



Appeal Decision

Site visit made on 19 November 2024

by A J Sutton BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13th December 2024

Appeal Ref: APP/V1260/W/24/3340267

18 Granville Road, Poole BH12 3BG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Edgewater Acquisitions Ltd against the decision of Bournemouth Christchurch and Poole Council.
 - The application Ref is APP/23/01219/F.
 - The development proposed is described as 'Demolish garage, sever land and erect 1 No 2 bed chalet bungalow with parking.'
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Decision

1. The appeal is allowed, and planning permission is granted to demolish the garage, sever land and erect 1 No 2 bed chalet bungalow with parking at 18 Granville Road, Poole BH12 3BG in accordance with the terms of the application, Ref APP/23/01219/F, and subject to the conditions in the schedule appended to this formal decision.

Applications for costs

2. An application for costs was made by Edgewater Acquisitions Ltd against Bournemouth Christchurch and Poole Council. This application is the subject of a separate Decision.

Preliminary Matter

3. A revised National Planning Policy Framework – December 2024 (the Framework) has been published since this submission of this appeal. Provisions of this revised Framework that are relevant to this decision are largely the same as relevant provisions of the previous version. On this basis, I am content that taking account of the latest version of the Framework in this appeal would not be unfair on any of the parties involved in this case.

Main Issues

4. The main issues are:
 - The effect of the proposal on the integrity of the Dorset Heathland Special Protection Area and Special Area of Conservation and the Poole Harbour Special Protection Area;
 - The effect of the proposal on the character and appearance of the area; and
 - The effect of the proposal on the living conditions of the occupants of 18 Granville Road, and whether the proposed dwelling would provide satisfactory living conditions for the future occupants, having regard for outlook and privacy.

Reasons

Protected Habitats

5. The appeal property is in the zone of influence (ZoI) for the Dorset Heathlands Special Protection Area (SPA), Dorset Heaths Special Area of Conservation (SAC) and the Poole Harbour SPA. Natural England has evidence that these protected habitats are in unfavourable conditions as a result of human activities, including vehicle emissions, recreational pressure and increased nutrients in water environments.
6. This proposal would result in a net gain in residential units at the appeal site and likely significant adverse impacts cannot be ruled out. Therefore, under the Conservation of Habitats and Species Regulations 2017, an appropriate assessment is necessary in this case.
7. The Dorset Heathland SAC qualifying features include dry heaths, moor land, fens and oak woodland. These habitats also support damselfly and Great Crested Newts. The Dorset Heathland SPA habitats support a range of rare bird species, including the ground nesting Nightjars, Woodlark and Dartford Warbler. Poole Harbour SPA also supports a variety of protected, rare birds including Terns, Egrets, Spoonbills and Black-tailed godwit.
8. The conservation objectives for the Harbour and Heathland SPAs include contributing to achieving the aims of the Wild Birds Directive by restoring and maintaining the habitats of the qualifying features. The Heathland SAC conservation objectives are to ensure that the integrity of the site is maintained or restored and that the site contributes to achieving the favourable conservation status of its qualifying features.
9. Evidence shows that the Dorset Heaths are under significant pressure from urban development. The potential adverse impact on heathland principally arises from human pressures and damage caused by domestic pets. Natural England's evidence shows that the majority of visitors to the heathland live within 5km of the protected site.
10. In respect of Poole Harbour evidence demonstrates that there are two particular pressures: nitrate pollution and recreational issues. Nitrogen causes the growth of algal mats that restrict the food available for protected birds. The majority of nitrogen is generated by agriculture, but a proportion is generated from human sewage. Recreational pressures can also have a harmful effect on the Harbour habitats. Examples of harmful activities include boating in the Harbour and dog walking on the shoreline, which can frighten off protected birds.
11. In light of this evidence any net gain of residential units in the ZoI of these protected habitats would have a significant adverse effect on the qualifying features and risk undermining the conservation objectives of these habitats. This proposal would result in the net gain of one residential unit within 5 km of the protected habitats. Future occupants would likely increase recreational pressures, add to air pollution through vehicle emissions and there would be an increase in wastewater and sewage generated at the property. The proposal in these regards would have a significant adverse effect on the integrity of the protected habitats, either alone or in combination with other plans and projects.
12. Policy PP32 of the Poole Local Plan (Local Plan) requires in respect of the Heathland, that new residential development in 400 metres and 5 km of a site will provide mitigation in accordance with the advice set out in the Dorset Heathlands Planning Framework SPD. Regarding Harbour habitats, Policy PP32 requires proposals for any

net increase in homes will provide mitigation in accordance with the advice set out in the Nitrogen Reduction in Poole Harbour SPD. Addressing recreational pressures affecting the integrity of this protected habitat, Local Policy requires that any increase in homes will provide a Strategic Access Management and Monitoring (SAMM) contribution for wardens, education and monitoring.

