



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: 7th March 2025

Appeal Ref: APP/V1260/W/24/3346449

7 Skipton Close, Poole BH18 8HH

- 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 A and C Shaw, Shawdon Homes Ltd against the decision of Bournemouth Christchurch and Poole Council.
 - The application Ref is APP/24/00312/F.
 - The development proposed is subdivision of the site and construction of a detached chalet bungalow with associated access, parking and landscaping.
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Decision

1. The appeal is allowed and planning permission is granted for subdivision of the site and construction of a detached chalet bungalow with associated access, parking and landscaping at 7 Skipton Close, Poole BH18 8HH in accordance with the terms of the application, Ref APP/24/00312/F, subject to the conditions in the attached schedule.

Preliminary Matters

2. During the course of the appeal, a revised National Planning Policy Framework (the Framework) was published on 12 December 2024. Whilst paragraph numbers have altered, any policies that are material to this decision have not fundamentally changed. I am satisfied that this has not prejudiced any party, and I have had regard to the latest version in reaching my decision.
3. The Council's evidence clarifies that criteria 1a and 1b to Policy PP28 of the Poole Local Plan 2018 (LP), as referenced in the first reason for refusal, does not directly apply to the appeal proposal as it is not a flatted development. As I have no reason to disagree, and as requested by the Council, there is no need to consider the proposal against these criteria and I have dealt with the appeal on this basis.
4. The appeal is accompanied by a signed Unilateral Undertaking (UU) under Section 106 of the Town and Country Planning Act 1990 to mitigate the impacts from future occupiers on the Dorset Heathlands Special Protection Area, Dorset Heathlands Ramsar Site, Dorset Heaths Special Area of Conservation and Poole Harbour Special Protection Area and Ramsar Site. Although the Council have confirmed that it has approved the UU and received the related contributions, as the competent authority in relation to this appeal, I am required to consider this matter and the related duties under the Conservation of Habitats and Species Regulations 2017. As a result, I will deal with this as a main issue.

Main Issues

5. The main issues are the effect of the proposal on the:
 - character and appearance of the area; and,
 - integrity of European, nationally, and internationally protected sites.

Reasons

Character and appearance

6. The existing dwelling on the site forms part of a quiet cul-de-sac of detached bungalows and chalet style bungalows that are set back from the road behind sizable front gardens served off single accesses.
7. The appeal site is located off the turning head of the cul-de-sac with the low height of the existing dwelling, its position set back from the road, and single access against a treed and verdant setting mirroring the remainder of the road. These features contribute to the area creating a generally open and spacious suburban townscape.
8. Due to its corner location, the appeal site is significantly larger than the other plots in Skipton Close, extending back a considerable distance towards the rear of properties on York Road and Northbrook Road. In this regard, it is not characteristic of the remainder of the cul-de-sac.
9. Given that the proposed dwelling would also be detached, served by a single access, would be single-storey and set back from the road in a verdant setting, it would not detract from the open spacious suburban verdant appearance of Skipton Close. Furthermore, due to its position set back behind No.7 Skipton Close a considerable distance from the road with a similar plot size and coverage to others in the cul-de-sac, it would not be highly visible on approach on Skipton Close, would appear subservient to the street scene and would not appear out of place or represent overdevelopment of the site.
10. I acknowledge that Skipton Close is not characterised by sub-divided or backland plots, and that on approach there would be some limited views of parts of the dwelling down the access in particular. However, such views would be very limited in extent given the narrow nature of the access, existing planting and the distance that the proposed dwelling would be set back from the road. Furthermore, from the access the built form would not detract from the open and spacious suburban townscape or building lines. Moreover, with the trees on the site retained, it would not impact upon, or detract from, the verdant setting of the cul-de-sac.
11. The parking spaces would not be highly visible given that they would be set back behind No.7 Skipton Close. Given this, and given the varying roof forms, design, materials and size of bungalows in Skipton Close, the proposed dwelling would be developed in a manner that would not unacceptably harm the quality of the townscape.
12. Given that the site is set back from the road, is of a similar plot size to others in Skipton Close, provides suitable parking and outdoor space, and is already used as a garden with various outbuildings and related activity, it would not harmfully increase activity on the site or represent overdevelopment of the plot.
13. It follows from the above that I conclude that the proposal would not harm the character and appearance of the area. Accordingly, it complies with LP Policies PP27 and PP28. Amongst other things, these require a good standard of design that reflects or enhances local patterns of development in terms of layout and siting, including building line and visual impact, development in keeping with the existing pattern of the street, and only permits plot severances and plot sub-divisions in a manner which would preserve or enhance the area's residential character.

