



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/24/3346761

93 Southcote Road, Bournemouth, Dorset BH1 3SW

- 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 Oliver Meik Roeth against the decision of Bournemouth Christchurch and Poole Council.
 - The application Ref is 7-2024-10591-B.
 - The development proposed is change of use from C3 (single dwelling house) to HMO Sui Generis (8 letting units).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application was made retrospectively, with the change of use having already taken place.
3. The Council has indicated that the development that has been undertaken at the site does not entirely correspond with the submitted plans. Nonetheless, I have determined the appeal based on the proposed plans/drawings, while it would be a matter for the main parties to address the implications of any discrepancies, if necessary.
4. The Council officer's report suggests that the lounge and kitchen illustrated on the submitted ground floor plan were considered to be a communal space. However, from the submitted evidence and my observations on site it was apparent that the lounge and kitchen only serve Unit 3 of the house in multiple occupation (HMO).
5. The appellant has indicated a willingness to utilise a S.106 legal agreement to provide mitigation measures associated with the Dorset Heathlands, Special Protection Area (SPA), Ramsar Site, and Special Area of Conservation (SAC) (collectively referred to as the 'Dorset Heathlands'). However, to date, no executed legal agreement is before me.

Main Issues

6. The main issues are:
 - i) the effect of the development on the mix and balance of the community, having regard to the number of houses in multiple occupation;

- ii) whether the development provides an adequate standard of accommodation for residents, having particular regard to the provision of internal and external space, as well as privacy and outlook;
- iii) the effect of the development on the living conditions of neighbouring residents with regards to noise and disturbance;
- iv) whether the development would be served by adequate cycle parking; and
- v) the effect of the development on the integrity of the Dorset Heathlands.

Reasons

Mix and Balance of Community

7. The appeal site and surrounding area is covered by an Article 4 Direction. This restricts permitted development rights for the change of use of a single dwellinghouse (Use Class C3), to a house in multiple occupation (HMO) (Use Class C4/Sui Generis). The Article 4 Direction was introduced by the Council to address concerns relating to the overconcentration of HMOs in the area.
8. Meanwhile, Policy CS24 of the Bournemouth Local Plan Core Strategy (adopted 2012) (the Core Strategy) relates specifically to HMOs. The policy establishes that a change of use from a dwellinghouse to a HMO will only be permitted where no more than 10% of dwellings in the adjacent area are within Use Class C4 or Sui Generis HMO use. This is to encourage mixed and balanced communities.
9. From the evidence before me the number of HMOs in the surrounding area has already reached the 10% limit established under Policy CS24. The proposal would further increase the concentration of HMOs in the locality. Although this would only result in a marginal increase in the proportion of dwellings within HMO use, it would nevertheless reduce the choice of housing in the area, exacerbating current conditions and imbalance within the community. It would also undermine the objectives of Policy CS24. I therefore do not share the appellant's view that the appeal site is an appropriate location for a HMO due to such uses already being commonly found nearby.
10. I found that the appeal site had little difference in appearance within the street scene to nearby neighbouring properties, such that it does not harmfully alter the appearance of the area. Nonetheless, for reasons outlined above it will harmfully affect the mix and balance of housing with resultant harm to the character of the area.
11. Overall, the appeal scheme would have an adverse effect on the Council's aim of delivering mixed and balanced communities, having regard to the number of HMOs. It therefore conflicts with Core Strategy Policy CS24. The scheme also conflicts with Core Strategy Policy CS41, in so far as it seeks for new developments, including changes of use, to enhance the character of the area.

Living Conditions of Residents

12. Each of the letting units include their own en-suite bathrooms, as well as a kitchenette, enabling them to be individually occupied as studio accommodation. Indeed, no communal kitchen/dining areas were present during my site visit, nor are such facilities expressly detailed on the submitted plans/drawings. Even if, the

lounge/kitchen labelled on the ground floor level plan, was to be made available as a communal area, its size is inadequate to simultaneously serve multiple residents that the development is capable of hosting.

