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## Appeal Decision

Site visit made on 15 April 2025

by **B Plenty BSc (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 19 June 2025

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**Appeal Ref: APP/V1260/W/24/3350226**

**4 High Park Road, Broadstone BH18 9DE**

- 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 & Mrs Michael Bridges against the decision of Bournemouth Christchurch and Poole Council.
  - The application Ref is APP/24/00367/F.
  - The development proposed is to sever land and erect a detached dwelling with car parking accessed via Springdale Road.
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### Decision

1. The appeal is allowed, and planning permission is granted to sever land and erect a detached dwelling with car parking accessed via Springdale Road at 4 High Park Road, Broadstone BH18 9DE in accordance with the terms of the application, Ref APP/24/00367/F, and the plans submitted with it, subject to the conditions in the attached schedule.

### Preliminary Matters

2. A Section 106 Legal Agreement, in the form of a Unilateral Undertaking (UU), has been submitted in support of the proposal. This seeks to address Reasons for Refusal No's 2 and 3. This includes financial payments that provide mitigation sums towards the Poole Harbour Strategic Access Management and Monitoring (SAMM) and the Heathland SAMM. The Council's Statement of Case only addresses reason for refusal 1. The Council has later explained that it confirms receipt of the UU and that sums for both SAMM payments have been made.
3. Increased residents at the site, in combination with other development in the area, could lead to additional recreational impacts on the Dorset Heathland<sup>1</sup> and Poole Harbour<sup>2</sup> European sites designated for their nature conservation importance. This, I have assessed within the framework of 'appropriate assessment' under the Conservation of Habitats and Species Regulations 2017 (The Habitats Regulations) and my findings are set out below.

### Main Issues

4. The main issues are:
  - The effect of the proposed development on the character and appearance of the site and its surroundings,

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<sup>1</sup> Dorset Heathland Special Protection Area (SPA) and Ramsar site and Dorset Heaths Special Area of Conservation (SAC)

<sup>2</sup> Poole Harbour SPA, Site of Special Scientific Interest (SSSI) and Ramsar site

- Whether the proposal would result in an adverse impact on the integrity of the Dorset Heathlands Special Protection Area (SPA), Dorset Heaths Special Area of Conservation (SAC), and
- Whether the proposal would result in an adverse impact on the integrity of the Poole Harbour SPA.

## Reasons

### *Character and appearance*

5. High Park Road is a hilly road with a relatively steep gradient. The road is within a leafy suburban area characterised by large plots and spacious grounds in a scattered pattern of development. Due to the area's topography, the site is steeply sloping with the existing dwelling set at a higher level than the appeal site itself. The site would address Springdale Road. This road contains a more formal linear pattern of housing development, that includes bungalows, dormer bungalows and two storey development. Most plots local to the site are relatively narrow and of uniform plot size, with a generally consistent front building line. Accordingly, the housing of Springdale Road has a regimented and ordered relationship with the street. The appeal site is enclosed by boundary hedging and therefore makes a neutral contribution to the character and appearance of the area.
6. The proposed two-storey dwelling would address Springdale Road. Its footprint would largely follow the linear form of development along this road, being set only slightly ahead of the front building lines of 2 High Park Road and 54-46 Springdale Road. Accordingly, in layout terms the proposal would comply with the existing local pattern of development. Furthermore, the proposal would be a two-storey form with first-floor dormers. Its form would provide a considered transition between the two-storey semi-detached housing to the east of the site and the predominant bungalow style of development found to the west. The design would also include a low-lying roof, punctuated with dormer windows, creating a disaggregated roof structure that would add interest and articulation. As a result, the form, scale and design of the proposed dwelling would complement the style of local housing.
7. Policy PP28 (2) of the Poole Local Plan [2018] (LP), with respect to plot subdivisions, does not set minimum plot sizes. However, it requires such proposals to include sufficient land to enable the type, scale and layout to be accommodated in a manner that would preserve an area's character. The existing garden of the host dwelling would be severed to create the appeal site. Although this would diminish the sense of spaciousness to the rear of the existing property, the overall effect of this on the area would be limited due to the varied plots sizes of housing and their varied configurations along High Park Road. The plot would also be of sufficient size to accommodate the Council's parking requirements and provides external space that would be adequate for normal family use.
8. Furthermore, in consideration of the submitted location plan, the plot would appear to be similar in size to 2 High Park Road and housing opposite the site on Springdale Road, enabling it to integrate well with its setting, in preservation of the area's character. Furthermore, the appellant demonstrates that site coverage of the proposed dwelling, in proportional terms, would be comparable to many local examples of residential plots. Accordingly, I find that the proposal would not be

small in comparison to local plots and would appear neither contrived nor cramped within its plot or setting.

