



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: 10 April 2025

Appeal Ref: APP/V1260/W/24/3350902

329 Sandbanks Road, Poole BH14 8HZ

- 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 Mr John and Mrs Jane Sandon-Allum against the decision of Bournemouth Christchurch and Poole Council.
 - The application Ref is APP/23/01478/F.
 - The development proposed is the demolition of the existing house and erection of a four-storey block of 7 no flats with associated access and parking.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of the existing house and erection of a four-storey block of 7 no flats with associated access and parking at 329 Sandbanks Road, Poole, BH14 8HZ in accordance with the terms of the application, Ref APP/23/01478/F, subject to the conditions in the attached schedule.

Preliminary Matters

2. 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

3. The main issues are:
 - the effect of the proposal on the living conditions of neighbouring occupiers of 327 Sandbanks Road (No.327) with particular regard to outlook and privacy;
 - 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 Conservations (SAC), and the Poole Harbour SPA.

Reasons

Living conditions

4. The proposal comprises a building which would be taller than the existing two storey dwelling on the site and positioned closer to the side elevation of No.327. The front and rear elevations would also be sited further forward and backward of the existing property's building lines. Consequently, the outlook from the two

existing first floor windows in the side elevation of No.327 would be restricted to oblique views to the sides and substantially reduced views of the sky. Although the outlook from the ground floor windows of No.327 would also be effected, this would be to lesser degree given the existing boundary fence nearby.

5. In relation to the rearmost opening on No.327, the outlook through this window would be towards a blank brick wall. Therefore, when using the room served by this window, occupiers would be likely to experience a sense of being enclosed or confined. As such, this would be detrimental to the living conditions of the occupiers of No.327.
6. The evidence before me indicates that the room served by the window in the side elevation closest to the front of No.327 has another, larger opening to the front. Although the quality of the outlook from this room through the side window would be reduced, the views through the front window would be unaltered and, therefore, acceptable living conditions to the neighbouring occupiers when using this room would be maintained.
7. Views from the balconies on the front elevation of the proposal, particularly those serving Flats 3 and 5, would allow future occupants of these units to see into the frontmost first floor window of No.327. However, the use of tall, obscured glazing side panels to the balconies, secure by condition, would mitigate any loss of privacy. Similar side panels installed on all balconies would also ensure there would be no unacceptable loss of privacy to occupiers of No.327 when using their front garden as well as between the proposed flats. The proposed terrace associated with the top floor flat would have high side walls, thereby restricting views of neighbouring properties. The imposition of a condition restricting the use of the flat roofs of the development ensures acceptable levels of privacy are maintained for neighbouring and future occupiers.
8. Whilst windows are proposed in the elevation facing No.327, these serve bathrooms (Flats 1 and 3) and would be fitted with obscured glazing or would be positioned at a high level (Flats 5 and 7). Subject to the imposition of a condition requiring all these windows to be installed with obscured glazing, the neighbouring occupiers of No.327 would not experience a detrimental loss of privacy.
9. Given the distance, topography and intervening trees and bushes, I see no reason to conclude that neighbouring occupiers of The Patchins (331-333 Sandbanks) and 2 Lilliput Road would experience a loss of privacy as a result of the proposal. Due to the orientation of the development, any loss of daylight or sunlight experienced by neighbouring occupiers would be minimal.
10. I have found that, subject to the imposition of suitably worded conditions, the proposal would not harm the living conditions of neighbouring occupiers of No.327, with particular regard to privacy. However, this would not be the case in respect to the outlook experienced from the windows in the side elevation of No.327.
11. Consequently, I conclude that the proposal would harm the living conditions of neighbouring occupiers of No.327 with particular regard to outlook, in conflict with Policy PP27's of the Poole Local Plan (the Local Plan) aim to ensure development does not result in a harmful impact on residential amenity. I attribute great weight to this harm and the associated conflict with the development plan.