13. Natural England has in recent years updated advice to local authorities on how to address the adverse impacts of development in respect of nutrient emissions. There is an agreed approach on applying nutrient neutrality as a mitigation measure to enable development to proceed without causing harm to the integrity of habitats' sites. This includes the measures outlined in the Nitrogen Reduction in Poole Harbour SPD.
14. Other SPDs cited in Local Policy and Council strategies identifying mitigation measures have also been agreed in consultation with Natural England. Local Policy goes on to clarify that adequate mitigation will be secured through Community Infrastructure Levy (CIL) or S106 Legal agreements.
15. Regarding nutrients, the SPD states that the burden of removing 75% of the nitrogen from wastewater will fall on water companies. The remaining 25% reduction will be achieved by indirect schemes to convert high nitrogen input land uses to low input. Contributions for this mitigation will be sought at the planning permissions stage of residential development. Relevant to this proposal, it is anticipated that the majority of windfall development requiring mitigation will pay CIL, and the Council will use this to deliver the mitigation for those developments.
16. Addressing recreational harms at Poole Harbour, the SPD sets out a 5 year implementation period from 2019-2024 and a two part mitigation strategy. This comprises the SAMM and Poole Harbour Infrastructure Projects (PHIPs).
17. This SAMM pays for the day to day costs of raising awareness of the issues and a warden to manage visitor pressures on the Harbour SPA. It also pays for ongoing monitoring of the effects of new development and whether the strategy is effective. To enable permission for proposals for a net increase in dwellings within this ZoI, the Harbour SAMMs charge rate of £140 per house will need to be secured by legal agreement. PHIPs costs will vary and are to be funded from CIL.
18. The mitigation strategy for the Heathland, outlined in the SPD, comprises two mutually dependent mechanisms: restrict development within 400 metres of the heathland; and mitigation associated with some types of development within the wider 400 metres to 5 kilometres area.
19. The strategy for avoidance and mitigation in the wider area comprises SAMM and Heathland Infrastructure Projects (HIPs). Heathland SAMMs contributions will secure the day to day costs of helping local people to alter harmful behaviour and pay for the ongoing monitoring of a sample of heathlands and the effects of new development. The SAMMs contribution rate of £394 per house is applicable in this district and is to be secured by legal agreement.
20. With regards this proposal, the officer's report shows a higher figure in respect of the SAMMs contributions than that outlined above; £485 for the Heathland and £172 towards Poole Harbour SAMM. However, the SPDs clarify that charges will be adjusted annually to reflect inflation, to ensure that the appropriate level of SAMM can be delivered over the plan period.
21. A legal agreement, in the form of a unilateral undertaking (UU) has been submitted with this appeal. This deed, at section 3, indicates that the owner covenants with the

Council to pay contributions in respect of the Heathland and Harbour SAMMs on the date of the deed. The deed defines the contributions as £510 for Heathland SAMMs contribution, plus an administrative fee of £75, and £181 Harbour SAMMs contribution, plus an administrative fee of £25.

22. The figures in the UU differ to those stated in the officer's report. However, the Council's original decision on this proposal was made in January 2024, such that the SAMMs contributions have been adjusted to reflect inflation changes in the intervening period between the Council's decision and this appeal. Moreover, the Council has confirmed in this appeal process that the adjusted figures are correct.
23. In this respect, the contributions directly relate to the development and fairly and reasonably relate in kind to the proposal in this case. Furthermore, for the reasons outlined previously this obligation is necessary to make the development acceptable in regard to this planning matter. Accordingly, this UU satisfies Regulations and national guidance relevant to planning obligations.
24. The signed and dated UU is a legal deed made under the Town and Country Planning Act and has specific reference to the appeal site and the application reference. Evidence of title to the land in question has been submitted and the UU binds those with title and their successors to the above obligations. This agreement is therefore complete and legally sound. Moreover, the Council has confirmed that the payments defined in the Deed have been received. Consequently, I am satisfied that the measures necessary to mitigate and avoid significant adverse effects on the integrity of protected habitats resulting from this new dwelling are secured in this case.
25. With this mitigation in place, I find that the proposal would not have a significant adverse effect on the integrity of the Dorset Heathland Special Protection Area and Special Area of Conservation and the Poole Harbour Special Protection Area. In this regard the proposal would accord with Policies PP32 and PP39 of the Local Plan.

