



Appeal Decision

Site visit made on 11 February 2025

by **C Rose BA (Hons) BTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 06 March 2025

Appeal Ref: APP/V1260/W/24/3351196

140 Foxholes Road, Poole BH15 3NE

- 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 Nick Phelps Homes Limited against the decision of Bournemouth Christchurch and Poole Council.
 - The application Ref is APP/23/01470/F.
 - The development proposed is proposed new build 1no. bed dwelling on land adj to 140 Foxholes Road.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development in the banner heading above is taken from the application form as neither party has provided written confirmation that a revised description has been agreed.
3. During the course of the appeal an updated version of The National Planning Policy Framework (the Framework) was published on the 12 December 2024. In light of this, the main parties were given the opportunity to comment on any implications for the appeal. I have taken the responses into account.
4. The appeal is accompanied by a Unilateral Undertaking (UU) under S.106 of the Town and Country Planning Act 1990 to mitigate likely significant effects on the Dorset Heathlands and Poole Harbour Special Protection Area. I will return to this below.
5. The appeal is also accompanied by a revised Proposed Site Plan (Drawing No. 2050P/100c). The plan relates to the second reason for refusal. Although the plan has not been subject to formal public consultation, the Council and interested parties were given an opportunity to comment on them as part of this appeal. In light of this, and given my findings below, I am satisfied that no party would be prejudiced by my consideration of the plan. Therefore, having regard to the principles of Holborn¹, acceptance of the plan would not be procedurally unfair and as a result I have considered it in determining this appeal.

Main Issues

6. The main issues are the effect of the proposal on:
 - the character and appearance of the area; and,
 - highway safety with particular regard to the provision of car parking.

¹ Holborn Studios Ltd v The Council of the London Borough of Hackney [2017] EWHC 2823 (Admin)

Reasons

Character and appearance

7. The appeal site is located at the junction of Foxholes Road and Haymoor Road in a predominantly residential area comprising a mix of detached and semi-detached bungalows of differing designs.
8. Despite the varying designs, the pattern of development is consistent comprising regular spaces between properties, with a number close to the appeal site being separated by garages and/or driveways. Properties are set back from the road frontage behind front gardens at similar levels. A combination of these factors gives the area a sense of space creating a pleasant suburban environment. The appeal site, as with other corner plots nearby, adds to this suburban environment and sense of space by virtue of the dwellings being set back from the roads behind semi-verdant front and side garden areas.
9. The proposed dwelling would be similar in size to nearby dwellings and would suitably respect the appearance of existing bungalows and building lines to Foxholes Road and Haymoor Road.
10. However, by reason of a combination of the positioning of the proposed dwelling at a slightly higher level to No.140, close proximity to the front corner boundary and position close to No.140 with no separating garage or driveway, it would appear cramped. Furthermore, for the same reasons, it would uncharacteristically diminish the sense of space and openness at this corner. This would be the case despite a similar level of hard surfacing to that which currently exists within the site, and the provision of adequate internal and outdoor space. Any additional planting would not screen the dwelling from the vehicular and pedestrian access points, or over and between the retained low-level wall and existing boundary planting.
11. I have had regard to the changes between the current appeal proposal and the previous proposals on the site in 2007² and 2014³. While I acknowledge the inclusion of land to the eastern boundary for access to No.140 Foxholes Road and changed design of dwelling, with regard to the size and position of the dwelling and impact upon the corner, similarities remain.
12. It follows that I conclude that the proposal would harm the character and appearance of the area. As such, it is contrary to Policies PP27 and PP28 of the Poole Local Plan November 2018 (LP). Amongst other things, these seek a good standard of design that reflects or enhances local patterns of development in terms of layout and siting and visual impact and only permit residential proposals involving plot severances or plot sub-division where there is sufficient land to enable a type, scale and layout of development in a manner which would preserve or enhance the area's residential character.
13. For the same reasons, the proposal would be contrary to the provisions of the Framework that seeks to achieve well-designed places.

Highway safety

14. The appeal site falls within Parking Zone D as defined in the Parking Standards Supplementary Planning Document January 2021 (SPD). In relation to the appeal proposal, the SPD requires the provision of one off-street parking space for the proposed dwelling and two for No.140 Foxholes Road. There are parking restrictions to the front of the site on the bend. The appeal site is located in close proximity, and on a walking route, to a school.

