



Appeal Decision

Site visit made on 28 February 2025

by Lewis Condé BSc, MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 March 2025

Appeal Ref: APP/V1260/W/24/3348409

Land adjacent to no. 43A Maureen Close, Poole, BH12 3HG

- 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 Diffey & Mabey Projects Limited, against the decision of Bournemouth Christchurch and Poole Council.
 - The application Ref is APP/24/00059/F.
 - The development proposed is demolish existing garage and erect a detached bungalow with off road car parking.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for the award of costs has been made by Diffey & Mabey Projects Limited against Bournemouth Christchurch and Poole Council. This is subject to a separate decision.

Preliminary Matters

3. A revised National Planning Policy Framework (the Framework) was published on 12 December 2024. Main parties have had the opportunity to comment on the implications of the revised Framework, where received comments have been taken into account.
4. The adjacent neighbouring property to the north of the appeal site has only been referred to as no. 355A in the application and appeal submissions. From my site visit the street address of this property remained unclear. As such, I have also referred to it as no. 355A within this decision. Even if, the full address details are not stated, I am satisfied that the relevant neighbouring dwelling has been suitably considered as part of the determination of the appeal.

Main Issues

5. The main issues are the effect of the proposal on: i) the character and appearance of the area; ii) the living conditions of potential future residents; and iii) the living conditions of neighbouring residents at no. 335A, with respect to outlook.

Reasons

Character and Appearance

6. The appeal site comprises an existing plot of land, currently occupied by a garage structure, located to the side of no. 43a Maureen Close. It is located at the end of a shared driveway that also provides access to neighbouring bungalows.
7. The surrounding area is residential in character. The precise design of dwellings nearby varies, albeit neighbouring properties predominantly consist of bungalow and 'chalet style' housing. Although there is some divergence, dwellings in the area also share a general sense of cohesion through their broadly comparable plot sizes and through displaying similarities in scale.
8. The appeal plot is notably smaller and narrower than neighbouring properties. Consequently, the proposed dwelling would also have a much narrower and diminutive form than surrounding dwellings. The size of the proposed dwelling, together with its small rear garden, and the arrangement of vehicle parking that would run parallel and tight to its front elevation would result in a highly cramped form of development. This would be at odds with its surroundings.
9. Due to the location of the appeal site and surrounding built form, views of the proposal would be rather limited. Nonetheless, it remains that the proposal does not respect the character or appearance of the area.
10. The appeal scheme therefore conflicts with Policies PP27 and PP28 of the Poole Local Plan (adopted 2018) (the Local Plan). Together, amongst other matters, these policies seek to promote development that is of a good design quality, that reflects or enhances local patterns of development and the character of its surroundings.

Living Conditions of Future Residents

11. The small plot size would result in the dwelling being positioned very close to the site boundaries. Consequently, the proposed habitable rooms would have extremely limited outlook, while the outlook from the proposed bedroom would likely be further diminished by vehicle parking to be located tight to the front elevation of the property.
12. Turning to the level of living space to be provided, the Government's Technical Housing Standards – Nationally Described Space Standard (the NDSS) is not adopted or mandatory. Still, the NDSS align with the principle of providing a high standard of amenity for future users as set out in the Framework and as reflected by Local Plan Policy PP27.
13. The proposed dwelling would fall slightly below the overall floorspace standard for a 1 bedroom, two-person dwelling set out under the NDSS. In itself, this would not necessarily be harmful, particularly as the proposed layout appears to be practical including through the provision of storage space. However, I find that the limited level of floorspace combined with the inadequate outlook from the habitable rooms, would result in a highly oppressive living space for potential future occupiers.

14. My above view is not overridden by another appeal decision¹ in the local planning authority (LPA) area, whereby the Inspector found the scheme to be acceptable despite a lack of compliance with the NDSS. Particularly, as the context of that appeal scheme differed significantly from the proposal before me, both in terms of the nature of the proposal and its location.
15. Accordingly, I find the proposal would cause harm to the living conditions of potential future residents. It therefore conflicts with Local Plan Policies PP27 and PP28, which, amongst other matters, seeks to prevent developments from result in a harmful impact upon amenity for both local residents and future occupiers.

