



Appeal Decision

Site visit made on 21 January 2025

by **A J Sutton BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 25 February 2025

Appeal Ref: APP/V1260/W/24/3346429

275 Verity Crescent, Poole BH17 8UB

- 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 Mrs L Small against the decision of Bournemouth Christchurch and Poole Council.
 - The application Ref is APP/23/00715/F.
 - The development proposed is described as 'severe land at 275 Verity Crescent to form new 1 bedroom dwelling with associated car parking.'
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Decision

1. The appeal is allowed, and planning permission is granted to sever land at 275 Verity Crescent to form new 1 bedroom dwelling with associated car parking at 275 Verity Crescent, Poole BH17 8UB, in accordance with the terms of the application, Ref APP/23/00715/F and subject to the conditions in the attached schedule.

Procedural Matter

2. A correction of a minor typographical error in the description of development set out in the banner above (severe) has been made in this formal decision, in the interest of clarity and certainty.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

4. The appeal property is a semi-detached, dormer style dwelling located near the principal curve of Verity Crescent. The dwelling is at the end of a short row of properties and is bounded, to the side, by a green open space and pedestrian footway.
5. The property is part of a wider residential estate, where dwellings are a mix of semis and detached properties with differing design details. The development pattern is linear plots and dwellings set back from the road. There are a number of cul-de-sacs branching from Verity Crescent, one of which curves to the rear of the appeal property. The curved road creates variation in plot sizes, and while properties have space and driveways at their front, these spaces have been altered and personalise overtime. With these features, although the area has a distinct traditional suburban quality, the street scene has a mixed character that is lacking uniformity.
6. The proposal would remove the existing attached garage at the side of the appeal property. This would be replaced by a two storey extension and the plot would be divided to create two dwellings.

7. The proposed addition would be a dormer style dwelling that would generally match the style, height, materials and design details of the existing dwelling at the appeal site. The front elevation of the proposed dwelling would be narrower than the host property, and its plot would also be smaller than those surrounding. However, the submitted plans show the new addition would not be considerably narrower than the modestly scaled host dwelling.
8. Regarding plot size, the retained plot for No 275 would also not be substantially smaller than plots in the wider estate. In respect of the new dwelling, the good sized green verge at the shared side boundary would provide some sense of space adjoining the newly formed property and in turn this feature would help soften the visual effect of a narrower plot than is currently common in this area. Moreover, as already outlined this area is already characterised by a mix of plot sizes, such that this slight variation could be absorbed without harmfully disrupting any prevailing consistent pattern.
9. There is concern that two front doors close together would appear an oddity. However, the front door of the host dwelling is in a porch and positioned perpendicular to the principal elevation of that existing property. The plans show this existing configuration would be retained. The proposed front door for the new dwelling would be alongside this porch but would be positioned more traditionally flush in this front elevation.
10. When viewed from the street, the respective front doors would therefore not appear alongside each other, and in turn this would minimise the visual variation at the front of the property. Moreover, with a design sensitive to the existing dwelling at No 275 and with properties in the wider row, the small differences proposed in this case would be readily assimilated without harming existing design consistency and coherency in the immediate vicinity of this development.
11. There is also concern that the proposal would result in a terrace of properties, which is an uncommon style of housing in this area. While this may be so, the development would result in a line of just three attached dwellings, such that the terrace would be very short. Also, as already stated, the appeal property has a good sense of openness at the eastern side boundary by virtue of the public green features and the development would not encroach on this existing positive feature. With the above factors and features, the proposed development would not result in a harmful sense of terracing in this area.
12. The existing space to the front of the property would be altered to provide access and off street parking for future occupants of the new dwelling, along with retained parking and access for No 275. Therefore, most of this front space would be open hardstanding. However, neighbouring properties have similar expanses of hardstanding at their front, such that this change would not be out of keeping with the existing appearance of properties in this row.
13. It is highlighted that the space at the front of the dwellings would be divided by a fence. However, no fence is indicated on the submitted plans between the driveways. It is noted that a 'split in materials' is a technique used to mark respective driveways at surrounding properties. Under this suggestion, the openness at the front of the properties would be largely retained and the visible demarcation of two properties in the public realm would be minimised.
14. Also, the bins could be placed at the edge of the driveways, at the side boundaries. The details of this would need to be approved, but this is a matter which could be secured by condition. Moreover, such a small amendment would not substantially alter the original proposal considered by the Council. As this would not result in a fundamental change to

the scheme, imposing a condition for certainty of this outcome would not be procedurally unfair.

