



Planning Committee

Application Address	32 Southbourne Grove, Bournemouth, BH6 3RA
Proposal	Retrospective application for a single storey rear store extension and modification to shop front
Application Number	P/25/02475/FUL
Applicant	Jamal Fatima
Agent	Neil Bichard
Ward and Ward Member(s)	West Southbourne Councillor Brian Chick Councillor Jeff Hanna
Report Status	Public
Meeting Date	23 October 2025
Summary of Recommendation	Refuse for the reasons set out below
Reason for Referral to Planning Committee	Councillor call in by Cllr Farquhar for the following reasons: Retrospective application. 30+ representations and featured in a Bournemouth Daily Echo article. No pre application. The design is not inclusive to those in wheelchairs. No mention of accessible design to access the restaurant or facilities inside. Installation of a large step and narrowing of the doorways and entrance porch are intimidating to an accessibility customer if not unusable. The black paint and design choices of tile and glass may cause issues for those with sight loss and or suffering age related conditions such as dementia. Representing a ward resident wheelchair user and other members with accessibility needs who have made representations.
Case Officer	George Sanders
Is the proposal EIA Development?	No

For the purposes of the Conservation of Habitats and Species Regulations 2017 has the application been subject to an appropriate assessment	No
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Description of Proposal

1. This retrospective application is for two distinct elements to an existing shop. Firstly, it is for a small rear extension for a store area. Secondly, it is for modifications to the shopfront of the building.

Description of Site and Surroundings

2. Southbourne Grove is a busy street flanked by parades of shops, cafes and other commercial premises in the west Southbourne area. It is within the Southbourne Grove Retail Centre.
3. The development site marks the border of the Southbourne Grove Conservation Area (CA). The border for the Conservation Area is the west wall of the property. To the west of the property is an alleyway leading to service areas for the shops, parking and pedestrian access to New Park Road. To the east is another shop called 'Haberdasherydo' which shares a party wall.
4. The street in general has wide pavements, street furniture such as benches and an open wide feel to it. The parades of shops, including 'Haberdasherydo' typically have clear glass windows with views into the shops.
5. Due to the retrospective nature of the application and the lack of submitted evidence stating otherwise, it is assumed that the previous shopfront was the Bacon & Cheese establishment. According to Street View historic data, this was present in July 2019. Although this retrospective application was registered on the 11th July 2025, the present frontage was installed and operational by May 2025, according to Street View. The planning application registered on 22nd January 2025 (7-2025-3146-G) for a new ventilation system onsite established that works were well underway for the changing of the frontage.

Relevant Planning History

Issue Date	App No.	Description	Decision
30/06/2025	7-2025-3146-G	Erection of kitchen ventilation system	Grant
19/05/1975	7-1975-3146-D	Use of premises as off-licence and installation of new shopfront	Grant

Constraints

6. The development site has the following constraints:
7. Within the Southbourne Grove Retail Centre.
8. Adjacent to Southbourne Grove Conservation Area (CA)

Public Sector Equalities Duty

9. In accordance with section 149 Equality Act 2010, in considering this proposal due regard has been had to the need to —

eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;

advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;

foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Other relevant duties

10. There are no other relevant public duties.

Consultations

Consultee	Date of Response	Comments
Conservation/ Heritage Officer	18/08/2025	The site is adjacent to the CA, which protects the early C20th terraces of Edwardian character shops. The site is an interwar single storey building, with works already commenced. These works are not deemed of scale to materially affect the setting of the CA. The street scene, regrettably, will not be improved by the design and the signage would appear a retrograde step. The material finish of the extension does not match the existing building. The changes are not of scale to impact the significance of the CA, but they are not in keeping with the character of the area or of good design.

Representations

11. Site notices were displayed on the 18th July 2025. 43 representations were received, all in objection. These are summarised in the table below:

Key Issue	Comment
Changes to the building access	The building work has removed the step free access ramp and installed a step. Failure to meet the requirements of the Equality Act 2010 and creates a disadvantage for disabled people. Is the removal of the disabled access to the shop legal? Previous access had a wide door and no step from the street into the shop. The new door is narrow.

