protect the settings of the assets and highlights the local list of non-designated assets of distinctive local character. Similarly saved policies BE5 and BE15 of the Borough of Christchurch Local Plan seek to preserve the setting of the CA and listed buildings.
26. Paragraph 200 of the Framework highlights the need to consider any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting) should require clear and convincing justification. Paragraph 203 states that the effect of an application on the significance of a non-designated heritage asset should be taken into

account in determining that application. In weighing applications that directly or indirectly affect non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

27. The proposal would be in conflict with these policies above.

The effect on the living conditions of No2

28. No2 Beaconsfield Road has no front garden and its rear garden adjoins the rear of the appeal site, separated by a brick boundary wall. This garden is narrow and currently has a largely open aspect to the west.

29. The roof of the proposed building would slope down towards this garden. The DAS notes the roof would be lowest at the sides, which is confirmed in the north east and north west elevations. Nonetheless the central and higher element of the roof would still be in close proximity, which would have a presence above the garden resulting in oppressive enclosure, sufficiently to harm its sense of openness and enjoyment.

30. The decision notice refers to the loss of light to the garden. The daylight would be impaired due to the height of the central element as I have found above. Additionally, the new building would be due south west, so potential sunlight at late daylight hours would be obscured.

31. I therefore conclude that the proposal would harm the living conditions of No 2, albeit to a limited extent.

32. Policy HE2 of the CS seeks to protect the relationship between new development and nearby properties minimising disturbance to amenity. The proposal would be in conflict with this policy.

Other matters

33. The second reason for refusal refers to the unacceptable increase in parking demands leading to traffic congestion and impairing highway safety. The Council in their appeal submissions refer to new and revised guidance on parking standards, which allows lesser provision in town centres and as a result they withdraw their objections on this ground. I saw on my site visit that there are several large public car parks within a short and easy walk of the appeal site, which I consider would be sufficient for the use bearing in mind the building's size in relation to the available car parking.

34. A unilateral undertaking has been submitted to commit to a payment for £5,000 which would allow for a review of the on-street parking designations if the proposal led to unsafe parking and revisions were needed. This obligation would meet the tests in paragraph 57 of the Framework because it is necessary, directly related to the development and fairly and reasonably related to the scale and kind of the development.

35. Consequently, I find that indiscriminate and unsafe parking would be unlikely to occur as a result of the proposal and I therefore conclude that the proposal would not harm highway safety.

Planning Balance

36. Paragraph 202 of the Framework states where a development will lead to less than substantial harm to the significance of a heritage asset, this harm should be weighed against the public benefits of the proposal, including where appropriate, securing its optimum viable use.
37. Paragraph 199 of the Framework affirms that when considering the impact of a proposed development on the significance of a heritage asset, great weight should be given to the asset's conservation. The appeal site is clearly seen to and from the conservation area, listed buildings and non-designated heritage assets, forming part of their setting.
38. As I have found above the proposal would be overly strident and out of keeping which would upstage and detract from the prominence of these assets and the way they blend with the surroundings. The proposal would be harmful to the significance of the heritage assets albeit that would be less than substantial. In addition, the proposal would harm the character and appearance of the area and the living conditions of the resident of No2.
39. The public benefits of the proposal include the increase of people into the area who would also use the shops/services at the same time as the new building. This would have economic benefit. Additionally, the proposal would provide an improved community facility to help social mixing and a range of activities for the wellbeing of the local residents. I ascribe these benefits limited weight bearing in mind the well established existing hall and offices. The building would also be energy efficient and use rainwater harvesting, but these would only be achieved by demolition and reconstruction, which would be energy demanding.
40. The benefits of the proposal have to be weighed against the heritage harm and the other adverse impacts. These impacts would be extensive and significant. The benefits would be limited in weight and would not outweigh the harm to the setting of the heritage assets, the character of the area and the living conditions of the neighbour.

Conclusion

41. I therefore conclude that the appeal should be dismissed.

John Longmuir

INSPECTOR