15. A section of the grass verge at the front of the property would be lost to allow the existing crossover to the carriageway to be expanded. However, the submitted plans show that the amount of verge lost would be small. The visual effect of this change in the street scene would consequently be very limited, and as this is an area which already benefits from considerable open public space, this loss would have a negligible impact on the appearance of the street scene.
16. Under this scheme, a new gate would be incorporated in the side boundary fence to allow access to the rear of both properties. While properties in this area do not appear to have this type of rear access, this would be a very small change in the existing side boundary such that the resultant visual change would be negligible from either the public realm or when viewed from neighbouring properties.
17. It is asserted that this development if permitted would set a precedent. However, each case needs to be judged on its own merits and development found to be acceptable at this site should not be a justification for harmful development elsewhere. This matter has not altered my findings on this issue for this reason.
18. In summary, for the reasons outlined, 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 comply with Policies PP27 and PP28 of the Poole Local Plan (Local Plan). These Policies collectively require a good standard of design that amongst other matters reflects local patterns of development.

Other Matters

Protected Habitats

19. The appeal property is in the zone of influence (Zoi) for the Dorset Heathlands Special Protection Area (SPA) and 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.
20. This proposal would result in a net gain in residential units and likely significant adverse impacts cannot be ruled out. An appropriate assessment is therefore necessary in this case.
21. The qualifying features of the Heaths SAC include heaths, moor, fens and oak woodland. These habitats support, amongst other species, damselfly and Great Crested Newts. Habitats of the Heathland SPA support protected bird species, including the ground nesting Nightjars, Woodlark and Dartford Warbler. Poole Harbour SAC also supports rare birds including Terns, Egrets, Spoonbills and Black-tailed godwit.
22. The conservation objectives for the Harbour and Heathland SPAs include contributing to achieve the aims of the Wild Birds Directive by restoring and maintaining habitats of the qualifying features and the population of qualifying features and their distribution.
23. The Heaths SAC conservation objectives include that the site contributes to achieving the favourable conservation status of its qualifying features. This will be achieved by maintaining or restoring natural habitats and habitats of species, populations of species, and the distribution of species within the site.

24. 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.
25. Regarding Poole Harbour, evidence highlights two pressures: nitrate pollution and recreational issues. Nitrogen causes the growth of algal mats that restrict the food available for protected birds. The Poole Harbour Nutrient Management Plan identifies a need to reduce nitrogen in the Harbour. The majority of nitrogen is generated by agriculture, but a proportion is from human sewage.
26. Recreational pressures can also have a harmful effect on the Harbour habitats. Activity within the Harbour, such as boating, and on the shoreline, including dog walking, can frighten protected birds.
27. In light of this evidence any net gain of residential units in the ZoI of these habitats would have a significant adverse effect on their qualifying features and risk undermining the conservation objectives. This proposal would result in one additional residential unit within 5 km of the habitats. Future occupants would likely increase recreational pressures, add to air pollution through vehicle emissions and would increase wastewater and sewage 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.
28. Policy PP32 of the Local Plan requires in respect of the Heathland, that new residential development in 400 metres and 5 km of a heath will provide mitigation in accordance with the advice set out in the Dorset Heathlands Planning Framework SPD.
29. For the Harbour habitats, Policy PP32 requires proposals for additional homes will provide mitigation in accordance with advice set out in the Nitrogen Reduction in Poole Harbour SPD. Addressing recreational pressures affecting this habitat, any net increase in homes will provide a contribution to the Strategic Access Management and Monitoring (SAMM) for funding wardens, education and monitoring.
30. SPDs identify mitigation measures agreed in consultation with Natural England. Local Policy clarifies that mitigation will be secured through Community Infrastructure Levy (CIL) or S106 Legal agreements.
31. Regarding nutrients, the SPD states that the burden of removing the majority 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. It is anticipated that in the case of windfall development, such as this proposal, mitigation will be paid through CIL.
32. 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). To enable permission for residential proposals 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.
33. The Heathland Strategy for avoidance and mitigation in 400 metres to 5 kilometre of the Heath 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.