Character and Appearance

26. Granville Road is a predominantly residential street comprising semi-detached properties which vary in style and size. Houses generally follow fairly clear building lines although there are some exceptions. Plot sizes on this west side of the road are broadly similar and dwellings benefit from long rear gardens.
27. The rear garden at the appeal property mainly comprises a grassed area with structures limited to a garage. The immediate neighbouring rear gardens are similar and contain sizeable outbuildings. Just beyond the immediate neighbours, there are examples of separate residential units in former rear gardens on this side of Granville Road. The principle of this type of secondary development has therefore been established close to the appeal site and in turn is part of the character of the setting for this development. While in the wider street these relatively new additions are two storeys, the examples close to the appeal property are smaller one and a half storey, chalet style dwellings.
28. It is asserted that nearby secondary developments are in larger plots than the appeal property. However, the evidence shows that No 18 is a similar size to those neighbouring properties. The large existing plot would be divided, and the new dwelling would have a separate access and turning area as well as a small garden to the rear.
29. As with the additions behind Nos 12 and 14, this development would result in one dwelling behind the host property and would be similar in density to that existing

development. Also, this new plot formation, both in layout and size, would be in keeping with that existing close by secondary development. Located near to those existing similar units, the addition would not be isolated or incongruous. Rather, the proposal would appear consistent with this prevailing pattern of development.

30. The one and a half storey dwelling proposed in this case would be in keeping with the scale of the secondary line of development closest to the appeal site. Also, with low eaves, it would have a chalet style that would not be dissimilar in appearance to existing residential units at Nos 12 - 14. With this proposed scale and design the new dwelling would be sensitive to the appearance of existing built forms in this immediate setting.
31. While part of No 18's rear garden would be lost through this development, a modest outdoor space would be retained for this host dwelling. Further to this, as already outlined, the proposed built form would be small. With significant outdoor space maintained, the finished site would not appear unacceptably cramped.
32. Also, as a relatively diminutive built form and set down on the slope of the appeal site, the proposed dwelling would be subordinate in both scale and position, such that it would not compete in visual terms with the host dwelling at this property. Moreover, positioned to the rear of the site, the development would not significantly interfere with the gaps between the existing dwellings that have primary frontage in the street. Consequently, the addition would not harmfully disrupt the rhythm and dominance of built form that currently characterises this street scene.
33. In light of the above, I find that the proposal would not have a harmful effect on the character and appearance of the area. In this regard the proposal would not conflict with Policies PP27 and PP28 of the Local Plan. These Policies collectively, amongst other matters, state a good standard of design is required in all new developments, that amongst other matters, reflect or enhance local patterns of development and neighbouring buildings.

Living Conditions

34. The existing dwelling at No 18 has been extended to the rear and this includes a single storey extension with French doors and a further small window. At the upper floors at the rear, openings are limited to small skylights in the roof.
35. As already stated, a modest rear garden would be retained for the host dwelling and a reasonable sense of space would also be maintained in the wider plot. As such, while the outlook from the rear of No 18 would alter as a result of the development, it would continue to include green features and space such that the visual changes would not be unacceptable in terms of outlook for occupants of that existing dwelling. Moreover, given the good degree of separation between the two dwellings at the site, future occupants of the new dwelling would not find the outlook from the front of their property unduly oppressive.
36. The rear of this property currently experiences a degree of overlooking given the linear pattern of development. The proposal would bring a built form closer to the rear of No 18. However, set lower down the slope, views from ground floor windows of the new dwelling would be towards the new boundary fence at the rear garden of No 18. Opportunity to overlook that neighbouring property from this part of the new dwelling would therefore be very limited.
37. The new dwelling would have a first floor window on its front elevation. However, this would be small. Also, as the new dwelling would be set near the side boundary, this

first floor opening would not have direct views towards the rear garden of No 18 or to the rear elevation of that property. Moreover, the front elevation of the new dwelling would be over 10ms from the rear elevation of No 18. Given these factors, the future occupants of the new dwelling would have limited scope to overlook the outdoor space or the rear habitable rooms of No 18. As such, the current level of privacy that occupants of that existing property enjoy would not harmfully alter as a result of this development.

