
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: 4 March 2025

Appeal Ref: APP/V1260/W/24/3339330

38 Elgin Road, Poole BH14 8QX

- 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 Grennall, Grennall Developments against the decision of Bournemouth Christchurch and Poole Council.
 - The application Ref is APP/23/00752/F.
 - The development proposed is extensions and remodelling of the existing dwelling, and the erection of a new dwelling with associated parking, access and landscaping.
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Decision

1. The appeal is allowed and planning permission is granted for extensions and remodelling of the existing dwelling, and the erection of a new dwelling with associated parking, access and landscaping at 38 Elgin Road, Poole BH14 8QX, in accordance with application Ref: APP/23/00752/F and subject to the Schedule of Conditions attached to this Decision.

Preliminary Matters

2. As part of the appeal the appellant has provided amended floor plans and elevations ('the amended drawings')¹ for the existing dwelling at the appeal site: 38 Elgin Road ('No. 38') which is to be extended and altered. The amended drawings omit a west facing balcony, which was shown on the original scheme submitted with the application. The amended drawings are to address part of the Council's second reason for refusal but do not alter the overall nature of the original proposal. Therefore, I have accepted the amended drawings in determining the appeal and do not consider that the interests of any party have been prejudiced by my having done so. Accordingly, and notwithstanding the appellant's submissions in respect of the original scheme for No. 38, I have determined this appeal on the basis of the amended drawings.
3. In reaching my Decision, I have considered the revised version of the National Planning Policy Framework ('the Framework') that was published in December 2024 but this does not alter my findings on the main issues.

Main Issues

4. The main issues are:
 - i) The effect of the proposal on the character and appearance of the area;
 - ii) Whether the proposed development is of an acceptable quality;

¹ Proposed remodel floor plans, drawing number 07.B and Proposed remodel elevations, drawing number 08.B.

- iii) The effect of the proposal on the living conditions of neighbours;
- iv) The effect of the proposal upon 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, Ramsar Site.

Reasons

Character and appearance

5. No. 38 is a detached two storey dwelling located on the south side of Elgin Road. Nearby properties are mainly detached dwellings, in a range of sizes and forms, which include traditional and contemporary designs. The frontages to these properties are also varied, some are, part enclosed and incorporate parking and landscaping. However, there are others which are largely hard landscaped and used for parking.
6. Notwithstanding the detached forms of these dwellings, along the south side the general spacing between them is limited. Because of this and the proximity of these dwellings to the road, the built forms associated with these properties have a strong visual presence and building line.
7. However, No. 38 is located towards the rear and on a higher part of its generous plot, which slopes up from the road. As such, No. 38 does not reflect the general arrangement of dwellings along this side of Elgin Road, where dwellings typically sit much closer to the road in smaller plots.
8. As already stated, No. 38 is to be extended and altered. Furthermore, its plot is to be subdivided to provide an additional dwelling towards the front of this plot. Whilst this would result in the creation of smaller plots, they would not be dissimilar to the range of plots found along Elgin Road, including those arising from previous plot subdivisions.
9. Although some of the dwellings along the south side have deep gardens, this is largely imperceptible in views from Elgin Road other than in respect of No. 38. Moreover, the appeal site is generally wider than nearby plots, and because of the retention of the existing access to No. 38 and the area associated with the retained trees to the east, along with the public right of way to the west, there would be appreciable space about the proposed dwelling in views from Elgin Road.
10. Based on the above observations and my findings in respect of some of the other main issues, I do not support the Council's assertion that the proposed dwelling would appear cramped.
11. Only part of the boundary wall along the appeal site's frontage would be removed to facilitate access and parking, and some new walling is to be introduced. This would be complemented by the retained trees within the site and new planting. As such, the proposed frontage would integrate with the varied front boundary arrangements along Elgin Road.
12. The proposal would introduce a tandem layout, which would be apparent to some extent because of the differences in levels between the existing and proposed dwellings. Even so, the proposed arrangement would also reinforce the prevailing pattern of development and building line along this part of Elgin Road. Furthermore, the proposed dwelling would provide a transition of the roof line between the

dwelling at 42 and 36 Elgin Road and would also visually complete the street scene. Overall, these elements of the proposal would result in an enhancement of the street scene along this part of Elgin Road.

