



Appeal Decision

Site visit made on 10 December 2024

by Juliet Rogers BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27th January 2025

Appeal Ref: APP/V1260/W/24/3341230

176 Christopher Crescent, Poole BH15 3HH

- 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 Mr Homer of Homer Property Developments against the decision of Bournemouth Christchurch and Poole Council.
 - The application Ref is APP/23/01359/F.
 - The development proposed is proposal for a 1-bedroom house with associated bike storage.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Potential amendments to the appeal scheme have been suggested within the appellant's statement. These were not before the Council when the planning application was determined and upon which interested parties have commented. If I were to accept these amendments, even if potentially beneficial changes, unlawful procedural unfairness may result as it would deprive those interested parties the opportunity to respond. For clarity, I have determined the appeal based on the plans submitted with the planning application.
3. Whilst other information has also been provided, including daylight and sunlight diagrams, a parking survey and a walkability and public transport audit, these seek to support the appellant's grounds of appeal. They do not alter the proposed scheme and, with regard to the survey and audit, the Council's statement includes responses to this information. As such, I am satisfied no party would be prejudiced by taking them into account in my determination of this appeal.

Main Issues

4. The main issues are
 - the effect of the proposed development on the living conditions of neighbouring occupiers of No.178 Christopher Crescent (No.178), with particular regard to privacy, outlook and sunlight;
 - whether the proposed development would provide acceptable living conditions for future occupants with particular reference to outlook and the provision of private outdoor space and internal living space;

- whether the proposed development would be likely to have a significant effect on the integrity of the Dorset Heathlands, including the Special Protection Area (SPA) and the Dorset Heaths Special Area of Conservation (SAC), and the Poole Harbour SPA;
- the effect of the proposed development on the character and appearance of the area; and
- the effect of the proposed development on the parking conditions in the area and consequently on highway safety.

Reasons

Living conditions – neighbouring occupiers

5. The proposed dwelling would be sited within the garden area of No.176 Christopher Crescent (the host property) and close to its angular site boundary with No.178. As a result, views from the bedroom served by the first-floor window of the proposed dwelling would be possible directly into the garden area of the neighbouring property. Even if sleeping is the primary function of a bedroom, nonetheless the location of the bedroom window is such that this close and largely unobstructed view enables a significant proportion of the garden to be seen. This would result in occupiers of the neighbouring property experiencing an unacceptable loss of privacy when using their external space. The exact location of this window in the rear elevation does not alter this effect given the narrow width of the proposed dwelling.
6. The proposed dwelling would also reduce the outlook the neighbouring occupiers of No.178 would be likely to experience when in their garden. Due to the close proximity of the rear elevation of the proposed dwelling to the site boundary, it would dominate views in this direction and neighbouring occupiers would be likely to feel unacceptably enclosed by built form.
7. Photographic evidence has been provided which shows a substantial tree located in the verge alongside the crescent, immediately adjacent to the front boundary of the site. However, this tree has now been removed on safety grounds. Therefore, even if the proposed development would result in no greater impact on outlook than when the tree was in place this does not justify permitting unacceptable development.
8. Despite the close siting of the proposed dwelling, its perpendicular relationship to No.178 and the orientation of the neighbouring garden area is such that any loss of sunlight into the neighbouring private outdoor space would be minimal. The level of loss would not, therefore, be detrimental to the living conditions of these neighbouring occupiers in this regard.
9. Nevertheless, I conclude that the proposed development would harm the living conditions of neighbouring occupiers of No.178, with particular regard to privacy and outlook. This would be contrary to Policy PP27 of the Poole Local Plan (the Local Plan) which supports development provided that it does not have a harmful impact upon local residents, amongst other matters.

Living conditions – future occupants

10. Although the living/dining room of the proposed dwelling would be served by wide, full height bi-fold doors which opens onto the rear garden space, it would be positioned close to the boundary with No.178. This relationship,

combined with the angle and height of the boundary treatment, would mean views through the bi-fold doors would be dominated by the boundary feature. As a result, the restricted outlook would create a feeling of being cramped, enclosed or hemmed in, which would be detrimental to the living conditions of future occupants of the proposed development.

11. The proposed private outdoor space comprises a shape and layout which restricts its use and the activities it could support. Whilst rear access from the shared parking area is proposed and a cycle store provided, the remaining area and convoluted shape limits how it could be used by future occupants. For instance, there is little space for drying clothes and to accommodate outdoor furniture and to grow plants, all of which are activities which future occupants would reasonably expect an area of private outdoor space to support. Regardless of an absence of a specific minimum area within the nationally described space standard¹ or Policy PP27 of the Local Plan, the proposed development would not, therefore provide acceptable living conditions for future occupants.
12. The gross internal area of the proposed dwelling would be less than the nationally described space standard for this form of development. However, whilst the Council encourages these standards to be met in new housing in its preamble to Policy PP27 of the Local Plan, this policy does not explicitly require compliance with them. Aside from the numerical shortfall, no compelling evidence is before me which demonstrates how this would result in unacceptable living conditions. Moreover, the Proposed Floor Plans² show how the various living spaces could be laid out. These demonstrate the type and size of furniture that could be accommodated to support the necessary and likely day-to-day activities of future occupants, thereby providing acceptable living conditions with regard to internal living space.
13. Nonetheless, I conclude that the proposed development would not provide acceptable living conditions for future occupants with particular reference to outlook and the provision of private outdoor space, contrary to the requirements of Policy PP27 of the Local Plan in this regard. In addition, given my conclusions on the proposed private outdoor space, the requirements of Policy PP28 of the Local Plan relating to the circumstances when plot severance or sub-division would be permitted have not been met.