34. In respect of this proposal, the officer's report shows higher SAMMs contributions than stated in the SPDs; £485 for the Heathland and £172 towards the Harbour SAMM. However, guidance clarifies that charges will be adjusted annually to reflect inflation, to ensure that the appropriate level of SAMM can be delivered over the plan period.
35. A legal agreement, in the form of a unilateral undertaking (UU) has been submitted with this appeal. This obligates those with title to the appeal property to make the contributions stated above in respect to the Heathland and Harbour SAMMs on the date of the deed. The Council has confirmed that this payment was made in 2023 before its decision to refuse planning permission.
36. Since that time, the SAMMs contributions have increased in line with inflation. However, the discrepancy between the payment and the level of contribution due now amounts to only a few pounds. Moreover, the Council has benefited from this payment for over a year, and the payment made was the required level of contribution at the time of the original submission.
37. Accordingly, these contributions directly relate to the development and fairly and reasonably relate in kind to the proposal in this case. Moreover, for the reasons outlined previously this obligation is necessary to make the development acceptable with regards this planning matter. Consequently, this UU satisfies Regulations and national guidance relevant to planning obligations.
38. The signed and dated UU is a legal deed made under the Town and Country Planning Act. The deed references the appeal site and the application reference. Evidence of title to the land has been submitted and the UU binds those with title and their successors to the above obligations. Also, as indicated, the deed, and the obligations in it, take effect on the date of the deed. This agreement is therefore complete and legally sound.
39. Natural England advises that the mitigation secured by this planning obligation would be sufficient to avoid adverse impacts on the Heaths SPA and SAC and the Harbour SPA and goes on to highlight contributions, in accordance with the locally adopted nitrogen reduction SPD, are necessary. Regarding this, the officer's report confirms that the development is CIL liable in respect of this matter. On the basis of the above, 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.
40. 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.

Other Issues

41. It is asserted that the access for the two dwellings would be unsafe, and additional parking in the street would restrict visibility. While the road near the property bends, it is a wide curve and consequently there is good intervisibility between motorists and pedestrians in this area. Moreover, the scale of the development is small such that additional vehicles arising from its use would be very limited. While there would be changes to the access

and pedestrian crossover, the changes would be very similar to the existing arrangements, and safe in this regard.

42. It is suggested that the proposal would affect the on-road parking in the area. However, provision would be made for off-street parking for both the host property and the new dwellings, in accordance with the Council's adopted Parking Standards. Moreover, existing dwellings in this estate generally have off-street parking spaces. Also, I observed even with a bend in the road, there was some safe on-street parking spaces. In any event as stated, this is a small dwelling and the additional vehicles arising would be limited. Consequently, I find that the proposal would be acceptable in terms of access, parking and highway safety matters.
43. A neighbour raises concern about the increase in noise. However, the development would result in one small dwelling in this existing residential estate. The type of sounds generated from the development would be similar to those that already occur at the appeal site, and the amount of sound would not unacceptably increase given the limited scale of the development.
44. It is asserted that this proposal would reduce properties values in this area. However, this is a matter outside the scope of this appeal.