13. For the above reasons, the proposed scheme has been designed to assimilate with the appeal site and its surroundings. Consequently, the proposal would not harm the character and appearance of the area and accords with Policy PP27 of the Poole Local Plan (November 2018) ('LP'). Amongst other things, this Policy says that development will be permitted provided that it reflects 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; materials and detailing; landscaping; and visual impact.
14. Also, the proposal accords with LP Policy PP28, which 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 useable amenity space to be accommodated in a manner which would preserve or enhance the area's residential character.
15. Whilst the appeal site is not in the most accessible location for development or brownfield land, where new development is encouraged by LP Policy PP2, this Policy does not preclude new housing in other locations such as the appeal site. Moreover, the proposal is consistent with the overarching aim of this Policy for securing new homes.

Quality of the proposed development

16. Due to the sloping topography of the appeal site, the proposed dwelling would be sited on considerably lower ground relative to No. 38. To accommodate this arrangement, a retaining wall with a fence atop are required between No. 38 and the proposed dwelling. Together, they would form a sizeable boundary feature. Beyond this would be No. 38.
17. The new boundary feature would be visible from the rear of the proposed dwelling. Nevertheless, this would be viewed in the context of its sizeable rear garden. The Council has not referred me to any specific garden size requirement for the proposed dwelling. The rear garden for the proposed dwellings would be about 125m² and exceeds the garden sizes provided for nearby dwellings at 34-34c Elgin Road. The garden for the proposed dwelling incorporates sufficient space to provide seating, drying out and storage areas and space for other recreational activities associated with a family dwelling.
18. As part of the alterations to No 38, its roof would be changed to a flat roof form resulting in a lower overall height. Also, a separation of about 17m, would be achieved between this and the proposed dwelling. These factors, along with the rear garden for the proposed dwellings and its associated landscaping, would mitigate the effects of the scale of the retaining feature and No. 38. Consequently, these would not appear unduly dominant or overbearing in views from the proposed dwelling.
19. To further ameliorate the relationship between the existing and new dwellings, a front facing bedroom window at No. 38 is to be blocked up and the existing stairwell window and other first floor windows are to be obscure glazed. These obscure glazed windows do not serve habitable rooms and would still allow daylight, sunlight

and could be designed for cooling. Moreover, all the bedrooms and bathrooms along the first floor of No. 38 would incorporate glazing, which due to its sizes and orientation would afford these rooms adequate, sunlight, daylight and ventilation. Therefore, I am not persuaded that this arrangement would compromise the quality of the accommodation at No. 38.

20. For the above reasons, the quality of the proposed development would be acceptable and is consistent with LP Policy PP27, which along with other matters requires that proposals are of a good standard of design and compatible with surrounding uses and would not result in a harmful impact upon amenity for both local residents and future occupiers.
21. I am also satisfied that the orientation and design of the development incorporates passive design features to minimise the need for artificial light, heating and cooling and maximises solar gain, in accordance with LP Policy PP37.

Living conditions of neighbours

22. Based on the amended drawings for No. 38, first floor west facing bedroom windows are orientated towards the rear of 64 Blakedene Road. This is not significantly different from the existing arrangement and therefore would not result in any unacceptable increase in overlooking or loss of privacy.
23. Overall, because of their acceptable scale, siting and design, and the separation of No. 38 and intervening boundary treatments, the alterations and extensions to this property, would not adversely affect the living conditions of the occupiers of other nearby dwellings with regard to outlook, privacy or light pollution.
24. Accordingly, the proposal would not harm the living conditions of neighbours. As such, I find no conflict with Policy PP27 of the LP, which along with other things requires that proposals are compatible with surrounding uses and would not result in a harmful impact upon amenity of local residents.

Dorset Heathlands and Poole Harbour

25. The appeal site is within 5km of the Dorset Heathlands SPA and Ramsar Site and Dorset Heathlands SAC, and the Poole Harbour SPA and Ramsar Site.
26. The Dorset Heathlands are an extensive network of lowland heath recognised for their importance for nature conservation. Poole Harbour is a natural harbour which is inhabited by important bird species. As such, both Dorset Heathlands and Poole Harbour are recognised by the Conservation of Habitats and Species Regulations 2017 ('the Act') as areas of international importance.
27. Natural England advises that additional residential development within 5km of the above sites and associated recreational activity is likely to have a significant effect on the Dorset Heathlands and Poole Harbour either alone or in combination with other proposals.
28. Adopting a precautionary principle and without mitigation, new residential development is likely to have a significant effect on the sensitive interest features of the habitat sites, from human pressures and increased nitrogen levels either alone or in combination with other proposals causing harm to nature conservation. It is necessary for me, as the competent authority for the purposes of the Act, to conduct

an Appropriate Assessment in relation to the effect of the development on the integrity of the SPA, Ramsar and SAC sites.