13. The general lack of internal communal areas is likely to prevent the fostering of meaningful social interactions between residents, such that I expect residents would spend a substantial proportion of their time on site within their own private rooms.
14. Main parties dispute whether the appeal scheme meets specified space and quality standards in relation to HMOs¹. I have though not been provided with any detailed dimensions of the appeal property's rooms to compare against the Council's identified space standards. Still at my site visit, I was able to enter several of the individual units. From those I observed, other than Unit 3, the size of each of the units was very limited. Indeed, their size, multi-functional purposes (i.e. living/sleeping/cooking/bathing) together with the limited amount of storage and circulation space, resulted in highly cramped and rather uninviting living conditions. As such, I found many of the rooms do not achieve acceptable standards of accommodation, particularly given the extent of time residents are likely to spend within them.
15. With regards to outdoor space, the level of private garden space is extremely small and cramped between the main building, the side boundary and rear outbuilding. I find the size and layout of the external amenity space would severely compromise even basic functions, such as, multiple residents utilising the space simultaneously for relaxation or drying of clothes. Therefore, despite being landscaped, the garden is of insufficient size and quality to serve the needs of multiple occupants that the development is capable of hosting.
16. Additionally, the communal rear garden area is located directly outside main, groundfloor, windows serving habitable rooms for two of the units within the HMO. Given the size of the units and their relationship with the garden space, the privacy of these units would be significantly, and harmfully, compromised by other residents using the garden space. In turn, this may lead to poor outlook and light to the rooms due to the need of occupiers to frequently close window coverings for privacy purposes.
17. The standard of refurbishment and decoration that has been undertaken at the site, does not overcome the lack of appropriate space that would be available to residents of the appeal scheme, or the above concerns in relation to residents' privacy and outlook.
18. Bringing the above together, the appeal scheme does not offer suitable living conditions for future residents due to inadequate provision of both internal and external space, as well as a lack of privacy and outlook. The appeal scheme therefore conflicts with Core Strategy Policy CS41 and Saved Policy 6.17 of the Bournemouth District Wide Local Plan (adopted 2002) (the Local Plan). Together, these seek to ensure development is of a high quality, including providing high standards of amenity to meet the day-to-day requirements of future occupants. Likewise, it would conflict with the aims of the Framework in respect of promoting development that incorporates a high standard of amenity for future users.

¹ Bournemouth Christchurch & Poole Amenity Standards for Houses in Multiple Occupation (May 2024); and the Nationally Described Space Standards.

19. The Council's decision notice has also made reference to Policy CS38 of the Core Strategy (minimising pollution), however, I have not found the policy to be directly relevant to this main issue.

Living Conditions of Neighbours

20. Notwithstanding neighbouring commercial uses, the appeal site is located in a predominantly residential area. It is a semi-detached property, with residential uses to either side, including an existing HMO at no. 95 Southcote Road. Meanwhile, although a sizeable building, the appeal property shares a rather tight-knit arrangement with the adjacent residential properties, resulting in a sensitive relationship, which is not diminished by their occupation status.
21. The occupation of the property by 8 different households, that are likely to be unrelated, is materially different to the use of the property as a single household. Indeed, eight persons (or greater) that live independent lives, with separate routines and comings and goings, along with those of their visitors and associated services/deliveries would lead to a significant level of activity at the site. Such levels of activity would be more marked and intensive than that which could reasonably be expected to be associated with a single dwelling, even one occupied by a large family.
22. The Council's decision to proactively seek to restrict HMOs in the area has stemmed from past problems that have arisen, including issues of social cohesion, as well as noise and disturbances to surrounding residents. This is supported by the experience of neighbouring residents who commented upon the application and cited issues with noise, disturbances and anti-social behaviour in the area linked to HMOs. I have no reason to dispute the third-party evidence, which has not been refuted by the appellant.
23. Furthermore, the appellant suggests that the presence of the existing adjacent HMO would not make the appeal site a pleasant environment for use as a private family home. To my mind, this reinforces that there are issues associated with the number and use of HMOs in the area and their effects on the living conditions of neighbours, which the appeal proposal is likely to exacerbate.
24. Notably, the layout of the scheme would involve residents frequently utilising the side passageway that lies in close proximity to the adjacent residential property. Given the lack of rear garden space to serve the development, the side access and front courtyard area may also be utilised by residents for socialising in times of good weather. This could further worsen noise and disturbance for the adjacent residential properties, because of proximity to neighbouring windows.
25. Based on the evidence before me, I therefore consider that the increased intensity of use of the site is likely to result in a material adverse effect on the living conditions of neighbours, through noise and disturbance. Meanwhile, I am not persuaded that the letting of the units to only students, on a minimum 6-month occupancy period, would offer suitable mitigation against these likely harmful effects.
26. In respect of this main issue, I therefore find that the proposal would cause harm to the living condition of neighbouring residents through increased noise and disturbance. The appeal scheme therefore conflicts with Core Strategy Policies