Conditions

45. In addition to the statutory time limit, accordance with approved plans is necessary for certainty and to protect the character of the area. Ensuring the external surface materials match the existing building is also necessary for the same reasons.
46. Control over construction hours is reasonable and necessary in the interest of the living conditions of those that live very close to the site of the new dwelling.
47. Incorporating energy efficiency measures in the development is reasonable and necessary to ensure the aims of low carbon policies are achieved. Approving details of biodiversity enhancement is reasonable to accord with local policy aims
48. Requiring porous hardstanding is necessary to ensure that the development does not increase surface water flood risk. The implementation of the sustainable urban drainage details is also necessary for this reason.
49. The changes to the crossover on to the carriageway relates to land outside the appellants' control. However, this requirement is made by the Highways Authority in the interest of maintaining highway safety, and this provides a good degree of certainty that this outcome will be secured.
50. Off-street parking spaces to be in place before use of the dwelling is necessary in the interest of highway safety. As outlined previously the submitted Site Plan (Drawing Ref 005) shows back to back bins at the front of the property. Therefore, revised details of bin store and the division of the driveway needs to be confirmed for certainty and in the interest of appearance. Cycle storage is necessary in the interest of living conditions and to encourage sustainable transport modes.
51. Charging points for electrical vehicles is a matter which is generally addressed by regimes outside of the planning system. Details required by Building Regulations is also governed by a separate regime. Therefore, it is unnecessary to impose conditions that would duplicate these matters.

52. It is requested that permitted development rights be removed from the dwellings in respect of garages, extensions, roof alterations and porches. National guidance cautions that conditions restricting the future use of permitted development rights may not pass the test of reasonableness or necessity. There is limited space to extend the footprint of the dwellings or for additional buildings in these plots and these rights are subject to conditions and restrictions. There would also be limited space at the front of the property for an additional porch as this space is safeguarded for parking. It is therefore unnecessary to restrict rights related to these matters for these reasons.

Conclusion

53. 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:
 - Block and Location Plan Drawing No. 001;
 - Proposed Floor Plan Drawing No. 003;
 - Proposed Elevations Drawing No. 004; and
 - Site Plan Drawing No. 005.
- 3) During construction of the development hereby approved, no site machinery or plant shall be operated, no process shall be carried out and no demolition or construction related deliveries received or dispatched from the site except between the hours of 0800 – 1800 Monday to Friday and 0800 – 1300 Saturday and at no time on Sundays, Bank Holidays or Public Holidays.
- 4) The external materials of the extension hereby permitted shall match those used in the existing dwelling.
- 5) No development shall progress above foundation level until details of measures to provide 10% of the predicted future energy use in the new dwelling from on-site renewable sources, have been submitted to and approved in writing by the Local Planning Authority.

The approved details shall be implemented prior to the first occupation of the new dwelling and maintained thereafter.
- 6) All ground hard surfaces shall either be made of porous materials, or provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the site. The hard surface shall thereafter be retained as such.
- 7) Prior to the first occupation of the dwelling hereby permitted, sustainable urban drainage details stated on the approved Block and Location Plan Drawing No. 001 shall be implemented in full and retained according to those details thereafter.
- 8) Prior to the first occupation of the dwelling hereby permitted, a scheme and programme for the widening of the existing highway access crossing to the site shall be submitted to and approved in writing by the Local Planning Authority.

The approved scheme shall be fully implemented in accordance with the approved programme prior to first occupation of the new dwelling.
- 9) Prior to the first occupation of the dwelling hereby permitted, details of the driveways, including the layout, appearance of materials to be used and the position of bin stores (at the front side boundaries) for 275 Verity Crescent and the new dwelling, shall be submitted to and approved in writing by the Local Plan Authority.

The driveways and bin stores shall be completed in accordance with the approved details prior to the first occupation of the new dwelling and retained in accordance with these details thereafter.

- 10) Prior to the first occupation of the dwelling hereby permitted, the cycle stores shown on the approved Site Plan Drawing No. 005 shall be constructed, and thereafter retained for the purpose intended.
- 11) Prior to the first occupation of the dwelling hereby permitted, a scheme of biodiversity enhancement measures shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details prior to the occupation of the new dwelling and retained thereafter.

End Schedule.