9. Consequently, the proposal would make a positive contribution to the character and appearance of the area. As a result, the proposal would comply with LP policies PP27 1a (i), b & d and PP28 (2). These seek, among other matters, for development to preserve local character and to reflect the local pattern of development. However, LP policy PP28 parts 1 a, b & c relate to flatted development. This is not therefore relevant to this proposal for a single family dwelling and, as such, this part of the policy weighs neither for nor against the proposal.

#### *Dorset Heathland SPA and Dorset Heaths SAC*

10. The appeal site is within 5km of a Site of Special Scientific Interest (SSSI) which is also part of the Dorset Heathland SPA and Ramsar site and part of the Dorset Heaths SAC. These areas host a range of protected priority habitats and species including Dartford warblers, nightjars, woodlark, hen harrier, merlin, sand lizards and smooth snakes as well as other typical species of lowland heathland, wetlands and dunes.
11. The Dorset Heathland Planning Framework [2020] (DHPF) has been developed in collaboration with Natural England. The likely effects of development on these areas would be increased disturbance from recreational use associated with additional residents by new developments living in close proximity to the heathlands. The DHPF confirms that avoidance or mitigation measures are required to enable the Council to continue to grant permission for residential development within 5 km of these designated sites. The DHPF identifies that for sites between 400m and 5km of the boundary, mitigation would be required to avoid an adverse effect. As 'competent authority' under the Habitats Regulations, I cannot agree to the project unless I am certain that adverse impacts can be avoided.
12. Upon review of the submitted evidence I am satisfied that the potential adverse effects from increased recreational pressure are capable of being mitigated via the provision of a SAMM payment as is sought by the DHPF. The SAMM consists of wardening, raising awareness and monitoring the effectiveness of the strategy. Accordingly, the appellant's payment toward the SAMM would provide the required mitigation in accordance with the requirements of the DHPF.
13. I am satisfied that this sum would provide suitable mitigation to prevent the proposal causing harm to the integrity of the SPA and SAC. As such, the adverse impacts of the proposed scheme can be avoided a conclusion shared by Natural England<sup>3</sup> following consultation.
14. Therefore, following appropriate assessment, I am satisfied that the proposal, in combination with other development, will not lead to adverse effects on the integrity of the European site. As competent authority, I can agree to the proposal, and there will be no conflict with LP policies PP32 and PP39, with respect to the Dorset Heathland SPA and Dorset Heaths SAC. These seek, *inter alia*, for development within the Dorset Heathland buffer to provide mitigation in

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<sup>3</sup> Email from Natural England, 9/5/25

accordance with the DHPF and for development schemes to provide the required developer contributions.

