



Appeal Decision

Site visit made on 17 December 2024

by M Aqbal BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06 February 2025

Appeal Ref: APP/V1260/W/23/3332318

40 West Way, Poole BH18 9LS

- 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 and Mrs Ben and Jessica Sargeaunt against the decision of Bournemouth Christchurch and Poole Council.
 - The application Ref is APP/23/00433/F.
 - The development proposed is a new two-storey dwelling within the existing curtilage of 40 West Way.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. In reaching my decision, I have considered the revised version of the National Planning Policy Framework ('the Framework') that was published in December 2024.

Main Issues

3. The Council's decision includes five reasons for refusal, which I have distilled into the following main issues:
 - i) The effect of the proposal on the character and appearance of the area;
 - ii) Whether the proposed dwelling would provide satisfactory living conditions for its occupiers; and
 - iii) Whether the proposal would affect the integrity of the Dorset Heathlands Special Protection Area ('SPA'), Ramsar Site, and the Dorset Heaths Special Area of Conservation ('SAC') and the Poole Harbour SPA and Ramsar Site.

Reasons

Character and appearance

4. The appeal site forms part of the rear garden of 40 West Way ('No.40') a detached two-storey dwelling. West Way is a cul-de-sac incorporating two turning areas and No. 40 is located to the south of the north-east turning area.
5. Dwellings near the appeal site are of a largely uniform mid/late-twentieth century design. Most notably, these dwellings incorporate similar forms which are characterised by shallow pitched tile roofs over buff brick walls, incorporating relatively wide frontages with entrances which face the highway. These dwellings

are mainly arranged in a linear layout (side by side) to also face the highway and are setback behind generous frontages incorporating parking areas and landscaping. These dwellings occupy generous and rectangular plots.

6. The appellant's Character Study shows that some dwellings in West Way have been redeveloped or re-modelled in contemporary styles and materials relative to the local vernacular. Even so, these dwellings retain some consistency with neighbouring dwellings with regard to their forms and layouts.
7. Because of the above characteristics and despite some personalisation in the form of extensions and alterations, the existing arrangement and designs of dwellings contribute to a distinct, cohesive and spacious street scene.
8. Whilst I acknowledge that No. 40 and the proposed dwelling would meet the Council's minimum garden size requirements, the plots arising from the proposal would generally be smaller and inconsistent with the spacious plots along this part of West Way, thereby resulting in higher development to plot ratios. Also, the arrangement of the new plot behind No.40 and to the fore of another dwelling, would not reflect the general arrangement of plots in the area.
9. Furthermore, and although the proposed dwelling would, in part, be screened by landscaping and will present an active frontage, this would be located conspicuously close to the highway.
10. The external envelope of the building would mainly comprise a contemporary palette of materials, including linear brickwork along the ground floor, corzen cladding to the upper elevation and some glazing. Due to these materials and how they are utilised and along with its flat roof form, the proposed dwelling would be of a distinctly contemporary design and visibly different in form and appearance to neighbouring properties.
11. The siting and design of the proposed dwelling is to achieve the desired energy efficiency measures and the Council's design guidance recognises that energy efficient designs can sometimes look different to existing housing. Even so, this should not be at the expense of harm to the character and appearance of an area. To this end, whilst national Policy supports innovative and energy efficient designs this also requires developments to be in keeping with the character of an area. Also, there is nothing to suggest that the desired energy efficiency measures could not be achieved with a design that is compatible with the character of the area.
12. For the above reasons, due to its layout, form and design the proposed dwelling would clearly be anomalous and incompatible in its context. Consequently, the proposed development would visually distract rather than assimilate and /or complement the street scene. As such, the proposal would harm the character and appearance of the area.
13. Therefore, the proposal is contrary to Policies PP27 of the Poole Local Plan (adopted 2018) ('LP'). Amongst other things, this Policy supports development that reflects or enhances local patterns of development and neighbouring buildings in terms of: layout and siting, including building line and built site coverage; height and scale; bulk and massing, including that of the roof; materials and detailing; landscaping; and visual impact.

14. Accordingly, I also find conflict with LP Policy PP28. This says that residential proposals involving plot severances or plot sub-divisions will only be permitted where there is sufficient land to enable a type, scale and layout of development including parking and usable amenity space to be accommodated in a manner which would preserve or enhance the area's residential character.
15. The above Policies broadly align with the Framework, which whilst supporting development in sustainable locations and making efficient use of land also requires that developments 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).

