



Appeal Decisions

Site visit made on 11 March 2025

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

an Inspector appointed by the Secretary of State

Decision date: 28 March 2025

Appeal A Ref: APP/V1260/W/24/3349276

Heatherlands, St. Aldhelms Close, Poole, BH13 6BW

- 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 Pierfront Developments Ltd against the decision of Bournemouth Christchurch and Poole Council.
 - The application Ref is APP/24/00213/F.
 - The development proposed is demolition of the existing dwellings and the erection of two replacement detached houses with associated access arrangements (Revised Scheme).
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Appeal B Ref: APP/V1260/W/24/3347797

Heatherlands, St Aldhelms Close, Poole, BH13 6BW

- 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 Pierfront Developments Ltd against the decision of Bournemouth Christchurch and Poole Council.
 - The application Ref is APP/23/01034/F.
 - The development proposed is demolition of the existing dwellings and the erection of two replacement detached houses with associated access arrangements.
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Decisions

Appeal A

1. The appeal is dismissed.

Appeal B

2. The appeal is dismissed.

Preliminary Matters

3. As set out above there are two appeals on this site. They differ only in the detail of the design and position of the two dwellings. I have considered each proposal on its individual merits. However, to avoid duplication I have dealt with the two schemes together, except where otherwise indicated.
4. Both appeals have been accompanied by signed Unilateral Undertakings (UU's) under Section 106 of the Town and Country Planning Act 1990 to mitigate the impacts from future occupiers on the 'Dorset Heathlands' which comprises the Dorset Heathlands Special Protection Area (SPA), Dorset Heathlands Ramsar Site, Dorset Heaths Special Area of Conservation (SAC) and Dorset Heaths Special Area of Conservation (Purbeck and Wareham) and Studland Dunes (DHSAC) and on the Poole Harbour Special Protection Area (PHSPA). The Council has confirmed that the UU's address the second and third reasons for refusal on each appeal. As a result, and given my findings below, I do not need to consider this as a Main Issue.

5. 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.

Main Issue

6. The main issue is whether the proposals would preserve or enhance the character or appearance of the Branksome Park & Chine Gardens Conservation Area.

Reasons

7. The appeal site falls within the Branksome Park Conservation Area (CA). The Branksome Park Conservation Area Character Appraisal and Management Plan Supplementary Planning Guidance 2006 (the Appraisal) sets out that the significance of the CA is derived from its spacious sylvan character resulting from the planned division of a substantial estate into large building plots. The generous wooded plots, road layout, dense evergreen hedges and turf embankments which date from the original plan, create a tranquil residential setting, distinct from the surrounding urban landscape.
8. The appeal site is within the area defined within the Appraisal as the St. Aldhelm's Road & Wilderton Road area. The appraisal sets out that this area comprises the two roads that run approximately parallel to each other with the area exhibiting a uniform character very close to that described for the CA generally. This area of the CA is characterised by its predominately sylvan appearance, grass verges and front boundary planting with large plots forming a low-density pattern of development. The Appraisal identifies that plot sizes are generally 0.3Ha or larger.
9. The existing dwelling and attached annexe appear as a single dwelling in a large plot of approximately 0.3Ha. The plot size is generous, surrounded by mature trees with these characteristics making a positive contribution to the tranquil, verdant and spacious character and appearance of the CA.
10. Both appeal proposals seek to subdivide the plot and erect two detached houses with their own accesses fairly centrally within the site in close proximity to their side boundaries and to each other.
11. The proposals would therefore split the large existing plot into two smaller and narrower ones in fairly close proximity. As a result, and given the increased bulk and height of built form, this would significantly erode the sense of spaciousness which is a key characteristic of the area and sylvan landscape. The resultant plots would appear markedly smaller and narrower than others in the area, would result in individual plots approximately half of the 0.3Ha size characteristic of the CA and would fail to assimilate well with the prevailing spatial characteristics. This would be the case regardless of any density calculation or comparisons, staggered building line, position set back from the road and considering that the footprint of buildings, although not their bulk, would be positioned slightly further from the side boundaries than the existing dwelling.
12. There is some variation in plots sizes and widths within the wider CA, but this plot would be mainly seen within the context of the adjacent properties which have generally much wider plot frontages in spacious and sylvan settings. For this reason, the proposed sub-division of the site, with a clear separation between the proposed dwellings, would not appear as a single dwelling and as such would appear incongruous with the immediate setting, inconsistent with the character of the area.
13. The appeal site benefits from a number of mature trees along its boundaries. Consequently, the proposed dwellings would be partially screened from the road and would sit below the canopy tops following the site topography. The proposals would, nevertheless, be visible in glimpsed views from the highway and the reduction in plot size,