### *Poole Harbour SPA*

15. The site is also within the zone of influence of the Poole Harbour SPA and Ramsar site. The Harbour is an outstanding natural feature which contains a wide range of protected bird species. The Council's evidence explains that the SPA includes internationally important populations of regularly occurring species and migratory species including Common Shelduck, Pied Avocet, Black-tailed Godwit, Mediterranean Gull, Common Tern, Little Egret, and Eurasian Spoonbill. Furthermore, the area includes waterfowl including Dunlin, Redshank and Brent Goose. There are also supporting habitats for seagrass, shallow inshore waters including coastal lagoons, intertidal sediments, saltmarsh and reedbeds.
16. The cumulative effect of further residential and tourism development would have a significant effect upon the SPA and Ramsar site. This would be through recreational effects such as disturbance caused by boats, walkers, dogs and bait digging. The effect of this increased activity would cause direct and indirect disturbance to protected birds.
17. The Poole Harbour Recreation SPD [2020] has been developed in collaboration with Natural England. This sets out a strategy for mitigating the impact of new housing upon the Poole Harbour SPA. This explains that potential adverse effects from increased recreational pressure are capable of being mitigated via the provision of a SAMM payment. This payment would secure the day-to-day costs of helping local people to behave in ways less harmful to the area. This is through raising awareness of the issues and value of the harbour and includes employing a warden to manage visitor pressures on the heathland and delivering awareness and education programmes. The SAMM also pays for the ongoing monitoring and the effects of new development and crucially identifies whether this strategy is adequately effective.
18. Based on the above strategy, I am satisfied that the Poole Harbour SAMM submitted by the appellant, would provide suitable mitigation to prevent the proposal causing harm to the integrity of the SPA. As such, I am satisfied that the adverse impacts of the proposed scheme can be avoided, a view shared with Natural England.
19. Therefore, I can conclude following appropriate assessment, that adverse impacts on the integrity of the European sites would not arise, in combination with other development. Consequently, the proposal would comply with LP policies PP32 and PP39, with regard to the Poole Harbour SPA. These state that to avoid harm to Poole Harbour, a SAMM contribution would be required to mitigate recreational effects in accordance with the adopted SPD.

### **Other Matters**

20. The proposed dwelling would be to the side of 2 High Park Road (No 2). This is a dormer bungalow set at slightly higher ground level than the proposed dwelling. The rear garden of the neighbouring dwelling is adjacent to Springdale Road. The side of the proposed dwelling would be a significant distance from the shared boundary and would only have side windows at ground floor level. As a result, intervisibility between the proposal and the neighbouring dwelling would be

negligible and not cause a loss of privacy. Furthermore, the proposal would be to the east of No 2, this could affect early morning sunlight. However, due to the separation distance and the existence of extensive existing planting, sunlight and daylight levels would not be materially reduced.

21. The site is opposite the detached dwellings of 73-79 Springdale Road, a run of two storey houses set within relatively deep plots. These would be at generally lower land than the ground floor of the proposal. Due to the separation distance between these frontages, intervisibility between habitable room windows would be limited and largely oblique only. As such, the proposal would not result in harm to the living conditions of these neighbouring residential occupiers with respect to sunlight, daylight, outlook or privacy.
22. A concern has also been raised with respect to noise disturbance. However, noise during construction would be a temporary impact only that would also be largely constrained to weekday day-time noise when backland levels would be relatively high. Upon completion, noise levels from the site would only be similar to the low-level noise created from residential plots that already surround the site, resulting in no material harm to neighbour's living conditions.
23. Interested parties have raised concerns that the proposal would result in the loss of trees and hedges. Existing perimeter trees are proposed to be retained, and the proposed dwelling would provide separation gaps that would limit any future pressure on retained and proposed trees. The existing frontage hedging is proposed to be altered slightly to accommodate the vehicular access. This hedge would therefore be mostly retained, and with new hedge planting the verdant frontage of the site would be maintained.
24. Turning to ecological effects, the site appears to have limited ecological interest, and the proposal has raised no objection from the Council's ecologist, subject to a bat box or equivalent being included within the design of the proposed dwelling. Ecological improvements, in seeking biodiversity net gain through the National Planning Policy Framework (the Framework), can be secured through the provision of biodiversity enhancement measures which could be sought by condition.
25. Springdale Road is a residential street with a 30mph speed restriction. The proposed access would be close to two junctions, a pedestrian crossing island and a nearby school. The access would provide a visibility splay that would comply with the Council's requirements, providing suitable sightlines to enable safe egress without obstruction and this could be secured through a condition. The operation of the access would not be materially different to the use of other driveway accesses in the surrounding area, despite some concerns raised by local residents. Furthermore, the proposed parking provision on site would comply with the Council's requirements. Accordingly, the proposal would operate in a safe manner from a highway safety perspective, a conclusion shared by the Highway Authority.
26. Concerns raised with respect to construction vehicles and parking are noted. However, the site includes ample space to accommodate the construction requirements of the site and hours of delivery vehicles can be managed by the imposition of a condition.
27. Local knowledge suggests that the area is subject to surface level flooding during high rainfall. Whilst the proposal would create additional hardstanding on site,

proposed drainage attenuation, including a soakaway system, would ensure that off-site runoff would not be materially increased.

