



Appeal Decision

Site visit made on 1 July 2025

by **A J Sutton BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 08 July 2025

Appeal Ref: APP/V1260/W/25/3364101

Land rear of 36 Gorsecliff Road, Bournemouth BH10 4HB

- 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 A Dudley against the decision of Bournemouth Christchurch and Poole Council.
 - The application Ref is 7-2024-20897-G.
 - The development proposed is erection of 1no. dwelling.
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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; and
 - living conditions of the occupants of 36 Gorsecliffe Road, having regard to outlook and daylight.

Reasons

Character

3. The appeal property is in a residential area with an original grid pattern of development and linear plot form. However, as evidenced in the appellant's statement and appendices, in recent decades this area has experienced considerable incremental infill development. This includes, close to No 36, the secondary cul-de-sac, Ensbury Close, at the rear of this part of Gorsecliff Road, and nearby Glenmoor and Hartmoor Gardens.
4. Although the use of garden land for development is common in this area, the original linear plot form of No 36 and its immediate neighbours appear relatively unchanged. These properties have a traditional mid-20th Century style and benefit from good size rear gardens. Even with high boundary fences at their rear, these retained gardens give a much needed sense of space in an area where the density of development has significantly increased through the subdivision of plots.
5. The built form on Ensbury Close has a sense of uniformity and rhythm at Nos 1- 6. This consistency does not continue in the short stretch of road opposite the appeal property, where there is just one dwelling fronting the Close and the rear garden of a dwelling on Ensbury Avenue. However, although this part of the street scene is

mixed, dwellings are unified by their traditional suburban style, and this helps maintain some coherency in this significantly altered wider residential setting.

6. The proposal would divide the existing rear garden roughly in half. Most of the width of the new plot would be filled with a one bedroom dwelling that would address Ensbury Close. While the neighbouring property has access to the rear, this is for vehicular parking for that single property. This proposal would see a similar vehicular access on to the Close but in this case, it would be associated with a separate dwelling. Moreover, the access, unlike its neighbour, would front a contemporary built form, the appearance of which would be out of keeping with the style of dwellings that currently characterise this immediate area.
7. While there is already an infill dwelling on this side of Ensbury Close, that existing dwelling is set at the bend of the road and is a hipped bungalow that fits with the prevailing traditional style. Not only would this new dwelling be at odds with that style, but its plot would be flanked by rear gardens, visually disrupting the positive linear pattern that exists in this particular part of the street. Given these factors the proposal would fail to integrate positively into this locale and would appear a poor design.
8. Attention is drawn to the Lawful Development Certificate that confirms that a building similar to the scale proposed in this appeal could be constructed in this garden. As plans have been drawn and the Certificate has been sought and certified there is a greater than theoretical probability that that lawful development will be carried out. Planning permission has been granted for the creation of a vehicular access to the rear of No 36 which also appears very similar to the vehicular access proposed for this new dwelling. Again, as permission has been granted it is highly likely that that approved development will go ahead. These matters present a strong fall-back for these reasons, and I attach substantial weight to them in reaching this decision.
9. Addressing this, the sizeable outbuilding to be constructed in the garden of the appeal property will provide additional internal space for those occupying No 36. However, if a separate dwelling was to be allowed at the site, there is no certainty that this would be occupied by members of the appellant's family. Moreover, the plans related to the Lawful Development Certificate, unlike the proposal before me, shows access on the north elevation of the outbuilding thus allowing occupants of No 36 access from the rear of their dwelling and through their rear garden. In any event, the certified development is for incidental use, and as such the outbuilding will maintain a functional relationship and visual connection to the host dwelling, and a single residential plot is maintained.
10. The scheme subject of this appeal would have no such openings and the functional connection with the host dwelling would be severed. With separate access, bins and bike stores, the development would appear as a distinctly different residential unit from No 36 and this would be clearly evident to those residing in this immediate area. Carved out of a rear garden and covering almost half of this existing space, the new structure, and the paraphernalia and activities associated with the resultant additional residential unit, would considerably alter the character of the plot and the existing sense of space in this area would be harmfully diminished.

11. This proposal seeks to overcome visual harms identified by another Inspector in respect of a proposed two bed dwelling at this site. However, in this case, not only would the proposal visually tip the balance in the street from reasonably spacious to unpleasantly cramped, but the contemporary, box like, single dwelling would appear discordant in a context that is generally typified by more traditional built forms. Visual harms would still occur under this scheme.
12. As stated, the proposed vehicular access appears very similar to that which has been granted planning permission. And as already noted, the neighbouring property has a sliding gate and rear access. Those existing and approved accesses serve single dwellings, and this relationship would be apparent when the gates are opened. However, in this case, for the reason already explained, it would be clear that this new access serves an additional and separate dwelling that has no functional relationship with No 36.
13. Also, currently this rear boundary fence, and the gate at the neighbouring property, ensures that those rear gardens are secure for children to play and to enclose pets. As the gate proposed in this appeal would be the sole access to the new dwelling, it seems reasonable to conclude that it would be in frequent use and therefore left open on a more regular basis than would be so if it was simply enclosing a rear garden and parking spaces. The incongruous development would be visible frequently and in turn the new home would appear a detracting feature in the street scene.
14. Therefore, I find that the proposal would have a significant harmful effect on the character and appearance of the area. In this regard the proposal would conflict with Policies CS21 and CS41 of the Bournemouth Local Plan Core Strategy (Core Strategy) and Policy 6.8 of the Bournemouth District Wide Local Plan (Local Plan). These Policies collectively require development contribute positively to the character and function of the neighbourhood, is well designed and of a high quality and infill development will be expected to complement and respect the character of neighbouring development.