	Permission has been sought after works have been completed. Removal of step free access impacts those with a disabilities ability to use the facility.
Drainage	The rear extension is poorly constructed with no guttering. The pipe drips water directly onto the ground. Suitable guttering should be installed for water run-off.
Quality of Construction	Concerned with the sub-standard construction of the rear extension and its compliance with Building Regulations.
Noise	Operations later into the night with the staff having breaks and delivery drivers talking. The extension brings the building closer and would cause problems. Neighbouring residents would be overlooked because of the extension.
Animal Infestation	The extension may encourage rodents such as rats. The use of the unit as a restaurant may encourage rodent activity due to food preparation and waste.

Key Issues

12. The key issues involved with this proposal are:
13. The impacts on the design and character of the area (Including impacts on Southbourne Grove CA)
14. The impacts on neighbouring residential amenity
15. The impacts on drainage
16. The impacts on BNG

17. These issues will be considered along with other matters relevant to this proposal below.

Policy context

Local Documents:

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning applications must be determined in accordance with the development plan for an area, except where material considerations indicate otherwise. The development plan in this case comprises of the following:

Bournemouth Core Strategy (2012)

18. CS4: Surface Water Flooding
19. CS9: Enhancing District Centres
20. CS30: Promoting Green Infrastructure
21. CS41: Design Quality

Bournemouth District Wide Local Plan (2002)

22. Appendix 1: Southbourne Grove Conservation Area

Supplementary Planning Guidance:

23. Shopfronts: Guidelines for the design of shopfronts

National Planning Policy Framework (“NPPF” / “Framework”):

Including the following:

24. Section 2 – Achieving Sustainable Development- Paragraph 11 – “Plans and decisions should apply a presumption in favour of sustainable development. For decision-taking this means:
- (c) approving development proposals that accord with an up-to-date development plan without delay; or
 - (d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.”
25. Section 12 – Achieving well-designed places - Paragraph 135 – “Planning policies and decisions should ensure that developments:
- 26. will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
 - 27. are visually attractive because of good architecture, layout and appropriate and effective landscaping;
 - 28. are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
 - 29. establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
 - 30. optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
 - 31. create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.”

Planning Assessment

The impacts on the design and character of the area

32. This includes the impacts on the CA (Southbourne Grove), the border of which runs alongside the western boundary wall of the development site. The Heritage Officer has advised the development does not impact negatively on the setting of the CA. Therefore, in terms of Policy CS39, the proposed development is compliant with the Core Strategy (2012). However, the development is not deemed to be compliant with regards to its design and appearance in the surrounding character of the area in general.
33. This is echoed further by the Heritage Officer's comments who considers the design of the shopfront as a retrograde step compared to the previous shopfront. The Shopfront Design Guide outlines the need for permeable views through the windows using clear glass and uncluttered designs. By removing the permeable views offered by the previous shopfront design, it creates a dead frontage. It is challenging to see through the glass at any distance, promoting a private and enclosed space. It removes the light and open feel which is present on throughout the other shops on the parade.
34. A design which maintains or improves vitality within district centres would be acceptable in principle and equally, a detrimental impact on vitality should be resisted, according to Policy CS9 of the Core Strategy (2012). The proposed darkened windows would reduce the vitality of the area.
35. Furthermore, the design of the shopfront includes removing the previous double doors with a narrow recessed single door. This creates an ill proportioned shopfront with an enclosed recessed access door and makes the windows either side appear box like. This is further exacerbated by the dark tint of the windows.
36. Part of the works to the shopfront included the removal of the step free access ramp and its replacement with a step. Furthermore, the works also included a reduction in the width of the recessed entranceway from large double doors to a small narrow single door entrance. This is poor design as the welcoming and open feel of the entrance has been lost and the doorway now seems disproportionately narrow compared to the width of the windows and the shop front overall.
37. The addition of the step would make access for people with disabilities, such as wheelchair users, challenging and potentially not possible. The Public Sector Equality Duty (PSED), under S149 of the Equality Act 2010 requires that due regard be given to the need to, amongst others, advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it. The definition of 'Protected Characteristics' includes people who have a disability.
38. A design that is of detriment to those in society with a disability, would be contrary to Policy CS41 and is considered poor design. The works in this regard are considered a retrograde step and contrary to what The Equality Act seeks to achieve. The proposal would also be considered contrary to the requirement for a well-designed place as sought under Chapter 12 of the NPPF (Paragraph 135, part F):

