



Appeal Decision

Site visit made on 18 March 2025

by Juliet Rogers BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4th April 2025

Appeal Ref: APP/V1260/W/24/3350337

89 Wheaton Road, Bournemouth BH7 6LL

- 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 Mrs Paula Klaentschi against the decision of Bournemouth Christchurch and Poole Council.
 - The application Ref is 7-2024-25090-C.
 - The development proposed is the erection of a first floor flat over the existing ground floor flat.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a first floor flat over the existing ground floor flat at 89 Wheaton Road, Bournemouth, BH7 6LL in accordance with the terms of the application, Ref 7-2024-25090-C, subject to the attached schedule of conditions.

Preliminary Matters

2. I have used the description of development as set out on the Council's decision notice as it accurately reflects the proposal.
3. The Council is currently preparing a new Local Plan. However, I have not been presented with any policies within the emerging plan that are relevant to this appeal.

Main Issues

4. The main issues are:
 - the effect of the proposal on the character and appearance of the area; and
 - whether the proposal would be likely to have a significant effect on the integrity of the Dorset Heathlands, including the Special Protection Area (SPA) and the Dorset Heaths Special Area of Conservation (SAC).

Reasons

Character and appearance

5. The proposal comprises an additional storey above a single storey dwelling located at the end of Wheaton Road, immediately adjacent to Boscombe East Cemetery. Having been converted from garages and located on a triangular plot, the existing dwelling has a significantly different appearance, style and character to other properties along Wheaton Road and within adjoining streets. With a white rendered, simple façade, large, shuttered openings and a flat roof, the existing

dwelling's contrast with the period properties in the surrounding area is obvious, despite the variations present in the latter.

6. The proposal would extend the simplicity of the façade upwards and, through the incorporation of simple openings and a large, shuttered entrance, would reflect the characteristics and features of the existing dwelling. With lower eaves than the adjacent property and a mono pitched roof sloping to a ridgeline well below that of others nearby, the resultant form would be subservient to its immediate neighbour. Combined with the loss of the flat roof, the unembellished design of the proposal would be a sympathetic upward extension to the existing structure and would not appear cramped, despite maximising the use of the irregularly shaped site.
7. Due to the straight alignment of Wheaton Road and the façade of the existing dwelling being set back from that of the neighbouring property, the appeal site is inconspicuous in the street scene, with the substantial trees within the cemetery being key features that terminate the vista along the road. For these reasons, whilst the proposal would increase the height of the built form in this location, it would not be significantly more noticeable or prominent than the existing dwelling. Even with the proposed solar panels covering much of the roof slope facing the road it would not be detrimental to the street scene.
8. The substantial trees also screen much of the site in views from the cemetery. Whilst the rear of the proposal differs from that of others that back onto the cemetery, this is already the case as the brick boundary wall to the cemetery forms part of the rear elevation of the existing dwelling. The proposed windows provide interest to the upper floor of the rear elevation as well as surveillance of the cemetery. Therefore, although it would not accord with other dwellings in the row in terms of materials and roof forms, the proposal would not be harmful to the character and appearance of the area when experienced from the cemetery.
9. A previous scheme comprising an additional storey to create a separate dwelling on the site was dismissed by another Inspector¹. However, the design of that proposal incorporated significantly different features to the one before me, including a tall asymmetrical gable to the front and a blank two-storey elevation adjoining the cemetery boundary. As concluded by the Inspector, the previous scheme would create an assertive structure with an unorthodox form that would be at odds with other houses in the street and appear cramped on the site. As such, it is materially different from the scheme before me.
10. The Grade II listed chapel located in a central position within the adjacent cemetery is sited a significant distance away from the appeal site. This, combined with the mature and substantial trees present within the cemetery restricts any visual connection between the site and the listed building or its setting.
11. I conclude that the proposal would not harm the character and appearance of the area and accords with policies CS21 and CS41 of the Core Strategy², and Saved Policy 6.10 of the Local Plan³ which, amongst other aspects, expect new housing to contribute to the character and appearance of an area. This approach is supported by Policy BAP1 of the Boscombe and Pokesdown Neighbourhood Plan and amplified in the Council's Residential Design Guide.

