



Appeal Decision

Site visit made on 12 June 2025

by **Lewis Condé BSc, MSc, MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 30th June 2025

Appeal Ref: APP/V1260/W/24/3352769

Land Rear of 14 Joliffe Avenue, Poole, Dorset , BH15 2HB

- 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 M Wright against the decision of Bournemouth Christchurch and Poole Council.
 - The application Ref is APP/24/00591/F.
 - The development proposed is erect 2 bedroom bungalow with access from Joliffe Road via private drive (self build project).
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - The effect of the proposal on the character and appearance of the area;
 - Whether the proposal would provide suitable living conditions for future residents in respect of access to private external amenity space;
 - The effect of the proposal on highway safety; and
 - The effect of the proposal on the integrity of European designated sites.

Reasons

Character and Appearance

3. The appeal site lies in a predominantly residential area. There are a mix of dwelling types in the surrounding area, as well as existing examples of infill development. Still, although not uniform in design or appearance, the prevailing layout of built form is characterised by dwellings fronting onto the highway, behind small front gardens. Dwellings are also primarily two-storeys in height on similar proportioned plots, thereby providing a regular rhythm and degree of continuity to the surrounding streets.
4. Through its backland location the appeal proposal would contrast heavily with the predominant layout of surrounding residential development. Moreover, due to the irregular and narrow width of the plot the proposed dwelling would be rather diminutive in scale compared to the surrounding residential built form. Indeed, its single-storey design, together with its position tight to adjoining boundaries would result in the proposed dwelling having a cramped and rather contrived form.

5. Despite not being prominent within the streetscene, the proposal would remain an unsympathetic addition that does not reflect the character of the surrounding built form. A lack of visual prominence, meanwhile, does not negate the need for development to be of a high standard of design, reflective of its surroundings.
6. The appellant has referred to a recent appeal decision¹ for a neighbouring development to support the current proposal. However, that decision related to a two-storey dwelling fronting onto the highway, along a close building line with adjoining two-storey dwellings. It therefore is not directly comparable to, nor warrants approval of, the appeal scheme.
7. Bringing the above together, I find that the appeal scheme would cause harm to the character and appearance of the area. It therefore conflicts with Policies PP27 and PP28 of the Poole Local Plan (adopted 2018) (the Local Plan). Together, amongst other matters, these policies seek to ensure development is of a good standard of design that reflects or enhances local patterns of development and neighbouring buildings. The proposal would also not accord with the aims of the National Planning Policy Framework (the Framework) in respect of achieving well designed places.

Living Conditions of Future Residents

8. Despite the rather confined nature of the plot, between existing built form, the overall level of garden space to be provided would be sufficient to allow residents of the proposed dwelling to undertake a suitable range of outdoor activities, including relaxation, drying of clothes, outdoor dining. Still, consideration also needs to be given to the quality of the external amenity space.
9. The appeal site shares a rather close relationship with blocks of flats located on an adjoining site. Mature vegetation near the site boundary currently limit views of much of the appeal site from the adjacent blocks of flats. However, if the vegetation was to be removed or die, the proposed garden space for the appeal dwelling would be heavily overlooked from first floor windows serving the adjacent blocks of flats.
10. It is likely that it would be in the interests of both occupiers of the adjacent flats and any future occupiers of the appeal scheme for the vegetation along the boundary to be retained. Nonetheless, this is not under the appellant's control. Furthermore, I have no robust evidence, for example a detailed arboricultural survey, to demonstrate the current health of the trees/hedges and/or their likely lifespan. Accordingly, I cannot be sure that the vegetation will be retained in the long-term, and so, I am not satisfied that they would continue to offer screening to the appeal site.
11. Some mutual overlooking of garden spaces is commonplace in urban areas, including neighbouring properties to the appeal site. However, in the event of the loss of the boundary vegetation, the close proximity and orientation of first floor windows (serving habitable rooms²) in the adjacent flats would result in the garden of the appeal scheme being severely and harmfully overlooked. This harm is not overcome through the overall quantum of garden space to be provided.

¹ 23/3316384

² Based on the appellant's submitted evidence

12. Consequently, on the evidence before me, it has not been demonstrated that the appeal scheme would provide suitable living conditions for future residents in respect of access to private amenity space. Accordingly, the proposal conflicts with Local Plan Policy PP27. Amongst other matters, the policy requires that new developments provide satisfactory external amenity space.

