



Appeal Decision

Site visit made on 3 June 2025

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

an Inspector appointed by the Secretary of State

Decision date: 30 June 2025

Appeal Ref: APP/D1265/W/24/3356221

74 Wareham Road, Corfe Mullen, Dorset BH21 3LG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Mr M Banyard, Blacklane Developments Ltd against the decision of Dorset Council.
 - The application Ref is P/OUT/2024/02668.
 - The development proposed is outline for the demolition of the existing bungalow and the erect of 11 no residential units, 100% affordable housing.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the description of development as set out above from the application form as neither party has provided written confirmation that a revised description has been agreed.
3. The application was submitted in outline with only the matter related to Landscaping reserved. I have dealt with the appeal on that basis, treating matters of Landscaping on the relevant plans as illustrative.
4. 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.
5. Also, during the course of the appeal, a signed legal agreement under S.106 of the Town and Country Planning Act 1990 (as amended) was submitted to secure the proposed dwellings as affordable housing. As a result, the Council has confirmed that this addresses the third reason for refusal. As I have no reason to disagree, I do not need to deal with this matter as a main issue.
6. Last year the Secretary of State agreed the Council's 5-year Housing Land Supply (HLS) position through an Annual Position Statement (APS), with a base date of April 2024. The Inspector's report, published in October, has confirmed that the Council can demonstrate a 5.02 year HLS position. This is up to date, independent confirmation of the housing land supply and carries substantial weight. Although the new version of the Framework has removed the ability of Council's to seek an APS, an existing APS will remain in full force until it expires.

Main Issues

7. In light of the preliminary matters above, the main issues are the effect of the proposal on the:
- character and appearance of the area; and,
 - living conditions of neighbouring occupiers at numbers 70, 76 and 80 Wareham Road and numbers 1-4 Louise Court with particular regard to privacy and outlook and number 70 Wareham Road with particular regard to noise and disturbance from vehicles.

Reasons

Character and appearance

8. The appeal site is located within a predominately residential area with access proposed off Wareham Road.
9. The wider area comprises a range of residential development of differing density generally set in from its boundaries in a semi-verdant setting. This is reflected by the large single plots comprising the appeal site and adjoining number 76 Wareham Road and the more densely developed site to the north comprising Louise Court and 70 Wareham Road.
10. Given that the area is partly characterised by two-storey development, the properties adjoining the site to the north being over two floors with rooms in their roof, and given the two-storey development proposed as part of the previous proposals on the site¹ that were not found to be harmful, the provision of two-storey development on the site is acceptable. Furthermore, each of the proposed dwellings would benefit from suitable external space and car parking.
11. While I have had regard to the concerns raised regarding the restricted access width to the garages within Plot 5, given that the internal parking spaces are wide enough to allow entry and exit for vehicles, I do not find that the restricted access width would significantly prevent their use for parking.
12. However, by reason of the very close relationship of plots 1-4, 5, 7/8 and 9 to the northern boundary, very close relationship of plot 11 and the access road to the outdoor space associated with number 76 Wareham Road, extent of proposed hardsurfacing for the parking spaces and access, and limited space for landscaping to soften the appearance of the development and suitably integrate it into the area, the proposal would appear cramped and out of character with the prevailing area. These matters are worsened by the removal of existing trees and by the provision of bin stores a significant distance from the road.
13. Furthermore, by reason of the elongated front and rear elevations to plots 1-4, and relative lack of detailing with small openings, the proposal would present an overly bulky and uninspiring design of building that would be visible from Wareham Road, from the proposed access to the development and from neighbouring properties.
14. Although I recognise that Policy LN2 of the Christchurch and East Dorset Local Plan Part 1 – Core Strategy April 2014 (LPP1) seeks to maximise the density of

¹ APP/D1265/W/21/3288438 and P/FUL/2023/00656

development with a minimum density of 30dph, this is subject to it being acceptable for the locality and not conflicting with the character and distinctiveness of an area.

15. It follows from the above that the proposal would harm the character and appearance of the area. As such, it is contrary to LPP1 Policies LN2 and HE2 and saved Policy HODEV2 of the East Dorset Local Plan January 2002. Amongst other things, these seek a design and layout of development that will not have an adverse impact on the character of the area, is of a high quality, reflecting and enhancing areas of recognised distinctiveness and create places and spaces which are attractive and respect and enhance local character. For the same reasons, the proposal is contrary to the provision of Chapter 12 of the Framework that seeks to achieve well-designed places.

Living conditions

70 Wareham Road

16. To the northern site boundary is a chalet bungalow forming No.70 Wareham Road. It comprises two storeys including a rear first floor balcony with significant glazing.
17. The appeal proposal includes a two-storey dwelling forming plot 9 very close to the rear boundary with No.70. At first floor level facing No.70 is a bathroom and bedroom window. The appellant advises that the bedroom window is approximately 17m to the balcony to No.70 and 18.7m to a bedroom window at an oblique angle.
18. Notwithstanding the angle, by reason of the close distance to the balcony and window to No.70 combined with the position of plot 9 very close to the boundary and lack of space for significant additional tree planting or screening between the dwellings, the proposal would result in a loss of privacy to the first floor of No.70 and to parts of its intervening outdoor space. The existing tree on the boundary would not reduce overlooking to a significant extent given its position.
19. I have had regard to provision of a two-storey dwelling in a similar position as part of the previous application on the site². However, and while that dwelling had a deeper plan form, it proposed a similar extent of two-storey development, was further from the site boundary with the front bedroom window at a more oblique angle also further from the boundary. As such, there are significant differences between the two proposals that do not justify the resulting harm to the living conditions of the occupiers of No.70 from the appeal proposal.
20. Given the close relationship of the access road and parking spaces associated with the previous application on the site, subject to suitable boundary treatment and given the small scale of the development proposed, I do not find that noise and activity from the parking spaces adjacent to No.70 would cause harm to an extent that would justify dismissing the appeal.