38. Also, the positioning and spacing of the new and existing built forms and boundary treatments proposed in this case, along with the lack of significant openings at the upper floors in the rear of No 18 would ensure that future occupants of the new dwelling would not experience a harmful sense of being overlooked when in the front habitable rooms of their home. This development would bring the built form closer to the shared rear boundary with properties on Farcroft Road. However, the new dwelling would have a private garden to the rear, and this would be separated from the rear elevation of existing dwellings at this rear boundary by good size gardens at those properties. This would ensure that the outside space in the proposed dwelling would not be unacceptably overlooked and would offer a reasonable sense of privacy for future occupants.
39. The proposed dwelling would have a small dormer window which would provide views over the rear garden of No 20. However, this would serve an ensuite bathroom and as such, in the interest of maintaining privacy, this window would need to be obscured glazing. This outcome could be secured by condition.
40. Residents of properties on Farcroft Road have raised concerns about a loss of privacy at their properties. Although the ground slopes towards those existing properties, the new dwelling would be towards the lower part of the site. While there would be some levelling off as a result of the development, the plans show that there would be a very small change to the current ground levels. Given these factors, the new dwelling would not have an overly dominating position in comparison with dwellings on that neighbouring road. There would be a high boundary fence at the rear and given the finished ground levels, views from the ground floor windows of the new dwelling would be largely limited to this boundary treatment.
41. Furthermore, there would be only one rear, first floor window on the new dwelling, and this would be separated from the rear elevation of dwellings on Farcroft Road by the outside space of the new dwelling and the good sized gardens at those neighbouring properties. This reasonable distance between the respective built forms would ensure that the privacy that occupants of those existing properties to the rear currently experience would not unacceptably change.
42. I therefore find that the proposal would not significantly harm the living conditions of the occupants of 18 Granville Road with regards privacy and outlook. Also, I find for the reasons outlined the proposed dwelling would provide satisfactory living conditions for the future occupants, having regard to these matters. In this respect the proposal would accord with Policy PP27 of the Local Plan. This Policy seeks, amongst other matters, development that would not result in a harmful impact upon amenity for local residents.

Other Matters

43. Local residents have raised concerns about parking and highway matters, including the loss of off-street parking and the safe access through the streets resulting from on-street parking pressures. As already outlined there has been a significant amount

of secondary development behind primary street frontage. Also, I understand some properties are now houses of multiple occupation (HMOs).

44. Be this as it may, while this development would result in a division of the plot, there would be off-street parking provision for occupants of both the existing and new dwelling, and the evidence advanced shows this provision would accord with local guidance on this matter. In any event, this development would result in a single, small dwelling. The number of vehicles associated with this would be very limited and would not significantly alter the existing parking conditions near the appeal site.
45. Also, there is off-street parking space in the front and to the side of other dwellings in this area, and some on-street parking along the road. Moreover, the National Planning Policy Framework (the Framework) states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety. Given the above factors, no compelling evidence has been advanced that this development would harm the existing levels of highway safety near the appeal site.
46. Concern has also been raised regarding the loss of habitat. Most of the site comprises lawn. The garden is also mainly enclosed by fence panels with some sections of brambles and hedging. Part of this existing outdoor space would remain relatively undeveloped and the submitted plans shows indicative planting which would enhance the site. Also, ecological enhancements are proposed, and this could be secured by condition.
47. It is asserted that the development would increase lighting in the rear garden. However, this is a suburban setting where there is already significant levels of internal and external lighting from domestic sources. Moreover, as highlighted in submitted comments, the appeal site already has external lighting in this space. Adding one small dwelling would not harmfully alter this current situation.
48. It is contended that the development would increase flooding in this area. The evidence shows the site is in a low risk flood zone. While the proposal would result in increased coverage of development at the site, as already stated there would be space retained such that drainage systems could be accommodated in the site. Also, conditions could be imposed to ensure a sustainable drainage system and that hardstanding at the development would be permeable or be connected to suitable drainage. I am content on this basis that the development would not increase the risk of flooding in the area.
49. It is stated that HMOs have resulted in antisocial behaviour. Even if this is the case, this development is for a single dwelling with only two bedrooms, and distinctly different from an HMO. This matter has not altered my findings accordingly.
50. The proposal would be a well-designed development. As a windfall, the development could be delivered quickly and would result in a small dwelling in a built up area, well related to services and public transport. Moreover, the evidence advanced in this case shows that the latest housing land supply position is less than two years in this district. This is a critical undersupply. The proposal would contribute towards the Government's objective to significantly boost the supply of homes. It would be a small contribution to the mix and supply of much needed housing in the area, but nonetheless the contribution, would be significant given the district's critically low housing land supply position.