29. The Dorset Heathlands Planning Framework Supplementary Planning Document ('DHPFSPD') and Poole Harbour Recreation Supplementary Planning Document ('HRSPD') provide a strategic mitigation framework to secure the appropriate avoidance or mitigation measures. These documents set out Strategic Access Management and Monitoring Measures which require a mitigation payment per residential dwelling from all new development within close proximity to the protected habitat sites.
30. Provided mitigation can be secured, in the form of a developer contribution, it can be concluded that proposals would not have an adverse effect on the integrity of the habitat sites from recreational disturbance, when considered either alone or in combination with other proposals.
31. The appellant has submitted a signed and dated Unilateral Undertaking ('UU') which commits them to making financial contributions towards measures outlined in the DHPFSPD and the HRSPD. I have also consulted Natural England on this who have advised that the UU provided by the appellant which is in accordance with the mitigation strategies for the Dorset Heathlands SAC, SPA and Ramsar and Poole Harbour SPA and Ramsar as set out in established Supplementary Planning Documents will secure the necessary mitigation.
32. As such, I am satisfied that the financial contributions would sufficiently mitigate the development's impact. Therefore, whilst the development would have a likely significant effect on the integrity of the above mentioned SPAs, Ramsar Sites and SAC, this would be adequately mitigated through the financial contributions secured by the submitted UU.
33. Consequently, the proposal accords with LP Policies PP32 and PP39, which, amongst other things, set out that developments would be permitted where it can be ascertained that these would not adversely affect the integrity of nationally, European and internationally important sites.

Other matters

34. Whilst there may have been some tree clearance on site, there is nothing to suggest that such works were unauthorised. Also, some new tree planting is proposed and further tree planting could be secured through the requirement of a landscaping scheme by the suggested condition.
35. I have also taken account of the concerns about the removal of trees in respect of water run-off from the site. However, the Council's suggested conditions requiring a surface water drainage scheme and that all hard surfaces are porous should ameliorate such impacts.
36. The construction works associated with the proposal would result in activity which would cause some noise and disturbance. However, this would be temporary and could be mitigated through a requirement for a Construction Management Plan.
37. Whilst there are suggestions of nearby building works causing subsidence, I have no substantive evidence of this. Irrespective, this would be a civil matter for the relevant parties.

Conditions

38. I have had regard to the conditions put forward by the Council in light of the requirements of the Planning Practice Guidance and the Framework. In addition to the standard timescale condition for the implementation of the planning permission, I have imposed a condition specifying the approved drawings, plans and documents in the interests of certainty.
39. Although some details have been provided, to secure a high-quality development and safeguard the character and appearance of the area, I have imposed conditions requiring the details of all external finishes, materials, boundary treatments and surfaces, along with a landscaping scheme and its implementation and management. To ensure that the scheme delivers biodiversity enhancement measures, a condition requiring a scheme and timetable for these is necessary.
40. In the interests of highway safety and to safeguard the living conditions of neighbours it is reasonable and necessary to require a Construction Management Plan.
41. A condition requiring the provision of obscure glazing is necessary to safeguard the occupiers of the proposed new dwelling from any unacceptable overlooking.
42. Conditions requiring a surface water drainage scheme and porous hard surfaces are necessary to avoid local pollution, manage water run-off and flood risk.
43. It is reasonable to impose conditions to secure electric vehicle charging points, cycle storage facilities and on-site renewable sources to promote sustainable forms of development.
44. A condition for the provision of the access, turning area and vehicle parking for the proposed scheme is necessary in the interests of the satisfactory functioning of the development and highway safety. Similarly, a condition requiring details of refuse and recycling storage arrangements for both dwellings is necessary to ensure the satisfactory functioning of the development.
45. A condition requiring that the development be undertaken and supervised in accordance with the approved arboricultural method statement is necessary to protect retained trees.
46. Where necessary and in the interests of clarity, flexibility and precision, I have altered the conditions to better reflect the relevant guidance.