Dorset Heathlands and Poole Harbour

14. The appeal site is located within 5km of the Dorset Heathlands which comprises a SPA and SAC, and within the recreation zone of the Poole Harbour SPA. These are European Designated Sites afforded protection under the Conservation of Habitats and Species Regulations 2017 (the Habitat Regulations).
15. The special interest of the Dorset Heathlands relates to its extensive network of lowland heaths which support a variety of priority habitats and species of birds and reptiles. In the case of Poole Harbour, it's special interest results from the rare, vulnerable and migratory birds that inhabit the area. As set out in the Council's SPDs³, the overarching conservation objective of both the

¹ Technical housing standard – nationally described space standard

² Ref Sheet 02, dated 9 November 2023

³ Dorset Heathlands Planning Framework 2020-2025 Supplementary Planning Document April 2020 and the Poole Harbour Recreation 2019-2024 Supplementary Planning Document April 2020 (the SPDs)

Dorset Heathlands and the Poole Harbour is to protect their respective habitats.

16. One of the main challenges to achieving this objective relates to the significant pressure from the increasing number of people living in close proximity to the Dorset Heathlands and/or the Poole Harbour. Public access to the Dorset Heathlands leads to an increase in wildfires and damaging recreational uses. In addition, the introduction of incompatible plants and animals in the area, the loss of vegetation and soil erosion, and disturbance by humans and their pets has an adverse effect on the heathland ecology. The recreational activities within and around the Poole Harbour can disturb the birds and their habitats, influencing their behaviour and affecting their survival rates.
17. As the appeal scheme comprises additional residential development it would add to the number of people living in the vicinity of both designated sites which in turn would result in greater urban pressures on these areas. On this basis, it is likely that the proposed development, taken both in isolation and cumulatively, would have a significant adverse effect on the integrity of the Dorset Heathlands and the Poole Harbour. As the competent authority, it is therefore necessary for me to conduct an Appropriate Assessment regarding these effects.
18. The approach to avoiding or mitigating significant effects on both the Dorset Heathlands and the Poole Harbour, as set out in the SPDs, is through securing contributions towards the Council's Strategic Access Management and Monitoring (SAMMs) for each area. These contributions are calculated on a per dwelling basis plus an administrative fee and paid either prior to the grant of planning permission as an upfront payment or prior to commencement if secured by an appropriate legal agreement. The SPDs therefore, provide sufficient information for me to conclude that the obligations sought are necessary, related directly to the development and fairly related in scale and kind to the scheme before me. As such they would accord with the provisions of Regulation 122 of the Community Infrastructure Levy Regulations 2010 and the National Planning Policy Framework's (the Framework) tests for planning obligations.
19. However, whilst the appellant has confirmed a willingness to enter into a Section 106 planning obligation, the Planning Obligations – Financial Contribution Form submitted with the planning application does not bind the appellant to make the necessary contributions. It does not, therefore, constitute a legal agreement which complies with the requirements set out within the SPDs.
20. Consequently, I conclude that the proposed development would be likely to have a significant effect on the integrity of the Dorset Heathlands and the Poole Harbour, contrary to the requirements of the Habitat Regulations. It would also conflict with policies PP32 and PP39 of the Local Plan which reiterate the application of the Habitat Regulations and specify the Council's approach to development contributions.

Character and appearance

21. The proposed dwelling would adjoin the host property, thereby extending the existing terrace fronting this part of Christopher Crescent. Whilst the façade of the proposed dwelling would be set back from the building line of the host

property and its adjoining terrace, this staggered form is not an uncommon arrangement within the wider residential area. This staggered arrangement is found between different rows of terraces and within a terrace itself.

22. Due to the gentle changes in topography in the area, adjoining dwellings step up/down from each other, as do the level of their respective ridgelines, although the actual height of these properties remains broadly consistent. In this context, whilst the proposed dwelling would have a subservient height to the host property, being sited at a similar level to it, the stepped relationship of its ridgeline would reflect the arrangement viewed elsewhere on Christopher Crescent.
23. Although the proposed development is contrary to Policy PP28 of the Local Plan, this relates to the usability of the proposed private outdoor space and its impact on the living conditions of future occupiers. However, it does not necessarily follow that the shape and quantum of rear garden proposed would also be detrimental to the character and appearance of the area. The size of the proposed garden would be smaller and of an unusual shape when compared to many other properties in the area. Notwithstanding this, the key characteristics of the relationship between built form and private external space in the surrounding area, comprises the provision of small, enclosed gardens to the rear of the dwellings. This arrangement is preserved within the proposed development.
24. As such, the appeal scheme would not fail to respect the established pattern of development in the area. Nor would the partial enclosing of the gap between the built form erode the open and spacious feel created by the width of the road corridor and the back-to-back distances between the host dwelling and others within its block.
25. I conclude that the proposed development would not harm the character and appearance of the area and, by preserving the local patterns of development, would accord with Policy PP27 of the Local Plan.