Conditions

51. Accordance with approved plans is necessary for certainty and to protect the character of the area. As already outlined it is necessary to protect living conditions, by requiring that the first floor dormer window has obscured glazing.
52. It is necessary to approve drainage details prior to any development, to prevent flooding and to protect the environment. This is justified at this stage due to the nature of this issue and site circumstances. The appellant has provided written agreement for this pre-commencement condition. Ensuring hardstanding is permeable is also reasonable and necessary in the interest of avoiding increased floor risk.
53. Records suggest that underground fuel storage tanks are present less than 50 m from the site. It is therefore reasonable and necessary to keep a watching brief on site contamination during the construction phase to protect the environment.
54. Requiring cycle and bin storage to be in place is necessary to protect living conditions and, in the interest of encouraging sustainable patterns of transport. It is also necessary to require the access, visibility splays and parking arrangements are in place to protect residents' living conditions and in the interest of highway safety.
55. Incorporating energy efficiency measures in the development is reasonable and necessary to ensure the aims of low carbon policies are achieved. However, I find no requirement in this local policy that this should be applied to the existing dwelling at this property, and it would be unreasonable to do so. The condition has been amended to ensure it satisfies national guidance.
56. Securing biodiversity enhancements is reasonable and necessary to protect the environment and support the aims of local and national policy in respect of this matter.
57. Charging points for electrical vehicles is a matter which is generally addressed by regimes outside of the planning system. Therefore, it is unnecessary to impose this condition.

Conclusion

58. For the reasons stated above and having regard to the development plan, and material considerations, including the Framework, the appeal should be allowed.

A J Sutton

INSPECTOR

Appendix
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: Site, Block, Location Plan and Site Section 9749/100 Revision B and Proposed Floor Plans and Elevations 9749/101 Revision B.
- 3) Prior to the commencement of development, a scheme for the provision of sustainable urban drainage shall be submitted to, and approved in writing by, the Local Planning Authority. Prior to the first occupation of the new dwelling, the drainage works shall be implemented in accordance with the approved scheme and thereafter retained.
- 4) Any contamination that is found during the course of construction of the development hereby permitted shall be reported immediately to the Local Planning Authority. Development on the part of the site affected shall be suspended until a risk assessment has been carried out and submitted to and approved in writing by the Local Planning Authority. Where unacceptable risks are found, the development (or relevant phase of development) shall not resume or continue until remediation and verification schemes have been carried out in accordance with details that shall first have been submitted to and approved in writing by the Local Planning Authority.
- 5) No development, hereby permitted, shall progress above foundation level until details of measures to provide 10% of the predicted future energy use of the new dwelling from on-site renewable sources, is submitted to and approved in writing by the Local Planning Authority. The on-site energy measures must then be implemented in accordance with the approved details before the first occupation of the new dwelling, and the approved measures shall be maintained thereafter.
- 6) The dwelling hereby permitted shall not be occupied until the first floor dormer window on the northeast, side elevation has been fitted with obscured glazing. Once installed the obscured glazing shall be retained thereafter.
- 7) Prior to the first occupation of the dwelling hereby permitted, the access, visibility splay, driveway, turning space and vehicle parking area shall be completed in accordance with the details of approved drawing reference Site, Block, Location and Site Section Plan No 9749/100 Revision B, and these features of the development shall thereafter be retained in accordance with these details and kept available for the intended purposes at all times.
- 8) All hardstanding, including the access, driveway, turning space and vehicle parking area, as shown on the approved drawing reference Site, Block, Location and Site Section Plan No 9749/100 Revision B, shall either be made of porous materials, or provision shall be made to direct run-off water from the hardstanding to a permeable or porous area or surface within the site. The hardstanding shall be retained as such thereafter.
- 9) Prior to the first occupation of the dwelling hereby permitted, details of secure cycle parking and bin storage shall be submitted to and approved in writing by the Local Planning Authority. The approved on-site cycle and bin storage shall be installed prior to the first occupation of the new dwelling and retained according to the approved details and for the intended uses thereafter.

- 10) Prior to the first occupation of the dwelling hereby permitted, details of on-site biodiversity enhancements shall be submitted to and approved in writing by the Local Planning Authority. The agreed scheme shall be implemented prior to first occupation of the new dwelling and retained thereafter.

End of Schedule.