Character and appearance

12. The appeal site is located within an area comprising predominately detached buildings, including large single dwellings and purpose-built blocks of apartments, sited within generously sized plots. A range of residential building forms, styles and ages are present in the surrounding area, with dwellings using the sloping topography to maximise views towards Poole Harbour. Properties along the appeal site side of the road have deep front gardens which, along with the width of the road corridor, creates a feeling of space, despite the elevated relationship of properties to the road. It is these factors, combined with the gaps between the built form and the substantial trees located within mature gardens, which positively contribute to the character of the area, rather than an obvious or uniform building height, despite many of the properties being two to three storeys.
13. Whilst being taller and wider than the existing property, the retention of the deep front garden and gaps between neighbouring properties, albeit reduced in scale, ensures the sense of space which is a key feature of the area is maintained. Additionally, the partial excavation of the site, together with the flat roofscape and partial coverage of the top floor, would result in an overall height not dissimilar to the neighbouring flats of The Patchins and, moreover, not significantly taller than No.327. Therefore, the proposal would not dominate the street scene nor overpower the neighbouring built form. The incorporation of a high proportion of glazing and a stepped building line in the façade also assists in breaking up and softening the bulk of the building.
14. To accommodate a widened access and a larger area for vehicle parking, some of the existing landscape features to the front of the site would be removed. Notwithstanding their contribution to the softening of the built form along the road, these landscape features are unremarkable components in the street scene, particularly given the substantial mature trees to the rear of the site and within The Patchins.
15. The proposed driveway and parking area provides the opportunity for additional planting to be incorporated into a clearly delineated and more manageable layout than the existing largely unkempt front garden. The amount of hardstanding for car parking would be increased by a modest amount. These alterations would result in an improvement to the appearance of this part of the site.
16. I conclude that the proposal would not harm the character and appearance of the area. It accords with policies PP27 and PP28 of the Local Plan which, amongst other aspects, supports development that reflects local patterns of development and where the plot is of sufficient size to accommodate the built form plus any necessary parking and outdoor space.

Dorset Heathlands and Poole Harbour

17. The appeal site is located within 5km of the Dorset Heathlands which comprises a SPA and SAC, and within the recreation zone of the Poole Harbour SPA. These are European Designated Sites afforded protection under the Conservation of Habitats and Species Regulations 2017 (the Habitat Regulations).
18. 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. In the case of Poole Harbour, its conservation interest results from

the rare, vulnerable and migratory birds that inhabit the area. As set out in the Council's SPDs¹, the overarching conservation objective of both the Dorset Heathlands and the Poole Harbour is to protect their respective habitats.

19. 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 and/or the Poole Harbour. Public access to the Dorset Heathlands leads to an increase in wildfires and damaging recreational uses. In addition, the introduction of incompatible plants and animals in the area, the loss of vegetation and soil erosion, and disturbance by humans and their pets has an adverse effect on the heathland ecology. The recreational activities within and around the Poole Harbour can disturb the birds and their habitats, influencing their behaviour and affecting their survival rates.
20. As the appeal scheme comprises additional residential development it would add to the number of people living in the vicinity of both designated sites which in turn would result in greater urban pressures on these areas. On this basis, 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 and the Poole Harbour. As the competent authority, it is therefore necessary for me to conduct an Appropriate Assessment regarding these effects.
21. The approach to avoiding or mitigating significant effects on both the Dorset Heathlands and the Poole Harbour, as set out in the SPDs, is through securing contributions towards the Council's Strategic Access Management and Monitoring (SAMMs) for each area. These contributions are 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 SPDs therefore, provide 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 scheme before me. As such they would accord with the provisions of Regulation 122 of the Community Infrastructure Levy Regulations 2010 and the National Planning Policy Framework's (the Framework) tests for planning obligations.
22. During the appeal, a copy of a signed and dated Unilateral Undertaking (UU) was submitted, obligating the appellant to make the required SAMMs contributions to the Council prior to the commencement of development on the site. I am, therefore, satisfied that the UU secures the necessary contributions which would enable the delivery of mitigation sufficient to address the level of harm likely to be caused by the development. 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 the Poole Harbour, with particular regard to nitrates and recreational disturbance. In this respect, it accords with policies PP32 and PP39 of the Local Plan.