² APP/Q1255/A/07/2049269

³ APP/14/01019/F

15. The planning application was determined on the basis of a revised Proposed Site Plan⁴, detailing the provision of 2 parking spaces with visibility splays provided to address concerns raised by the Council regarding insufficient visibility serving the parking spaces. The Proposed Site Plan accompanying this appeal⁵, is almost identical to the previous version, but allocates 1 parking space for the proposed dwelling and 1 space for No.140. Should I allow the appeal, I see no reason why one of the proposed parking spaces could not be conditioned for use by the existing dwelling.
16. Given that both versions of the plan indicate 2 parking spaces, they both fall short of the 3 parking spaces required by Table 10 of the SPD.
17. I have had regard to the location of the site well served by sustainable transport links to services and facilities and to the SPD allowing a departure from the prescribed parking standards where site characteristics justify such an approach. However, Section 4.3 of the SPD states that any departures from the standards should be fully justified with robust evidence that may include an assessment of local parking and traffic conditions.
18. The comments from the Council and interested parties state that there is limited on-street parking in the area, and congestion at the site frontage, particularly at school drop-off and pick-up times. In light of this and given the location of the site on a pedestrian route to a school, and in the absence of any assessment of local parking and traffic conditions, a departure from the standards has not been fully justified. It is noteworthy in this regard that levels of on-street parking were high at the time of my site visit.
19. I therefore conclude that the proposal would result in overspill parking on the highway that would lead to drivers taking short term parking risks or parking in dangerous locations increasing highway safety dangers and intensifying on-street parking pressures.
20. I acknowledge that the amended plan demonstrates suitable visibility splays, but this does not directly address the shortfall in the number of parking spaces. I also acknowledge that the existing site benefits from a sizable area of hardstanding and parking with limited visibility. However, vehicle movements from the existing dwelling would be less than that from two dwellings, and the existing driveway only benefits from a short length of dropped kerb limiting the extent of access to the highway.
21. In conclusion on this matter, the proposal would harm highway safety, with particular regard to the provision of car parking. As such, the proposal is contrary to LP Policies PP27 and PP35 and the SPD. Amongst other things, these seek to ensure a good standard of design, convenient and practical parking in accordance with the relevant standards and provide safe access to the highway.

Other Considerations

22. The lack of harm to living conditions of neighbouring and future occupiers and to trees, provision of adequate outdoor space, cycle and refuse storage and EV charging facilities are requirements of local and national planning policy and guidance. In light of this, and given the small scale of the proposal, I give these matters limited weight in my consideration.
23. My attention has been drawn to a planning permission at 113 Foxholes Road⁶ but I have limited information in relation to this to be sure that it is directly comparable, particularly given that it is not located on a prominent corner. Furthermore, I am required to consider the current appeal on its merits.
24. It is clear from the Council's reason for refusal that the principle of a dwelling in this location is acceptable and that it is well served by services and facilities in accordance with

⁴ Drawing No. 2050/P/100b

⁵ Drawing No. 2050/P/100c

⁶ APP/22/00817/F

paragraph 110 of the Framework. I also acknowledge that the proposal would provide much needed housing, boost, and add to the supply and mix of housing, make an efficient use of land, and benefit the local economy from construction works and future occupiers using services and facilities in accordance with paragraphs 115a) and 129a) of the Framework in particular. It could also be built out quickly. These benefits weigh in favour of the proposal, but I give them limited weight due to its small scale.

25. In contrast, I have found that the appeal proposal would cause harm to the character and appearance of the area and highway safety. The relevant policies in these regards are largely consistent with the Framework where it states that planning decisions should reflect the character of an area, safeguard the environment and provide safe places. Therefore, the proposed development is contrary to the development plan as a whole and I give significant weight to the conflict with these policies.
26. The parties agree that the Council cannot demonstrate a five-year supply of deliverable housing sites, and I have no reason to disagree. In light of the submission of the UU referenced above and given that the Council have received the related payment, I have no reason to conclude that this would not adequately mitigate any likely significant effects on the Dorset Heathlands and Poole Harbour Special Protection Area. I understand from the Nitrogen Reduction in Poole Harbour Supplementary Planning Document April 2017 that Community Infrastructure Levy contributions are used to mitigate any likely significant effects from nitrogen on the Poole Harbour catchment. As a result, these matters do not provide a strong reason for refusing the development proposed under paragraph 11d) i. of the Framework and paragraph 11d) ii. is engaged.
27. As stated above, the appeal proposal would provide some benefits that I attribute limited favourable weight. In contrast, the adverse impacts of granting permission would significantly and demonstrably outweigh those benefits when assessed against the policies in the Framework taken as a whole, having particular regard to policies in the Framework for directing development to sustainable locations, making effective use of land, securing well-design places and providing affordable housing, individually or in combination. This is because paragraphs 115b), 129d) and e), 135 and 139 of the Framework require that developments are sympathetic to local character, are well designed, do not have a significant impact on highway safety, and as I have found above that the proposal would not achieve this resulting in significant harm in this regard.
28. The proposal does not therefore benefit from the presumption in favour of sustainable development given by paragraph 11 of the Framework.

Conclusion

29. Overall, for the reasons given above, the proposal conflicts with the development plan taken as a whole. There are no other considerations, including the Framework, that indicate that a decision should be made other than in accordance with the development plan. I therefore conclude the appeal should be dismissed.

C Rose

INSPECTOR