Conclusion

47. For the above reasons, I conclude that the appeal should be allowed.

M Aqbal

INSPECTOR

Schedule of Conditions

- 1) The development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this permission.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans, drawings and documents:
Location plan and proposed block plan, drawing number 01.B;
Topographical survey and site plan, drawing number 02.C;
New dwelling proposed floorplans and elevations, drawing number 04;
Proposed remodel floor plans, drawing number 07.B;
Proposed remodel elevations, drawing number 08.B;
Proposed street elevation and site sections, drawing number 09.A;
Proposed extension boundary details 1 of 2, drawing number 23029-B-101;
Proposed extension boundary details 2 of 2, drawing number 23029-B-102; and,
Arboricultural Method Statement (GH2365) and Tree protection plan (GH2365b).
- 3) Prior to commencement of any above ground works (excluding demolition), a Construction Management Plan shall be submitted to and approved in writing by the local planning authority. Thereafter, the construction works shall be carried out in accordance with the approved Construction Management Plan.
- 4) Prior to any above ground works commencing for the new dwelling hereby permitted (excluding demolition), a landscaping scheme for the development site, including details of maintenance and a timetable for its implementation shall be submitted to and approved in writing by the local planning authority. The landscaping scheme shall include provision for landscape planting, the retention and protection of existing trees and other site features, walls, fencing and other means of enclosure and any changes in levels.
 - a) Thereafter, all landscaping shall be carried out in accordance with the approved landscaping scheme and timetable;
 - c) The landscaping scheme shall be maintained for a period of 5 years and any plants (including those retained as part of the scheme) which die, are removed or become damaged or diseased within this period shall be replaced in the next planting season with others of a similar size and the same species, unless the local planning authority gives written consent to any variation.
- 5) Prior to commencement of any above ground works (excluding demolition) a scheme for biodiversity enhancement measures (including a timetable for implementation) shall be submitted to and agreed in writing by the local planning authority. The approved measures shall be implemented in accordance with the approved timetable and thereafter maintained.
- 6) Prior to commencement of any above ground works (excluding demolition) details of all external finishes, materials, boundary treatments and surfaces for the development hereby permitted shall be submitted to and approved in writing by the local planning authority. Thereafter, the development shall be carried out in accordance with the approved details and so retained.
- 7) Prior to commencement of any above ground works (excluding demolition), a surface water drainage scheme (incorporating sustainable urban drainage) for the development hereby permitted, along with a timetable for its implementation shall

be submitted to and approved in writing by the local planning authority. Thereafter, the approved surface water drainage scheme shall be carried out in accordance with the approved timetable and so retained.

- 8) Prior to the first occupation of the new dwelling hereby permitted, the first floor windows for No. 38, as labelled 'OG' on approved drawing: Proposed remodel elevations, drawing number 08.B, shall be glazed with obscured glazing which conforms with or exceeds Pilkington Texture Glass Privacy Level 3 (or an equivalent level in any replacement standard) and no part of these windows that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. Thereafter, the approved window arrangements for the new dwelling shall be retained in perpetuity.
- 9) Prior to the first occupation of the new dwelling hereby permitted, the access, turning area and vehicle parking as per the approved site plan, drawing number 02.C. shall be provided and thereafter kept available for those purposes at all times.
- 10) Prior to the first occupation of the new dwelling hereby permitted, details of the provision of Electric Vehicle Charging Points ('EVCPs') (including a timetable for implementation) shall be submitted to and approved in writing by the local planning authority. Thereafter, the EVCPs shall be installed in accordance with the approved details and timetable and maintained for the life of the development.
- 11) Prior to the first occupation of the new dwelling hereby permitted, details of secure cycle parking for this dwelling shall be submitted to and agreed in writing by the local planning authority. The cycle parking shall be provided prior to the first occupation of the new dwelling and thereafter retained.
- 12) Prior to the first occupation of the new dwelling hereby permitted details of refuse and recycling storage for both dwellings on the development site (including a timetable for implementation) shall be submitted and agreed in writing by the local planning authority. The refuse and recycling storage shall be provided in accordance with the approved details and timetable and retained for those purposes at all times thereafter.
- 13) Prior to first occupation of the new dwelling hereby permitted, a scheme of measures to provide 10% of its predicted future energy use from on-site renewable sources including a timetable for its implementation, shall be submitted to and approved in writing by the local planning authority. Thereafter, the approved scheme shall be carried out in accordance with the approved timetable and so retained.
- 14) 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 porous surfaces shall thereafter be retained and maintained as such.
- 15) All works relating to the ground clearance, tree works, demolition and development shall be carried out as specified in the approved Arboricultural Method Statement (GH2365) and Tree protection plan (GH2365b) and shall be supervised by an arboricultural consultant holding a nationally recognised arboricultural qualification.