¹ Dorset Heathlands Planning Framework 2020-2025 Supplementary Planning Document (SPD) and Poole Harbour Recreation 2019-2024 SPD (the SPDs)

Other Matters

23. The proposal would provide social and economic benefits from the construction and occupation of five additional dwellings. Environmental benefits from the use of on-site renewable energy sources, secured by condition, would also follow. I attach moderate weight to these benefits.
24. The amount of communal outdoor space and size of the balconies and terraced areas proposed would provide future occupiers of the development with an adequate level of living conditions. Similarly, the required number of parking spaces for a development of this scale are proposed. As such, I see no reason to conclude that the proposal would result in overspill parking on nearby roads, particularly given the permanent parking restrictions in place on Sandbanks Road.
25. I have no substantive evidence before me to conclude that the existing condition of the sewers in the area are inadequate to support the proposal. As the existing property comprises two flats, the proposal would not lead to a loss of a family home. The ownership of the boundary fence to be replaced and the condition of the retaining wall on the site are not matters for this decision.

Planning Balance

26. The evidence before me indicates that the Council is unable to demonstrate a five-year supply of deliverable housing sites in accordance with the Framework, with the latest published position totalling 2.1 years². This is well below Government expectations. The net gain of five dwellings as a result of the proposal would therefore be valuable in supporting the Framework's objective of significantly boosting the supply of housing stock where there is a substantial shortfall. As a result, I attribute significant weight to this benefit. As identified above, other social, economic and environmental benefits of a moderate level would be derived from the appeal scheme.
27. Nevertheless, the proposal would harm the living conditions of neighbouring occupiers of No.327. As Policy PP27 of the Poole Local Plan is broadly consistent with the Framework's objective of ensuring a high standard of amenity for existing and future users is provided, the proposal conflicts with the development plan when considered as a whole.
28. Given the housing land supply position, paragraph 11d of the Framework is relevant. The proposal would deliver additional housing units within an area that is falling well short of the level of housing supply required by national policy. The provision of five new apartments would make an important contribution to this shortfall. I attach significant weight to this benefit. Furthermore, great weight should be given to the benefits resulting from the efficient use of land within an existing settlement for new homes, as supported by the Framework.
29. When assessed against the policies in the Framework as a whole, the great weight given to the adverse impact on the living conditions of the neighbouring occupiers of No.327 does not significantly and demonstrably outweigh the significant weight given to the housing land supply benefits which would be derived from the proposal. Consequently, the presumption in favour of sustainable development applies and this indicates that planning permission should be granted.

² Dated 1 April 2024

Conditions

30. In addition to the standard time and plans conditions, I have imposed pre-commencement conditions relating to tree protection measures, construction management and drainage. It is necessary for these to be implemented or agreed by the Council before works start on the site in the interests of the character and the appearance of the area, the safety of users of Sandbanks Road, the living conditions of neighbouring occupiers and flood prevention. As the condition relating to the Construction Method Plan includes dust control measures and hours of construction, it is not necessary for me to impose separate conditions regarding these details. I have amalgamated the Council's suggested arboricultural conditions and rationalised its content as the inclusion of some of the details is not necessary to make the condition precise.
31. A condition stipulating the actions required should contamination be found during construction is necessary to minimise the risks to existing and future occupiers of the development and neighbouring areas, and to ensure the development can be implemented without unacceptable risks to workers.
32. Conditions relating to the installation of obscured glazing to all the windows in the side elevations, privacy screens to the balconies and terraces, and the restricted use of the flat roofs have been imposed to protect the privacy of neighbouring residents and future occupiers of the proposal. In the interests of highway safety and to promote the use of alternative modes of transport to the private vehicle, conditions relating to the provision of vehicle and cycle parking, and the installation of an electric vehicle charging point have been imposed. To ensure vehicles can safely enter and exit the site, I have imposed a condition which limits the gradient of the driveway.
33. To enhance biodiversity and reduce carbon emissions, I have imposed conditions requiring a biodiversity enhancement plan and a scheme which demonstrates how on-site renewable energy sources will be implemented to be submitted to and approved by the Council.