### Conditions

28. I have considered the use of conditions in line with the guidance set out in the Government's Planning Practice Guidance (PPG). I shall take the Council's suggested conditions into consideration and impose most of these with some amendments and adjustments for clarity. Although not sought by the Council I have imposed a time frame condition and approved list of plans for clarity and certainty, in accordance with advice of the PPG [conditions 1 and 2].
29. Conditions are required to ensure tree works comply with the arboricultural method statement, that replacement tree planting is undertaken and that materials are approved in the interests of the character and appearance of the area [3, 4 and 5]. It is also necessary in the interests of highway safety, to require the proposed on-site parking provision and for the visibility splay to be provided and maintained [6 and 7]. It is also necessary for the appellant to provide details of how the dwelling would generate 10% of its power needs through renewable sources in compliance with LP policy 37 [8]. A condition requiring all hardstanding to consist of permeable paving would be required to limit off-site runoff to address LP policy 38 [9].
30. The proposal is required to deliver the required Biodiversity Net Gain, as sought by a Framework, which can be adequately secured by a condition [10]. Furthermore, due to the proximity of neighbouring properties a condition would be necessary to ensure that the construction of the dwelling would be undertaken without causing harm to the living conditions of local occupiers [11].
31. A condition requiring the provision of an electric charging point is not necessary as this matter is secured through building regulation approval. Also, the Framework states that conditions should not be used to restrict the operation of Permitted Development rights unless there is clear justification to do so. The Council has suggested a condition to remove such rights, but its reasons for this, based on the size of the site, do not adequately justify such a requirement.

### Conclusion

32. For the above reasons, the proposal would accord with the development plan and the appeal is allowed.

*B Plenty*

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 approved shall be carried out in accordance with the following plans and drawings: Drwg no.4383-00-000 (Location plan), Drwg no.4383-00-100 rev E (Proposed floor plans and elevations) and Drwg no.4383-00-001 rev I (Proposed site plan and roof plans, survey and 3D image).
- 3) Prior to the construction of the scheme beyond the Damp Proof Course threshold, details and samples of all external facing and roofing materials to be used shall be submitted to, and approved in writing by, the Local Planning Authority. The approved details shall then be incorporated into the construction of the approved development.
- 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 and shall be supervised by an arboricultural consultant holding a nationally recognised arboricultural qualification.
- 5) Three trees of a standard nursery stock size shall be planted as shown and of the species shown within the Tree Protection Plan Rev D (26/3/24) in accordance with BS3936, BS4043, BS4428 and BS8545 within the first planting season following implementation of this permission. The trees shall be thereafter maintained for a minimum period of five years including the replacement of any trees, or any trees planted in replacement for it, which die, are removed or become damaged or diseased within this period with trees of a similar size and of the same species, unless the Local Planning Authority gives written consent to any variation. The Local Planning Authority shall be notified in writing when the trees have been planted so that compliance with the condition can be confirmed.
- 6) The development hereby permitted shall not be brought into use until the access, turning space, 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.
- 7) Before the development hereby permitted is brought into use and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and reenacting that order with or without modification), the land designated as visibility splays as indicated on the proposed site plan shall be cleared of all obstructions over 0.6 metres above the level of the adjoining highway, including the reduction in level of the land if necessary, and nothing over that height shall be permitted to remain, be placed, built, planted or grown on the land so designated at any time.
- 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 the dwelling is brought into use, and maintained thereafter. Documents required by the Local 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% of energy use is provided by the renewable technology.
- 9) All ground hard surfaces shall either be made of porous materials, or provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the site. The hard surface shall thereafter be retained as such.
- 10) The development hereby permitted shall not be brought to use until a scheme that makes provision for biodiversity enhancement measures has been submitted in writing to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in accordance with the agreed details and retained thereafter.
- 11) During construction of the development hereby approved, no site machinery or plant shall be operated, no process shall be carried out and no demolition or construction related deliveries received or dispatched from the site except between the hours of 0800 – 1800 Monday to Friday and 0800 – 1300 Saturday and at no time on Sundays, Bank Holidays or Public Holidays.

### **End of conditions**