CS41 that, amongst other matters, seeks to prevent development that is detrimental to the amenity or character of any part of the Borough.

Cycle Parking

27. To promote sustainable development, Core Strategy Policy CS18 requires all new developments to be provided with adequate cycle storage in accordance with adopted standards. Further advice is provided within the Bournemouth Council's 'Residential Development - A Design Guide' (adopted 2008) (the Design Guide) as well as the Parking Standards Supplementary Planning Document (adopted 2021) (Parking Standards).
28. Amongst other matters, the Design Guide establishes that most residential schemes will require good quality cycle parking. It further advocates that storage for bicycles must be fully enclosed, secure, and convenient to use, whilst in some instances it may require storage to be incorporated internally within a building. Meanwhile, the Parking Standards set an expectation that 0.5 cycle spaces are provided per habitable room.
29. The appellant highlights that cycle storage is currently provided within the office area for 3 bicycles and that this could be expanded further if necessary. From my observations, the office space is suitably secure, conveniently located for resident's access and could provide sufficient space to store a sizeable number of bicycles.
30. As such, subject to a condition requiring the precise details of the bicycle storage area to be approved and retained, I am satisfied that the proposal could accommodate a suitable provision of cycle parking. In respect of this main issue, I therefore do not consider the appeal scheme to conflict with Core Strategy Policy CS18.

Dorset Heathlands

31. The appeal site is located within the zone of influence for the Dorset Heathlands. The Dorset Heathlands host a range of priority habitat species including birds, lizards, and snakes, as well as other species that can be found in lowland, heathland, wetlands, and dunes. Accordingly, the Dorset Heathlands are protected habitat sites under the Conservation of Habitats and Species Regulations 2017, as amended (the Habitat Regulations).
32. The Dorset Heathlands are under significant pressure from increased public access and recreational use, resulting in disturbance to the habitat sites and threatening their integrity. Additional residential development in the vicinity of the Dorset Heathlands has the potential to exacerbate the situation.
33. The Habitat Regulations require that permission may only be granted after having ascertained that it will not affect the integrity of the relevant site. However, as I am dismissing the appeal on other grounds it has not been necessary for me to consider this further.

Other Matters

34. Although the property may benefit from a HMO licence, this is a separate regulatory process to planning and does not confer that the use of the property as a HMO is acceptable in planning terms.

35. The appellant has identified that the appeal scheme has incorporated biodiversity benefits through new vegetation planting in the garden, and also highlights potential sustainability benefits that could arise through the addition of an electric vehicle charging point on site. However, such benefits are extremely limited in nature, nor are they necessarily dependent on the appeal proposal.
36. The appellant's interactions with the local planning authority are noted, including the highlighted feedback received from the Council's planning enforcement officer. Nevertheless, the appeal scheme has been determined on its own merits.

Conclusion

37. For the reasons given above, the appeal scheme conflicts with the development plan. There are no material considerations worthy of sufficient weight that would indicate a decision other than in accordance with it. The appeal is therefore dismissed.

Lewis Condé

INSPECTOR