Conclusion

34. For the reasons given above and having had regard to all other relevant matters raised, I conclude that 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 drawing nos:

1468-SYM-00-XX-DR-A-0200 P06	Site Plans
1468-SYM-00-GF-DR-A-0201 P05	Ground Floor Plan
1468-SYM-00-01-DR-A-0202 P04	First Floor Plan
1468-SYM-00-02-DR-A-0203 P04	Second Floor Plan
1468-SYM-00-03-DR-A-0204 P04	Third Floor Plan
1468-SYM-00-03-XX-A-0205 P04	Elevations Sheet 1
1468-SYM-00-03-XX-A-0206 P05	Elevations Sheet 2
1468-SYM-00-XX-DR-A-0208 P01	Cycle and Bin Stores
- 3) No site clearance, preparatory work or development shall take place until an Arboricultural Method Statement (AMS), in accordance with paragraphs 5.5 and 6.1 of British Standard BS 5837: Trees in relation to design, demolition and construction - Recommendations (or in an equivalent British Standard if replaced) has been submitted to and approved in writing by the local planning authority. The AMS shall accord with the measures within the approved Tree Protection Plan Dwg No RNapc/478/TPP/1 and incorporate a scheme of supervision for the tree protection works. The AMS shall be implemented as approved and adhered to throughout the construction period for the development.
- 4) No development shall take place, including any works of demolition, until a Construction Method Plan (CMP) has been submitted to, and approved in writing by the local planning authority. The CMP shall provide for:
 - i) the parking of vehicles for site operatives and visitors;
 - ii) loading and unloading of plant and materials;
 - iii) storage of plant and materials used in constructing the development;
 - iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - v) wheel washing facilities;
 - vi) measures to control the emission of dust and dirt during construction;
 - vii) a scheme for recycling/disposing of waste resulting from demolition and construction works; and
 - viii) delivery, demolition and construction working hours.

The approved CMP shall be adhered to throughout the construction period for the development.
- 5) No development shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with

the approved details. The sustainable drainage system shall be managed and maintained thereafter in accordance with the approved management and maintenance plan.

- 6) Any contamination that is found during the course of construction of the development hereby permitted that was not previously identified shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended until a risk assessment has been carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found, the development shall not resume or continue until remediation and verification schemes have been carried out in accordance with details that shall first have been submitted to and approved in writing by the local planning authority.
- 7) No development above ground level shall take place until a biodiversity enhancement plan has been submitted to and approved in writing by the local planning authority. The biodiversity enhancement plan shall include, as a minimum, bat and bird boxes and bricks, bee bricks and hedgehog routes. The approved biodiversity enhancement plan shall be implemented prior to the occupation of the development hereby approved and retained thereafter.
- 8) No development above ground level shall take place until a scheme to provide at least 10% of the predicted future energy use of the development from on-site renewable sources has been submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented prior to the occupation of the development and thereafter retained.
- 9) No development above ground level shall take place until details of the car parking area, including Electric Vehicle Charging Points and associated infrastructure, and cycle parking have been submitted to and approved in writing by the local planning authority. The approved details shall be implemented prior to the first occupation of the development hereby approved. The parking spaces shall thereafter be retained and kept available for the residents of and visitors to the development hereby approved for the purpose of car and cycle parking. The car parking spaces shall remain unallocated, with no space allocated to any individual resident or dwelling and no parking barriers or gates shall be placed to restrict access to car parking area or any individual space.
- 10) The development hereby permitted shall not be occupied until all the windows in the north west and south east elevations have been fitted with obscured glazing, in accordance with the details that shall first be submitted to and approved in writing by the local planning authority. No part of those windows that are less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. Once installed the obscured glazing shall be retained thereafter.
- 11) The development hereby permitted shall not be occupied until the sides to all balcony areas have been fitted with obscured glazed screens of at least 1.8 metres in height. Details of the type of obscured glazing shall be submitted to and approved in writing by the local planning authority before the screen is installed and once installed the screens shall be retained thereafter.

- 12) The external surfaces of the development hereby permitted shall be constructed in the materials shown on drawing no:
- 13) 1468-SYM-00-03-XX-A-0205 P04 Elevations Sheet 1.
- 14) The flat roof areas to the third floor and roof level of the development hereby permitted shall not be used as balconies, roof gardens or similar amenity areas.
- 15) The first 4.5 metres of the access crossing and drive shall not exceed a gradient of 1:15.

**** End of Schedule ****