Living conditions

16. The lower floor of the proposed dwelling would be largely subterranean. In particular, this floor includes three bedrooms.
17. As part of the appeal, the appellant has submitted an Internal Daylight Assessment. This assesses the proposal in respect of daylight matters having regard to relevant guidance and concludes that the levels of light in all the proposed habitable rooms including the abovementioned bedrooms would be acceptable.
18. Two of the bedrooms at lower ground level would face a sunken courtyard. This courtyard would provide the only outlook for these two bedrooms via glazed sliding doors.
19. The courtyard would be lit via a rooflight and is about half the size of one of the bedrooms and incorporates some planting. In my view, this modest, lit space with landscaping, would provide an acceptable outlook, given the subterranean context of these bedrooms. As such, the outlook to these bedrooms would be acceptable.
20. Accordingly, the proposed development would afford its occupiers satisfactory living conditions. Therefore, I find no conflict with Policy PP27 of the LP, as far as this requires proposals to provide satisfactory external and internal amenity space for both new and any existing occupiers.
21. LP Policy PP37 requires that proposals for new homes must contribute to tackling climate change. As such, this is not directly relevant to living conditions.

Impact upon the Dorset Heath SPA, Ramsar and SAC and Poole Harbour SPA and Ramsar.

22. The appeal site lies within close proximity to the Dorset Heathlands SPA, Ramsar site, the Dorset Heaths SAC and the Poole Harbour SPA and Ramsar site.
23. The Council's fourth and fifth reasons for refusal relate to the effect of the development upon the integrity of the SPA, Ramsar and SAC sites.
24. However, as I have found harm in relation to another main issue and would be dismissing the appeal for other reasons, it is not necessary for me to undertake an Appropriate Assessment and give further consideration to the likely effectiveness of mitigation and avoidance measures. In doing so I would have had regard to the submitted Unilateral Undertaking ('UU').

Other considerations

25. The main parties agree that the Council cannot demonstrate a 5 year supply of deliverable housing sites as required by the Framework. However, there is disagreement about the actual extent of the available supply of deliverable housing sites. The Council claims that this is near 4.1 years, whereas the appellant asserts that this is about 3.7 years. Irrespective of this, paragraph 11 d) of the Framework applies.
26. In addition, the appellants are established residents of Poole, hoping to stay within their community. To this end, they have been registered on the Council's Self Build and Custom Housebuilder register for over 2 years. Indeed, the proposal is for a Self-Build dwelling and the submitted UU includes an obligation that the appellants are self-builders, committing them to living at the dwelling for 3+years following its completion.
27. The Self Build and Custom Housebuilding Act 2015 requires local planning authorities to establish and publicise a local register of custom-builders who wish to acquire suitable land to build their own home. The Housing and Planning Act 2016 sets out that local planning authorities have a duty to grant planning permission in respect of enough serviced plots of land to meet the demand for self-build and custom housebuilding in the authority's area arising in each base period.
28. Based on the evidence before me and despite the Council's efforts to secure self-build plots through a range of developments, there remains a shortfall in serviced plots of land to meet the demand for self-build and custom housebuilding plots in the area. This is an important factor which weighs in favour of the proposal.
29. The Framework also supports small sites to come forward for community-led development for housing and self-build and custom-build housing. The appeal site also falls within a sustainable transport corridor and therefore is in a location where development is supported by local and national policies.
30. The development would provide an additional dwelling. This would accord with the aims of the Framework of making use of a small windfall site and boosting significantly the supply of homes. There would also be some social, economic and environmental benefits as a result of the proposal. Given the fact that the Council cannot demonstrate a five year housing land supply and because the scheme would deliver a self-build dwelling for the appellants, these considerations are of significant importance in favour of the proposal.

Other Matters

31. Part of the appeal site was granted planning permission for a dwelling. On the information before me, that permission was in outline and related to a larger plot. The subsequent reserved matters application was refused and dismissed on appeal. This outline planning permission was also determined in light of different local and national policies. As such, I attach limited weight to the outline planning permission, which in any event has lapsed.

Planning balance and conclusion

32. I have found that the proposed dwelling would offer satisfactory living conditions for its occupiers. I have also found that the proposal would harm the character and appearance of the area and conflicts with the development plan. Furthermore, given my reasons in respect of the first issue and because the design aims of the development plan align with the Framework, I attach substantial weight to such harm.
33. In light of the Council's housing land supply position, even If I were to accept the appellants position in respect of this, given the small scale of the proposal (1 dwelling) the contribution this would make to the Council's housing land supply and benefits associated with it would be limited. Nevertheless, because the proposal would also provide a self-build and sustainable dwelling for the appellants who have registered an interest in acquiring a self-build plot, I attach moderate weight to this.
34. As a result, when assessed against the policies in the Framework, the adverse impact associated with the proposal, would significantly and demonstrably outweigh the benefits arising from this. Consequently, the presumption in favour of sustainable development does not apply and this indicates that the appeal should be dismissed.

M Aqbal

INSPECTOR