Integrity of protected sites

14. The appeal site falls within 5km of the Dorset Heathlands which comprises the Dorset Heathlands Special Protection Area, Dorset Heathlands Ramsar Site, Dorset Heaths Special Area of Conservation and Dorset Heaths Special Area of Conservation (Purbeck

and Wareham) and Studland Dunes. The appeal site also falls within close proximity to the Poole Harbour Special Protection Area and Ramsar Site (PHSPA).

15. The Dorset Heathlands Planning Framework 2020-2025 Supplementary Planning Document April 2020 (DHSPD) seeks to secure a financial contribution towards the mitigation of any effects of development within 5km of the Dorset Heathlands on the integrity of the Dorset Heathlands. The Poole Harbour Recreation 2019-2024 Supplementary Planning Document April 2020 (PHSPD) seeks to secure financial contributions towards the mitigation of any effects of development from recreational activity on the integrity of the Poole Harbour Special Protection Area. The Nitrogen Reduction in Poole Harbour Supplementary Planning Document April 2017 (NRPHSPD) seeks to secure mitigation for the effects of nitrogen generated by development on the PHSPA.
16. The avoidance or mitigation of effects resulting from increased residential development would be achieved by the provision of alternative greenspace, to redirect those who would have made use of the Dorset Heathlands and PHSPA recreationally, via associated monitoring and management arrangements and via projects that improve/reduce nitrogen. The contributions that individual schemes are expected to make in that context are established at a strategic level, such that a proportionate contribution is made in each instance, alongside or in addition to mitigation being funded by Community Infrastructure Levy (CIL) receipts.
17. The DHSPD, PHSPD and NRPHSPD indicate the approaches established towards ecological mitigation have been arrived at in conjunction between Dorset Council, Bournemouth, Christchurch and Poole Council and with Natural England, the appropriate nature conservation body under Regulation 63(3).
18. In this regard the UU has been submitted by the appellant and accepted by the Council. This provides the necessary financial contributions per dwelling towards ecological monitoring and management arrangements, consistent with the Council's approach. I have consulted with Natural England which has confirmed that the payment is sufficient to avoid adverse impacts on the integrity of the European Sites and their features. Furthermore, I understand from the NRPHSPD that Community Infrastructure Levy contributions are used to mitigate any likely significant effects from nitrogen on the Poole Harbour catchment
19. In conclusion on this matter, I am satisfied that with the proposed avoidance and mitigation measures in place, secured through the UU and CIL Regulations, the development would not have an adverse effect on the integrity of the European, nationally and internationally protected sites. The development would therefore comply with the Conservation of Habitats and Species Regulations 2017. It would also accord with LP Policies PP32 and PP39. Amongst other things, these seek to ensure that development will not lead to an adverse effect on the integrity, either alone or in combination, of the Dorset Heathlands and Poole Harbour European and internationally important designations and secure the collection of development contributions to provide some mitigation for European and internationally important sites.

Other Considerations

20. My attention has been drawn to a number of examples of plot sub-divisions and backland developments on York Road¹, Skipton Close² and Northbrook Road³. Although I viewed these sites at the time of my site visit, due to their differing locations, number of dwellings provided and/or determination under different development plan policies, they are not directly comparable to the appeal proposal before me. Furthermore, I am required to consider the appeal on its merits.