Highway Safety

26. Whilst some properties in Christopher Crescent and the surrounding area benefit from space for parking a vehicle onsite, to the front of the dwelling, a significant proportion of homes in the area do not. Therefore, should residents of these properties or their visitors require car parking, drivers would need to find a space on the road. Although some parts of Christopher Crescent are subject to parking restrictions by way of double yellow lines, there are significant sections of the road where parking is unrestricted, including on both sides of the highway in front of the appeal site. Despite being a snapshot in time, ample space was available for parking a vehicle on the road when I undertook my early afternoon site visit.
27. In addition, a couple of vehicles were parked in the large area of unsurfaced and, in some parts, grassy ground to the rear of the appeal site and the other dwellings in the block. Notwithstanding the lack of formal parking space markings, gravel or areas of hardstanding have been laid alongside several of the rear boundary fences or walls, some with gated access for pedestrians.
28. The appeal site is located within Zone C of the Council's hierarchical approach to parking standards as set out in the Council's Parking Standards

Supplementary Planning Document (the Parking SPD). For new houses in this zone, the Parking SPD indicates the standard for the proposed development is one car parking space. However, this is the optimum, not the minimum, standard and is based on the provision of offsite, unallocated parking. Therefore, although no on site or off-site dedicated or guaranteed car parking space is proposed as part of the appeal scheme, this does not, in itself, lead to conflict with the Parking SPD.

29. In the event that future occupiers of the proposed dwelling and/or their visitors require car parking, drivers would, therefore, need to park on one of the nearby roads or within the informal area to the rear of the appeal site. Notwithstanding the Council's concerns regarding the coverage, timing and space sizes used within the parking survey, their own parking stress calculation indicates a figure substantially lower than the level where the Parking SPD indicates development would not normally be acceptable. This calculation also excludes the informal area to the rear of the appeal site which is currently being used by some local residents for car parking.
30. Based on the survey data, the Council's calculations and the parking conditions I observed during my site visit, I am satisfied that there is sufficient on street parking capacity within the surrounding area should future occupiers of the proposed development require space to park a vehicle. As such, it would not lead to an unacceptable increase in parking stress nor encourage drivers to park in unsafe and hazardous locations or compromise highway safety by requiring drivers to trawl the local area for a parking opportunity.
31. I conclude that the proposed development would not harm the parking conditions in the area nor highway safety. It accords with policies PP27 and PP35 of the Local Plan which requires convenient and practical parking that is in keeping with the existing pattern of development in the street and provides safe access to the highway.

Other Matters

32. The proposal would provide social and economic benefits from the construction and occupation of an additional dwelling, in support of the Framework's objective of significantly boosting the supply of housing. Whilst small-scale sites can have a meaningful impact in contributing towards this objective, nevertheless, the benefits from a net gain of one dwelling would be small. Similarly, the environmental benefits from the use of energy efficient appliances, lighting and fittings, the implementation of passive design principles and the provision of solar energy would be small. Therefore, although such benefits weigh in favour of the proposed development, I attach modest weight to them.
33. The evidence before me indicates that the Council is unable to demonstrate a five-year supply of deliverable housing sites in accordance with the Framework. In this circumstance, the Framework states that the policies which are most important for determining the application are out of date and permission should be granted. However, at paragraph 11di, the Framework confirms that the presumption in favour of sustainable development does not apply where the application of policies in the Framework that protect areas of particular importance provide a clear reason for refusing the development. This includes habitat sites (footnote 7), such as the Dorset Heathlands and the Poole Harbour.

34. Having regard to my findings that the development would be likely to have a significant effect on the integrity of the Dorset Heathlands and the Poole Harbour, the application of the Framework's policies regarding the protection of habitat sites provides a clear reason for refusing the development. Consequently, the presumption in favour of sustainable development does not apply in this case.

Planning Balance and Conclusion

35. Whilst I have concluded that the proposed development would not harm the character and appearance of the area nor the parking conditions nearby, it would result in harm to the living conditions of neighbouring and future occupiers. It would also be likely to have a significant effect on the integrity of Dorset Heathlands and Poole Harbour. I attribute significant weight to the harm and associated development plan conflict in these matters. Therefore, such harm is not outweighed by the modest weight given to the benefits of the proposed development as set out above.
36. Therefore, I conclude that the proposed development is contrary to the development plan as a whole and material considerations, including the provisions of the Framework, do not indicate that the proposed development should be determined other than in accordance with the development plan.
37. For the reasons set out above, having had regard to all relevant matters raised, I conclude that the appeal should be dismissed.

Juliet Rogers

INSPECTOR