¹ Appeal ref: APP/V1260/W/22/3297570, dated 17 February 2023

² Bournemouth Local Plan: Core Strategy (the Core Strategy)

³ Bournemouth District Wide Local Plan (the Local Plan)

Dorset Heathlands

12. The appeal site is located within 5km of the Dorset Heathlands which comprises a SPA and SAC, European Designated Sites afforded protection under the Conservation of Habitats and Species Regulations 2017 (the Habitat Regulations). The conservation interest of the Dorset Heathlands relates to its extensive network of lowland heaths which support a variety of priority habitats and species of birds and reptiles. The protection of these habitats and the qualifying species they support is the overarching conservation objective of the Dorset Heathlands.
13. One of the main challenges to achieving this objective relates to the significant pressure from the increasing number of people living in close proximity to the Dorset Heathlands, particularly as public access can lead to an increase in wildfires and damaging recreational use of the area. In addition, the introduction of incompatible plants and animals, the loss of vegetation and soil erosion, and disturbance by humans and their pets has an adverse effect on the heathland ecology.
14. As the appeal scheme comprises additional residential development it would add to the number of people living in the vicinity of the designated site and, in turn, increase the recreational pressure on the Dorset Heathlands. Therefore, it is likely that the proposal, taken both in isolation and cumulatively, would have a significant adverse effect on the integrity of the Dorset Heathlands. As the competent authority, it is therefore necessary for me to conduct an Appropriate Assessment regarding this effect.
15. The approach to avoiding or mitigating significant effects on the Dorset Heathlands, as set out in the SPD⁴, is through securing contributions towards the Council's Strategic Access Management and Monitoring (SAMM). This contribution is calculated on a per dwelling basis, plus an administrative fee, and paid either prior to the grant of planning permission as an upfront payment or prior to commencement if secured by an appropriate legal agreement. The SPD provides sufficient information for me to conclude that the obligations sought are necessary, related directly to the development and fairly related in scale and kind to the appeal scheme. As such it accords with the provisions of Regulation 122 of the Community Infrastructure Levy Regulations 2010 and the National Planning Policy Framework's planning obligations tests.
16. During the appeal, a copy of a signed and dated S111 Agreement using the Council's template has been provided which obligates the appellant to pay the appropriate SAMMs contribution to the Council. Consequently, I am satisfied that the necessary contributions which would enable the delivery of mitigation sufficient to address the level of harm likely to be caused by the development have been secured. I therefore find that, subject to the agreed mitigation, the proposal would not result in an adverse effect on the integrity of the Dorset Heathlands and accords with Policy CS33 of the Core Strategy in this respect.

Other Matters

17. The proposal would not result in an increase to the footprint of the existing building or project beyond the elevations of the existing dwelling. Furthermore, I have no substantive evidence before me to conclude that the proposal would lead to a

⁴ Dorset Heathlands Planning Framework 2020-2025 Supplementary Planning Document (the SPD)

harmful loss of daylight or sunlight for neighbouring occupiers. Any loss of privacy experienced by neighbouring occupiers when using their external spaces is commensurate with the levels expected within a densely populated area.

18. As the appeal site is located within Zone A of the Council's parking zones, no parking is required. I have not added the informative suggested by the Council in my decision as it does not carry any legal weight and cannot be used in place of a condition.
19. Other than circumstantial comments, no substantive evidence has been provided demonstrating that the proposal would lead to an unacceptable effect on the drainage conditions in the area.

Conditions

20. In addition to the standard time, plans and materials conditions, in the interests of protecting the character and appearance of the area, I have imposed a condition requiring the arboricultural method statement to be implemented. The enhancement of biodiversity of the site is secured through the imposition of a condition requiring an enhancement plan to be approved by the Council.
21. To protect the safety of users of Wheaton Road, including pedestrians walking along the pavement adjacent to the site, a condition has been imposed requiring the kerb to be reinstated. To promote the use of alternative modes of transport to the private vehicle, the implementation of an appropriate space for two bicycles to be stored on the site is required prior to the occupation of the flat. Similarly, an area for bin and recycling storage is required to be in place before the flat is occupied, to protect the character and appearance of the area.

Conclusion

22. For the reasons given above, having had regard to all relevant matters raised, the appeal should be allowed.

Juliet Rogers

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 drawings: LP01-R1 – Location & Block Plan; FFE01R1- Proposed Plans and Elevations.
- 3) The external surfaces of the development hereby permitted shall be constructed in the materials shown on drawing ref: FFE01R1- Proposed Plans and Elevations.
- 4) The Arboricultural Method Statement set out on the Tree Protection Plan Ref: DS/79921/AC, prepared by Treecall Consulting Ltd and dated 17 May 2021 shall be carried out as approved.
- 5) Prior to the first occupation of the dwelling hereby approved, biodiversity enhancements shall be implemented in accordance with a plan which must first be submitted and approved in writing by the local planning authority and retained thereafter.
- 6) Prior to the first occupation of the development hereby approved, the existing highway vehicular crossing shall be permanently closed with the kerbs and pavement having been reinstated to a specification which must first be submitted to and approved in writing by the local planning authority and retained thereafter.
- 7) Prior to the first occupation of the dwelling hereby approved, space shall be laid out within the site for 2no. bicycles to be stored. That space shall thereafter be kept available for the storage of bicycles.
- 8) Prior to the first occupation of the dwelling hereby approved, space shall be laid out within the site for the storage of a 240-litre recycling bin, a 180-litre refuse bin and a 23-litre food waste bin. That space shall thereafter be kept available for this purpose.

**** End of Schedule ****