¹ APP/20/00040/F and 19/00151/F

² APP/11/00125/F

³ APP/20/00696/F and APP/19/00705/F

Conditions

21. I have had regard to the tests in the Framework in relation to conditions, and the planning conditions suggested by the Council. In addition to the standard time condition, it is necessary for a condition to confirm the approved plans in the interests of certainty.
22. Conditions are required to ensure that suitable tree protection measures are provided prior to, and during construction, in the interests of the protection of trees on the site and to protect the character and appearance of the area.
23. As specific details of the exact colour and texture of the facing materials are not provided on the plans, a condition is necessary to secure the submission of external materials in the interests of protecting the character and appearance of the area.
24. Given that the site adjoins a number of dwellings, a condition is necessary to restrict permitted development rights to prevent any alterations to the roof in order to protect the living conditions of neighbouring occupiers.
25. A condition is necessary to ensure that the access, turning and car and cycle parking spaces are provided prior to first occupation in the interests of protecting highway safety.
26. A condition is necessary to ensure the provision of suitable levels of future energy use and use of on-site renewable sources in the interests of reducing carbon emissions.
27. A further condition is necessary to ensure the provision of bee bricks in the interests of the enhancement of biodiversity.
28. The Council have suggested further conditions in relation to restricting the hours of construction and demolition, methods of piling and prevention of burning. However, given the small scale of the proposal and the presence of other legislation controlling noise and nuisance, such conditions are not reasonable or necessary.

Conclusion

29. For the reasons given above the appeal should be allowed.

C Rose

INSPECTOR

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:

1799-SYM-00-XX-DR-A-0210 P01 – Location and Block Plan
1799-SYM-00-XX-DR-A-0211 P02 – Proposed Site Plan
1799-SYM-00-XX-DR-A-0212 P01 – Proposed Floor Plans
1799-SYM-00-XX-DR-A-0213 P01 – Proposed Elevations
1799-SYM-00-XX-DR-A-0215 P01 - Proposed Car Port
1799-SYM-00-XX-DR-A-0216 P01 – Existing Location and Block Plan
RNapc/431/TPP/5 – Tree Protection Plan
- 3) Prior to the commencement of any ground clearance, tree works, demolition or development, details of the arboriculturally sensitive operations requiring Arboricultural supervision shall be submitted to, and approved in writing by, the

Local Planning Authority. A pre-commencement site meeting shall be held and attended by the developer's Arboricultural consultant, the designated site foreman and a representative from the Local Authority to discuss details of the working procedures and agree that all tree protection measures have been installed in accordance with the approved tree protection plan. Any approved remedial works shall subsequently be carried out under strict supervision by the arboricultural consultant immediately following that approval.

- 4) All works relating to the ground clearance, tree works, demolition and development with implications for trees shall be carried out as specified in the approved Arboricultural Method Statement (produced by Richard Nicholson, dated 23 April 2024), and shall be supervised by an arboricultural consultant holding a nationally recognised arboricultural qualification.
- 5) Prior to any development above damp-proof course levels, details of the materials to be used in the construction of the development will be submitted to and approved in writing by the Local Planning Authority. Development shall thereafter be undertaken in accordance with the approved details.
- 6) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, and the Town and Country Planning Act 1990, or any subsequent re-enactment thereof, no alterations of the roof form, including the provision of dormers or windows within the dwelling hereby permitted, other than those authorised by this permission, shall be erected without express planning permission first being obtained from the Local Planning Authority.
- 7) The development hereby permitted shall not be brought into use until the access, turning space, garage, vehicle parking and cycle parking shown on the approved plans have been constructed, and these shall thereafter be retained and kept available for those purposes at all times.
- 8) Prior to first occupation of the dwelling hereby permitted, details of measures to provide 10% of the predicted future energy use of the dwelling from on-site renewable sources, shall be submitted to and approved in writing by the Local Planning Authority. These measures must then be implemented before any residential occupation is brought into use and maintained thereafter.
Documents required by the Local Planning Authority include:
 - The 'as built' SAP assessment documents. These should be the same documents issued to Building Control to address the Building Regulations Part L,
 - The corresponding EPC (Energy Performance Certificate), and
 - A statement, summary or covering letter outlining how the data given in the above documents demonstrates that a minimum of 10% energy use is provided by the renewable technology.
- 9) At least two bee bricks (or suitable alternatives) shall be installed on the south-facing aspects/elevations of the proposed development hereby approved. These shall be installed prior to first occupation of the dwelling hereby approved and thereafter retained.

END OF SCHEDULE