Living Conditions

15. The new structure would be a significant size. However, position towards the middle of the plot, some garden would be retained for No 36 and this would be in addition to the hardstanding shown on the submitted plans. As such, while the garden would be reduced in size, a modest amount of rear outside space would be retained for the occupants of that dwelling.
16. The new dwelling would be single storey with a flat roof and would be separated from the rear elevation of No 36 by this reasonable outside space. With this low profile and a satisfactory amount of separation, while the outlook would change for occupants of the host dwelling, the new addition would not have an oppressive presence when they are in the rear habitable rooms of No 36 or in the rear garden.
17. Also, this is a south facing garden and given the relatively low height of the new dwelling, the proposed structure would not unduly restrict daylight reaching either the garden at No 36 or its rear elevation.
18. For these reasons I am satisfied that the proposal would not have an unacceptable effect on the living conditions of the occupants of 36 Gorsecliffe Road, having regard to outlook and daylight. In this respect the proposal would not conflict with

Policies CS21 and CS41 of the Core Strategy and Policy 6.8 of the Local Plan. These Policies collectively require development, amongst other matters, respect residents' amenities.

Other Matters

19. The evidence related to the Council's current Housing Land Supply (HLS) is somewhat confusing, ranging between 1.6 to 2.3 years depending on the area in question. However, what is clear, with a least 8,000 new homes required in the district, the HLS is critically low and well below that required by national guidance. Also, the Council has performed poorly in respect of the most recently published Housing Delivery Test. The provision set out in paragraph 11 of the National Planning Policy Framework (the Framework) is therefore applicable.
20. The appellant states that the proposal would be self-build, and the Framework provides support for this type of housing. Planning Practice Guidance (PPG) makes clear that in considering whether a home is a self-build or custom build home, relevant authorities must be satisfied that the initial owner of the home will have primary input into its final design and layout. While the appellant may be intent on this, circumstances may change, and this could include the disposal of the land.
21. I find no certainty before me obligating either the current owner or any successor to deliver a self-build unit at this site. Accordingly, in the absence of a mechanism that provides certainty on this matter, the proposal would not comprise a self-build unit as defined in the Self-build and Custom Housebuilding Act 2015. This matter does not weigh in favour of this proposal for this reason.
22. This aside, the proposal would result in one new home, and this would make a small but nonetheless significant contribution to addressing the woefully deficient HLS in this district and adding to the mix of homes in this area. This attracts significant weight.
23. This is a small site that could be delivered quickly. Again, there is support for small sites in national guidance. Also, in a settlement, the site is well related to local service including the University, with transport options other than the car available to future occupants. The Framework requires particular regard for directing development to sustainable locations such as this. However, this support is not unqualified, and the Framework seeks well designed places, and states that good design is a key aspect of sustainable development. I have found that this proposal would not be a good design for the reasons stated above.
24. Also, while the Framework promotes an effective use of land this is subject, amongst other matters, to safeguarding the environment. The proposal would significantly harm the prevailing character, the development would not safeguard this environment and would not comprise an efficient use of land in this regard.
25. The proposal would result in economic benefits during the construction phase and future occupants would likely support local services. Energy efficiencies and low carbon features could be conditioned in this development. However, these would be small social, economic and environmental benefits given the scale of the proposal.

26. In light of above, I find that the adverse impacts of this development, with regards harm to character, would significantly and demonstrably outweigh the limited benefits identified above, when assessed against the policies in the Framework taken as a whole.
27. Attention is drawn to policies not in dispute. However, I have found significant harm with regards character and conflict with the development plan when read as a whole.
28. I am unpersuaded that this would be a self-build project in the terms that would qualify it as an exemption with regards the statutory biodiversity net gain condition. Moreover, the minimum national information required by article 7(1A) of the Town and Country Planning (Development Management Procedure) (England) Order 2015 does not appear to be submitted. If I was finding differently in this appeal, this matter would need to be addressed.
29. The appeal property is in the zone of influence for the Dorset protected habitats. These habitats are sensitive to recreation pressures and likely significant adverse effects on the qualifying features and the habitats integrity cannot be ruled out with any net gain of residential units in this zone. A legal agreement has been submitted in support of the appeal, and evidence suggesting that a financial contribution has been paid to the Council towards mitigation for harmful effects on the habitats arising from this development. However, as I have found other grounds to dismiss this appeal, it is not necessary to deal with this further.

Conclusion

30. For the reasons stated above and having regard to the development plan, and material considerations, including the Framework, the appeal should be dismissed.

A J Sutton

INSPECTOR