"create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience."
39. Planning appeal APP/E5900/W/17/3188112 (106 Commercial Street, London) also outlines what is considered a well-designed place within its discussion of disabled access within a building. The appeal uses a "common sense" approach to discuss the practicalities of disabled persons or people with mobility issues accessing parts of a building. The appeal sought to establish whether the internal design of the building was of high design standard due to concerns over the accessibility of its toilets. The inspector found:

“In such circumstances, I find that the location of the accessible toilet on the second floor of this three storey part of the building would represent neither high quality design nor a good standard of amenity for all existing future occupants of the building. What is more, in relation to the PSED, were I to allow the appeal, it would result in significant adverse impact on those with disabilities, and would also be likely to result in similar significant adverse impacts on those who are in stages of pregnancy and maternity. These are not adverse impacts which would be surmountable in this case given the specific location of the facility in question.”

40. Using the planning inspectorate decision for guidance, it is common sense that the disabled access to the restaurant should be practical and in relation to PSED, this planning decision should take into account the impracticalities of removing a step free access from a shopfront and its impacts on people with disabilities or mobility issues.
41. A design which would hinder the ability of a person with a mobility disability would be contrary to CS9 which amongst other things seeks to:
“maintains or improves upon the function, vitality and viability of the centre in relation to its retail, cultural and community facilities;” and “does not unreasonably harm the amenities of local residents”
42. Regulations for the width of doorways in public buildings is outlined in Approved Document M of the Building Regulations. The applicant submitted widths for the new front and rear doors, which would demonstrate the front doors compliance with the minimum effective clear widths of doors for existing buildings. The requirement is 775mm and the application site front door is 840mm and the rear door 760mm.
43. The regulations also do not account for a single step before the access, or the entrance being a narrow recess within the shopfront. It also states that people should be able to see other people approaching from the opposite direction, as to avoid a collision. However, the darker cosmetic design of the exterior, as well as the recessed access within the shopfront would mean disabled users would need to navigate the step whilst effectively stranded within a narrow recessed entrance doorway as they try to enter the premises, without the ability to see, or easily move out of the way of other people exiting the premises.
44. Alternative options for disabled people can be considered, albeit they have not been suggested by the applicant. Such as exploring the option of the rear door being used due to the lack of steps leading up to this access. The rear door is 760mm wide, which is below the building regulations requirements for access into public buildings. It is also the access to a new cold store, and it is unclear what obstacles are present between this entry and the public facing restaurant area. It is therefore unreasonable and not appropriate to consider this as a suitable and viable alternative means of entrance to the restaurant.
45. Despite the Part M compliance regarding the front door width, the stepped access causes detriment to people with mobility disabilities, as it hinders certain individuals from accessing the premises. This is a retrograde change compared to the previous shopfront and contrary to what The Equality Act 2010 seeks to achieve.
46. The rear extension, although not of particularly good design, is hidden behind the building. It is not seen from the street scene and is only seen whilst using the rear service area. Therefore, due to its small size and discreet location it would not cause harm to the character and appearance of the area.
47. The new shopfront results in a loss of vitality within the district centre of Southbourne Grove by reducing accessibility to people with a protected characteristic and in this regard the proposal is contrary to Policy CS9 of the Core Strategy (2012). It is also at odds with the open and permeable feel of shopfronts in the street scene and accordingly it would cause harm to the character and appearance of the area and is contrary to Policy CS41 of the Core Strategy (2012). The design of the doorway from a double to a single door would be a

retrograde step not just in terms of access, but the design would be ill-proportioned at the front elevation. The design would also lead to the exclusion of users with a protected characteristic, which would be contrary to S149 of the Equality Act 2010. This constitutes poor design and would be contrary to Policy CS41 of the Core Strategy (2012) as well Chapter 12 of the NPPF (2024) which seeks to promote good design.

