



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: 2 July 2025

Appeal Ref: APP/V1260/W/24/3356056

1 Sunnyhill Road, Poole, BH12 2DH

- 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 Sunnyhill Road Property Group against the decision of Bournemouth Christchurch and Poole Council.
 - The application Ref is PP/24/00375/F.
 - The development proposed is demolition of existing buildings and erection of 9 flats.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. To address the Council's second reason for refusal the appellant has revised the layout of the basement flats. Amongst other matters this results in both basement units now being only one-bedroom flats. Additionally, an internal daylight report has also been submitted alongside the appeal. This new evidence and amendments to the scheme were made at the outset of the appeal. As such, the Council and third parties have had an appropriate opportunity to consider and comment upon the new information. I have also received no objections to the additional information being provided or considered under the appeal.
3. Accordingly, and having regard to case law¹, I find no party would be prejudiced by my acceptance of the amended plans/additional information. I have therefore determined the appeal on this basis.

Main Issues

4. The main issues are the effect of the proposed development on: i) the character and appearance of the area; and ii) the living conditions of future residents with respect to natural light and outlook.

Reasons

Character and Appearance

5. The appeal site is in a highly residential location and a rather prominent position near a junction onto Sunnyhill Road. The streetscene contains an eclectic mix of dwellings that vary in design and appearance. Indeed, the heights, plot coverage, massing, and architectural detailing of many of the dwellings on the street differ.

¹ Holborn Studios Ltd v The Council of the London Borough of Hackney [2017] EWHC 2823 (Admin); and Bernard Wheatcroft Ltd v SSE [JPL 1982 P37]

Several dwellings have also been subject to previous extensions or alterations, including contemporary additions.

6. The existing dwelling at the appeal site is considerable in width, almost covering the site's wide frontage. However, it comprises a mix of single and two-storey elements, including a large garage to the side. Therefore, although sizeable it has a somewhat elongated form. In contrast, the proposed development would be marginally narrower, but due to its height and design would result in a building of considerable bulk and mass.
7. The height of the proposed building would broadly reflect the adjacent property and dwellings' opposite that are on slightly more elevated ground. The proposed spacing to adjacent properties would also reflect existing gaps between dwellings in the streetscene. Meanwhile, the use of a hipped roof with projecting front gables would draw on similar features found within the nearby built form.
8. Nevertheless, the combination of the proposal's height and considerable width would together result in a building of substantial scale and mass, and one that would appear highly cramped within its plot. Additionally, the sizeable, imposing, gables to the front elevational accentuate the scale of the building, such that the proposed dwelling would appear dominant within the streetscene. This would not be suitably alleviated through the scheme's materiality or sense of symmetry.
9. Accordingly, whilst there is not a strong or consistent character and appearance to dwellings in the area, and the proposal takes design cues from its surroundings, I still find that the appeal scheme would be an unsympathetic and harmful addition to the streetscene.
10. In reaching the above view, I have taken account of the recent scheme of nine dwellings completed near the end of the street. That development though has a more spacious context, due to its more open position within the street and the way it addresses its access drive.
11. The appellant has a potential fallback position involving the implementation of two separate extant permissions² at the site. However, from public vantage points the fallback option would clearly appear as separate dwellings, nor would they display such a bulky profile as the current proposal. Accordingly, the design of the appeal scheme would be more harmful than the potential fallback option. Reference has also been made to another permission (LPA ref: APP/21/00004/F) for redevelopment at the site, but I have very limited details of that scheme including evidence of whether the permission remains extant.
12. Overall, I find that the proposal would harmfully detract from 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 these policies, amongst other matters, seek to promote development that is of a good design quality and reflects or enhances local patterns of development.

Living Conditions

13. The Council's second reason for refusal related specifically to the proposed basement flats providing inadequate living conditions. The officer report, together with the decision notice, establish that this is due to these flats being deemed to

² Local Planning Authority References: app/22/00606/f and APP/23/00369.

have a lack of outlook and because habitable rooms would receive insufficient daylight.

14. As detailed, the scheme has subsequently been amended so that both basement units would now only be one-bedroom flats. Changes to the precise internal layout of these flats, as well as their glazing arrangements have also been made as part of the appeal submission.
15. In terms of habitable rooms, in addition to the bedrooms, both basement units would also contain an open plan living/kitchen/dining room. The appellant's Internal Daylight Assessment confirms that, based on the revised design, both the basement flats would meet the recommended internal daylight levels, as prescribed in BS EN 17037 and the BRE guidance. No robust evidence has been presented to counter the appellant's submitted Internal Daylight Assessment, while I have no reasons to question the validity of its findings.
16. Meanwhile, from the submitted evidence, the main habitable rooms would be served by sizeable areas of glazing, that would provide suitable outlook onto a sunken courtyard area, with garden beyond. The precise details of the landscaping to these areas could also be secured via conditions on the grant of a permission.
17. Accordingly, I find that the proposal would provide suitable living conditions for future residents with respect to natural light and outlook. In regard to this main issue, the appeal scheme would therefore comply with Local Plan Policies PP27 and PP28. Amongst other matters, these policies seek to ensure that developments would not result in harmful impacts on the amenity of future occupiers.

Other Matters

18. The location of the appeal site benefits from good access to facilities and services, including transport links. Additionally, the local planning authority (LPA) has previously indicated that redevelopment of the site for more intensive residential use is in principle acceptable. Still, this does not absolve the need for development to be of a suitable design quality.
19. An initial scheme received some positive feedback during pre-application discussions with the LPA, and was subsequently amended to take account of advice received. Nonetheless, for reasons outlined it remains of an inappropriate design.
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. 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. Given that 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.

Planning Balance and Conclusion

21. I have found no harm in respect of the effects of the development upon the living conditions of future occupiers of the proposed development. In terms of the planning balance, the lack of identified harm is a neutral factor.
22. There would be socio-economic benefits associated with the delivery and subsequent occupation of 9 residential units, in a location with good access to facilities and services. These benefits are afforded moderate weight.
23. Notwithstanding that the scheme may also comply with other development plan policies, through its harm to the character and appearance of the area the proposal conflicts with Local Plan Policies PL27 and PL28. These are important policies that govern design expectations in the authority area, and are consistent with the aims of the Framework in respect of achieving well-designed places. Consequently, I find the proposal to be contrary to the development plan as a whole.
24. The Council cannot currently demonstrate a five-year housing land supply and, from the available evidence, the extent of the Council's housing supply shortfall is acute. 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.
25. 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. This is a matter to which I give significant weight.
26. 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.
27. 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