Living Conditions of Neighbouring Residents at No. 355A

16. The appeal site is set at a significantly lower level than the neighbouring property to the north (no. 355A). Additionally, the proposed development is single storey in height and of a rather small scale. The proposed dwelling's eaves height would be set well below the existing boundary fencing with no. 355A. Additionally, the proposal would incorporate a hipped roof, such that although the maximum ridge height would rise above the boundary fence line it would be set somewhat off the boundary.
17. A section of the roof of the proposed dwelling would therefore be visible from the rear of no. 355A including its garden area, albeit it would slope away from the adjacent property. Due to the differences in levels, when viewed from no. 355, the proposed roof is also likely to still be seen against a backdrop of other built form or roofscapes beyond.
18. Based on the submitted drawings, and my observations at the appeal site, I find the above factors would combine to ensure that the appeal proposal would not result in a dominant form of development or harmful loss of outlook to the neighbouring property. Accordingly, the proposal would not cause harm to the living conditions of the neighbouring residents of no. 355A. In respect of this main issue, there is no conflict with Local Plan Policy PP27.

Other Matters

19. The appellant has drawn my attention to an appeal decision² involving the LPA, whereby the Inspector deemed the development would result in some conflict with Policies PP27 and PP28, but that the benefits associated with the delivery of a new bungalow would outweigh this. I have only limited details of that appeal scheme, but it is located a considerable distance from this current appeal site. The extent of harm associated with the precise design of that appeal scheme and its specific surrounding context is therefore likely to differ from the scheme before me.
20. Similarly, the appellant has cited several other examples of planning permissions for backland or infill residential development in the LPA area, including nearby at land to the rear of no. 50 Maureen Close. Again, I have limited background details of these permissions, including any relevant planning histories. However, from the available information there appear to be notable differences in the scale or nature of the development proposals or their precise site contexts. My decision therefore does not turn on these other presented decisions.

¹ APP/V1260/W/20/3244385

² APP/V1260/W/21/3273168 – 49 Abbotsbury Road, Broadstone, Poole BH18 9DB

21. The draft Local Plan remains at an early stage of preparation, having not yet passed through examination. As such, I give the emerging policy context limited weight. Furthermore, although the emerging policy may seek to encourage the delivery of housing in the area via windfall developments, including via infill on larger plots, there would remain an expectation for development to contribute to townscape character.

Planning Balance and Conclusion

22. From the evidence before me, the Council is unable to demonstrate a five-year housing land supply, while its shortfall of housing supply is considerable. Accordingly, Paragraph 11d)ii of the Framework is engaged.
23. There would be socio-economic benefits associated with the delivery of an additional dwelling in a sustainable location and its subsequent occupation. Such benefits would be limited given the proposal involves only a single unit. Still the Framework identifies that small and medium sized sites can make an important contribution to meeting the housing requirement of an area. While given the Council's housing land supply position, I attach moderate weight to these benefits.
24. The lack of harm to the living conditions of existing neighbouring residents is a neutral matter that does not lessen the harm that I have found to the character and appearance of the area or the living conditions of future residents. Similarly, compliance with other planning policy issues, for example, in respect highway safety or flood risk are also neutral matters.
25. The above identified support for the proposal is countered by the importance that the Framework attaches to design as a key aspect of sustainable development, and its expectation that developments should deliver a high standard of amenity for future users. These are matters to which I give significant weight.
26. Therefore, when assessed against the policies in the Framework taken as a whole, I find that the adverse impacts of the proposed development would significantly and demonstrably outweigh the benefits. The appeal scheme therefore does not benefit from the presumption in favour of sustainable development.
27. In conclusion, the proposal conflicts with the development plan when taken as a whole. There are no material considerations, including the provisions of the Framework, that indicate that a decision should be made other than in accordance with it. The appeal is therefore dismissed.

Lewis Condé

INSPECTOR