48. There are also concerns regarding its compliance with the Shopfront Guidance, which carries a limited amount of weight.

The impacts on neighbouring residential amenity

49. There have been concerns raised from neighbours regarding the increase in noise from the later operations of the restaurant stemming from delivery drivers visiting the premises during less sociable hours and noise caused by staff. Although it is accepted there will be some levels of increased noise from a business that operates outside of normal opening hours (9-5pm), the premises does however lie in an established district centre where other restaurants and other night time economy uses exist. It is not uncommon or unreasonable to experience a higher degree of noise in commercial centres subject to reasonable operating hours, which could have been controlled through condition had this application been recommended for approval.
50. The addition of a new restaurant would provide a small benefit to the local community by adding more variety to the offer within the District Centre. However, the weight attributed to this is limited, especially given the retrograde change to accessibility for people with mobility impairments.

The impacts on drainage

51. There have been concerns raised regarding the drainage from the new rear extension and other works to the building. Submitted drawings and emails from the applicant and Wessex Water show a drainage plan and compliance with Policy CS4 of the Core Strategy (2012)

The impacts on BNG

52. The NPPF at chapter 15 'conserving and enhancing the natural environment' sets out Governments view on minimising the impacts on biodiversity and providing net gains where possible. Policy CS30 of the Core Strategy refers to biodiversity and geodiversity and sets out policy requirements for the protection, and where possible, a net gain in biodiversity. In addition, a 10% biodiversity net gain (BNG) is required as per the Environment Act 2021 though exemptions apply. This proposal is exempt as it is a de minimis exemption and does not impact any habitats.

Planning Balance

53. Overall, the proposal does not cause harm to the amenity of neighbours and would provide a small amount of benefit. The proposal is exempt from having to achieve BNG and drainage requirements are satisfactory. However, the design of the proposal is poor and would be of detriment to the character and appearance of the area. The proposal would also be contrary to Section 149 of The Equality Act 2010 for the reasons set out above in this report. In this instance it is considered the identified harm outweighs any benefits that flow from the development and therefore the development should be refused.

Recommendation

REFUSE permission for the following reasons:

Reasons

1. Poor Design
2. Harmful to the amenity of users who have a disability or issues with mobility.
3. Not compliant with Policies CS9 and CS41 of the Core Strategy (2012), provisions of the Shopfronts Guide and Section 12 and other relevant provisions of the NPPF (2024).

It is considered the changes to the shopfront represent poor design, by reason of the uncharacteristic use of dark glazing which creates the impression of a dead frontage and the disproportionately narrow entrance doorway in relation to the overall width of the frontage, which would be out of character in the context of the District Centre. In this regard the application is contrary to Policies CS9 and CS41 of the Adopted Core Strategy and Chapter 12 of the National Planning Policy Framework (NPPF, 2024).

In addition, the loss of the previous access ramp and creation of a stepped access would be contrary to The Equality Act 2010 which seeks to ensure people with protected characteristics have, where possible, equal opportunity in society. In this instance people with the protected characteristic of a disability, and specifically those with mobility problems, would be prejudiced against and no viable alternative or solution has been put forward by the Applicant.

Informatives

1. For the avoidance of doubt the decision on the application hereby determined was made having regard to the following plans:

1656.01 Location Plan
1656.02B Site Plan
24/06/2025 Wessex Water Map
1656.05 Proposed Elevations and Floor Plan
1656.04A Existing Elevations and Floor Plan

Background Documents:

“Documents uploaded to that part of the Council’s website that is publicly accessible and specifically relates to the application the subject of this report including all related consultation responses, representations and documents submitted by the applicant in respect of the application.

This excludes all documents which are considered to contain exempt information for the purposes of Schedule 12A Local Government Act 1972.

Reference to published works is not included.”