increased height in relation to the existing dwelling and narrow plan form of the dwellings off their own access would be evident. The increased bulk and height would off-set any improvement to views of woodland that would be available between the buildings. Furthermore, views into the site from other nearby properties would be possible. This would be the case despite the proposed new frontage treatment, frontage gardens being retained as a single space, provision of sizable rear gardens/outdoor space and the tiered design.

14. With regard to the design of the dwellings for both appeals, I have had regard to the Appraisal identifying that buildings within the CA as a whole are generally designs of architectural style contemporary with their construction or typical of older buildings in the area. However, I have been advised that the existing dwelling was constructed in the 1970's and it was clear from my site visit that it needs renovation. Furthermore, I acknowledge the presence nearby of contemporary style buildings, particularly at 8 and 9 Withingham Road, the building under construction at the time of my site visit on St. Aldhelm's Close to the rear of 9 Withingham Road and others nearby.
15. Although the examples of contemporary dwellings provided by the appellant do not reflect the wider appearance of dwellings within the CA as a whole, and I note that Code 4 to the Appraisal seeks buildings with warm red brick or multi-stock brick, or appropriate render, I acknowledge that the Appraisal also states that the 'Key Elements Defining Character and Appearance' of the CA have no architectural style and include a mix of materials. Moreover, I have had regard to Paragraph 9.25 of the Poole Local Plan November 2018 (PLP) that states that 'Other areas such as Branksome Park are more diverse in appearance and can accommodate innovative contemporary designs as long as the existing building has no historic merit and the landscaping, rhythm massing and proportion respect the prevailing street scene'. In this regard, the existing dwelling needs refurbishment, is of no historic merit with the appeal site viewed in association with the contemporary dwellings at 8 and 9 Withington Road and land to the rear of 9 Withington Road.
16. In light of this, I find that a contemporary design approach would adequately preserve the character and appearance of the CA. However, as stated above, due to the plot sub-division and resultant bulk and height of buildings, the proposals would not respect the prevailing street scene or character or appearance of the CA.
17. Therefore, and despite the contemporary designs, for the reasons stated above, the proposals would lead to a harmful intensification of the use of the site and a subsequent reduction in the spacious sylvan character and planned division of large building plots. Thus, the proposed developments would cause harm to the character and appearance of the area and would fail to preserve or enhance the character or appearance of the CA as a whole. As a result, it would adversely affect the significance of the wider Conservation Area. I give great weight to the asset's conservation.
18. Accordingly, the proposals would result in 'less than substantial harm' to the CA as a designated heritage asset. It is important to note that 'less than substantial harm' does not equate to a less than substantial planning objection. Paragraph 215 of the Framework requires that 'less than substantial harm' should be weighed against public benefits of the proposals. While I acknowledge the proposals result in some public benefits, i.e. the provision of new build family dwellings in a sustainable location that could be built out quickly, more efficient use of land, an additional house towards the Council's Housing Land Supply, biodiversity enhancements and related economic benefits from construction and subsequent spend from occupiers, these benefits do not outweigh the 'less than substantial harm' to the Conservation Area as a whole.
19. The proposed developments therefore fail to preserve or enhance the character or appearance of the Branksome Park & Chine Gardens Conservation Area. As such, they are contrary to Policies PP27, PP28 and PP30 of the PLP. Amongst other things, these

seek a good standard of design that reflects or enhances local patterns of development and neighbouring buildings, states that plot severance and sub-division will only be permitted where it would preserve or enhance the area's residential character, and where development preserve or enhance Poole's heritage assets.