Highway Safety

13. Vehicular access to the proposed dwelling would be along a narrow, private driveway. The access already serves several garages on the site, as well as allowing rear access to neighbouring properties. As such, the existing access is capable of being rather intensively used by vehicles. Furthermore, the proposal is for a small, single dwelling that is unlikely to generate a significantly greater level of vehicle movements.
14. The proposed level of on-site parking provision is suitable given the site's sustainable location and the likely demands that the occupation of the proposed dwelling would generate. Additionally, the proposal's layout incorporates a turning head, so that a vehicle could enter and exit the site in forward gear.
15. If a vehicle was parked in the turning head space, then another vehicle entering the site, for example a visitor/delivery vehicle, may be required to reverse out along the lane and onto the main highway. Still, I consider that this is unlikely to be a common occurrence, particularly as the width/nature of the lane is likely to act as a deterrent for visiting vehicles to enter. Additionally, if the occupants are expecting visitors they are likely to plan accordingly. Furthermore, it was clear from viewing existing driveways serving neighbouring residential properties that many vehicles already reverse out onto the main highway.
16. The width of the access road would not accord with guidance set out in Manual for Streets in respect of 20mph roads. However, I consider that vehicle speeds along the private access route are likely to be considerably lower than 20mph. This is due to its narrow width, overall length, and because drivers are likely to be cautious of the rear openings of adjacent residential properties that back onto the access road.
17. There are sections of the access road whereby pedestrians and motor vehicles would not be able to safely pass-by one another. Nonetheless, I find that the risk of conflict between pedestrians and vehicles would be extremely low. This is due to several factors, including, the likely level of use of the driveway, the level of forward visibility available and the likely low vehicle speeds. Additionally, the appellant's survey of the lane indicates that there is sufficient room to provide bollards to restrict larger vehicles, whilst creating some safe refuge spots for pedestrians. Use of such bollards is further likely to reduce both the number of vehicles entering the lane and vehicle speeds. The appellant has indicated a willingness to provide such measures along with upgrades to surfacing and lighting along the driveway, which could be appropriately secured by a condition on a grant of permission. No robust evidence has been presented to me to suggest that such measures would not be appropriate.
18. In respect of this main issue, my attention has been drawn to the fact that an appeal was dismissed for the creation of a new dwelling at another neighbouring site that would also have utilised the same private access drive. Matters relating to highway safety were a reason for refusal of that appeal. Still, very little details of

that previous scheme are before me, including the size and likely vehicle trip generation from the proposed development, or whether any evidence was provided regarding potential upgrades to the private access lane. As such, my views do not turn on this matter.

19. Bringing the above together, subject to a condition requiring approval of the precise details of the access driveway, including placement of bollards and refuge points, I do not consider that the appeal proposal would result in any significant detrimental impacts upon highway safety. Accordingly, the appeal scheme does not conflict with Local Plan Policy PP35. The policy, amongst other matters, seeks to promote safety and convenience of travel, including providing safe access to the highway. It also complies with the aims of the Framework in respect of promoting safe and suitable access.

European Designated Sites

20. The appeal site lies within the zone of influence for several sites designated under the Habitat Regulations, namely the Dorset Heathlands Special Protection Area (SPA), Site of Special Scientific Interest (SSSI) and Ramsar site, the Dorset Heaths Special Area of Conservation (SAC), and the Poole Harbour SPA, SSSI and Ramsar site.
21. The Habitat Regulations require that permission may only be granted after having ascertained that it will not affect the integrity of the relevant protected sites. However, as I am dismissing the appeal on other grounds it has not been necessary for me to consider this further, including whether the appellant's submitted unilateral undertaking would secure any appropriate mitigation measures.

Other Matters

22. I have been presented with an extract of the draft New Local Plan for Bournemouth Christchurch and Poole, which indicates a generally supportive approach to infill residential development within Poole town centre. However, the draft New Local Plan has recently been withdrawn. Moreover, even if the emerging policy context is supportive of infill residential developments, it remains likely that there will still be a requirement for such developments to be sympathetic to their surroundings and to provide appropriate living conditions for future residents.
23. The appellant's frustrations with the local planning authority's approach to the application and appeal are noted. Still the appeal scheme has been determined on its own merits.

Planning Balance & Conclusion

24. The proposed development through its harm to the character and appearance of the area and providing inappropriate living conditions for future residents conflicts with Local Plan Policies PL27 and PL28, for reasons I have previously set out.
25. I have found no harm in respect of the impact of the proposal on highway safety. In terms of the planning balance, the lack of identified harm is a neutral factor.
26. There would be socio-economic benefits associated with the delivery of a self-build dwelling, and its subsequent occupation, in a location with good access to facilities and services. Such benefits though would be limited given the proposal involves

only a single unit. Nevertheless, the Council cannot currently demonstrate a five-year housing land supply and, from the evidence before me, the extent of the Council's housing supply shortfall is acute. Accordingly, whilst only a single dwelling, I attach moderate weight to the associated socio-economic benefits.

27. Notwithstanding that the scheme may also comply with other development plan policies, given the conflict with Local Plan Policies PL27 and PL28, I find the proposal to be contrary to the development plan as a whole.
28. I have taken account of the Framework's aims to boost significantly the supply of housing, and that it identifies that small and medium sized sites can make an important contribution to meeting the housing requirement of an area. The proposed dwelling would be within the built-up area of Poole and the Framework indicates that windfall sites should be supported.
29. The above identified support for the proposal is countered by the importance that the Framework attaches to design as a key aspect of sustainable development, and its expectation that developments should deliver a high standard of amenity for future users. These are matters to which I give significant weight.
30. Therefore, when assessed against the policies in the Framework taken as a whole, I find that the adverse impacts of the proposed development would significantly and demonstrably outweigh the benefits. The appeal scheme therefore does not benefit from the presumption in favour of sustainable development.
31. The appeal scheme conflicts with the development plan when considered as a whole, and there are no other considerations including the provisions of the Framework, that indicate a decision should be made other than in accordance with it. Accordingly, the appeal is dismissed.

Lewis Condé

INSPECTOR