76 Wareham Road

21. No.76 Wareham Road is located to the south of the appeal site comprising a dwelling with a long rear garden area.
22. Plot 5 to the proposal includes a small first floor window that would look toward the appeal site across the access road. Nonetheless, and given that this is a secondary

² P/FUL/2023/00656

window, should I allow the appeal this window could be conditioned to be obscure glazed to prevent any harmful overlooking toward the outdoor space to the immediate rear of No.76.

23. My attention has been drawn to the three dormer windows to proposed Plot 6 potentially restricting the development of land to the rear of No.76 in the future. However, given the distance to the boundary with No.76 beyond the intervening access road, I see no reason why this would unreasonably restrict or prevent development to the rear of No.76.

80 Wareham Road

24. No.80 Wareham Road is located beyond the western site boundary beyond significant trees that would be removed as part of the proposal.
25. While I have had regard to the position and lack of concerns in relation to the larger detached dwellings proposed as part of the previous applications on the site, it is noteworthy that the proposed plots 9-11 would be in the form of a terrace and would be closer to the rear site boundary. Even though plots 9-11 would only be slightly closer to the boundary, the reduced distance combined with any replacement boundary treatment taking time to establish, would result in harmful overlooking of the outdoor space associated with No.80.

1-4 Louise Court

26. 1-4 Louise Court is positioned in close proximity to the northern boundary of the site and benefits from two roof lights facing toward the appeal site. The proposal seeks to position units 1-4 close to the site boundary and side elevation of 1-4 Louise Court.
27. While the proposed units 1-4 are proposed with first floor windows serving lounge and kitchens, these are secondary windows and as such, and subject to them being conditioned to be obscure glazed should I allow the appeal, there would be no detrimental levels of overlooking from the roof lights to 1-4 Louise Court. Nonetheless, by reason of the close location of proposed plots 1-4 and its two-storey height, the proposal would harm the outlook from the two roof lights facing the site that service units 1-4 Louise Court.

Conclusion on Living Conditions

28. Although, subject to conditions, I have found no harm to the living conditions of neighbouring occupiers at numbers 76 Wareham Road and 1-4 Louise Court with particular regard to privacy, the proposal would harm the living conditions of neighbouring occupiers at numbers 70 and 80 Wareham Road with particular regard to privacy and 1-4 Louise Court with particular regard to outlook. As such, the proposal is contrary to LPP1 Policy HE2. Amongst other things, this states that development must be of a high quality design compatible with or improving its surroundings in relationship to nearby properties including minimising general disturbance to amenity. For the same reasons, the proposal is contrary to the Framework that seeks to create places with a high standard of amenity for existing and future users.

Other Considerations and Planning Balance

29. The proposal is in conflict with the development plan in respect of the effects on character and appearance and living conditions of neighbouring occupiers. This results in conflict with the development plan, when read as a whole.
30. The Framework seeks to boost the supply of housing and has a strong pro-growth agenda. The proposal would provide for the delivery of 11 new dwellings using sustainable construction methods. The delivery of the 11 dwellings as affordable housing would be a direct benefit of the scheme. It has been identified by both main parties that there is an unmet need for new affordable homes, and this would be partly addressed by the proposal. As such, the provision of 11 affordable dwellings would be a benefit of weight in favour of the development.
31. The proposal would also deliver economic benefits through the creation of construction jobs and post construction spend in the area from future occupiers on a site that is accessible to a range of services and facilities. These benefits also weigh in favour of the development.
32. Nevertheless, the Framework seeks to achieve well-designed places and a high standard of amenity for existing and future users. As such, the adverse harm to the character and appearance of the area and living conditions of neighbouring occupiers weighs against the appeal being allowed.
33. The applicant asserts that given that the housing requirement has increased beyond that set out in the APS, this is a material consideration of significant weight. While it may be that upon expiration of the APS a substantial shortfall in housing land supply may arise, paragraph 233 of the Framework is clear that where a local planning authority has confirmed its housing land supply position through an Annual Position Statement, the position will stand until the statement expires.
34. In this case, the combination of economic benefits and benefits from the provision of 11 affordable dwellings are significant. Conversely, there would be harm to the character and appearance of the area and living conditions that would be permanent and irreversible. I give this harm greater weight. Therefore, even if the policies most relevant to the proposal, were deemed out-of-date, and the balance outlined at Framework paragraph 11(d) were considered, the adverse impacts would significantly and demonstrably outweigh the benefits of the scheme.
35. As I am dismissing the appeal for other reasons, I do not need to consider any likely significant effects on the Dorset Heathlands Special Protection Area and Ramsar Site, and Dorset Heath Special Areas of Conservation and the related duties under the Conservation of Habitats and Species Regulations 2017 further.

Conclusion

36. The proposal is in conflict with the development plan, when read as a whole. Material considerations, including the Framework, have not been shown to indicate that a decision should be taken otherwise than in accordance with it. Therefore, for the reasons given above the appeal should be dismissed.

C Rose

INSPECTOR