20. For the same reasons, the proposals would fail to comply with the provisions of Chapter 16 of the Framework that seeks to conserve and enhance the historic environment.

Other Considerations

21. My attention has been drawn to a considerable number of other schemes within the area where subdivision of a larger plot has been deemed acceptable. However, and whilst consistency in decision making is important, circumstances on different sites are rarely identical.
22. With regard to the development at 8 and 9 Withingham Road¹, the combined plots are wider than the appeal site with wider resulting individual plots, comprising two-storey flat-roofed dwellings with the proposal determined under a different development plan. As a result, it is not directly comparable to the current proposals.
23. With regard to the new dwelling being constructed at the rear of 9 Withington Road², again this is two-storey, and it retains a plot width/frontage wider than those proposed as part of the current proposals.
24. The developments at 8 Martello Road South, 2 and 12a Western Avenue are a considerable distance from the site, of a different plot size and shape, are single or two-storey, and were granted under a different development plan and policy context. 19 Canford Cliffs Road, 9 Martello Road South, 2 Burton Road and 22 Balcombe Road are also a considerable distance from the site with different plot shapes and sizes. As a result, these are not directly comparable to the current proposals.
25. While I acknowledge that 11 Leicester Road is close to the appeal site, I have very limited information in relation to this proposal and note that it was also determined prior to the adoption of the PLP.
26. Furthermore, the existence of other plot sub-divisions and severance is not sufficient reason to justify the grant of permission for the appeal proposals that must be considered on their merits based on the particular context within which it is to be determined and that I have found would not preserve the character or appearance of the CA.
27. I have had regard to the proposals not causing any harm to trees, living conditions of neighbouring and future occupiers or to highway safety. I have also had regard to the provision of adequate car parking, drainage and renewable energy sources. However, as they are requirements of local and national planning policy and guidance, I give them very little weight in favour of the proposals.
28. As I am dismissing the appeal for other reasons, I do not need to consider the UU's or any likely significant effects on the Dorset Heathlands and PHSPA or the related duties under the Conservation of Habitats and Species Regulations 2017 further.

Planning Balance

29. Both parties agree that the Council cannot currently demonstrate a five-year supply of deliverable housing sites, having a supply of 2.1 years at the 1st April 2024. I have found above that the proposals would cause harm to the CA with no public benefits outweighing this harm. This is contrary to the policies in Chapter 16 of the Framework that protects such heritage assets. Given footnote 7 to Paragraph 11 d) 1. of the Framework, and the

¹ APP/14/00928/F

² APP/22/02020/F

harm I have identified to the asset of particular importance, this provides a strong reason for refusing the developments and there is no need for me to carry out the assessment in Paragraph 11. d) ii. of the Framework.

30. Nevertheless, I have had regard to the addition of housing which would contribute towards the supply of family homes in the area, could be developed quickly, makes a more efficient use of the land, provides biodiversity enhancements with the site located close to a range of services and facilities and related support from paragraph 125 of the Framework. These would be benefits of both schemes. However, these benefits are limited by the small scale of the proposal in each case and must be considered in that context.
31. Conversely, I have found that the proposals would fail to preserve or enhance the character or appearance of the CA. As such, in any case, in each of the appeals before me the adverse effects would significantly and demonstrably outweigh the benefits.

Conclusion

32. For the reasons given above, having had regard to the development plan as a whole and all material considerations including the Framework, I conclude that both appeals should be dismissed.

C Rose

INSPECTOR

Appendix 1

List of those who have appealed

Reference	Case Reference	Appellant
Appeal A	APP/V1260/W/24/3349276	Pierfront Developments Ltd
Appeal B	APP/V1260/W/24/3347797	Pierfront Developments Ltd