



Appeal Decision

Site visit made on 22 May 2025

by O Tresise MSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 July 2025

Appeal Ref: APP/V1260/W/25/3360245

54 Elms Avenue, Poole BH14 8EF

- 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 and Mrs J Yeoman against the decision of Bournemouth Christchurch and Poole Council.
 - The application Ref is APP/24/01035/F.
 - The development proposed is demolition of existing property and erection of replacement house (revised scheme).
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr and Mrs J Yeoman against the Bournemouth Christchurch and Poole Council. This application is the subject of a separate decision.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

4. The appeal site comprises a residential building with a detached garage and a single storey outbuilding to the front. The main building is set considerably back from the main road with its rear elevation overlooking the harbour. Most properties along Elms Avenue are two storeys in height and have a more traditional appearance, while some properties located at the southern end of the road, such as the appeal site, are larger buildings with a contemporary design. This leads to two different character areas within the locality, with the appeal site sitting within the latter one, where there are larger buildings of more contemporary design.
5. The architectural variety along the harbour frontage, combined with the traditionally designed properties along Elms Avenue and Pearce Avenue, contributes to the distinctive character of the area.
6. The appeal proposal would replace the existing three-storey dwelling with a five-storey property. The proposed dwelling would be taller than the existing dwelling, and it would also cover a greater area, both below and above ground level. Whilst the overall height of the proposed dwelling would be higher than the neighbouring property 62 Pearce Avenue, even when taking into account the approved roof

extension, it would nevertheless be similar in height to that of the adjacent property, 56 Elms Avenue.

7. However, the proposed dwelling would comprise five storeys. This would detract from the prevailing character of this part of the residential area, where nearby dwellings along the harbour frontage are generally three or four storeys in height. Therefore, whilst the overall height of the proposed dwelling would be in keeping with the surrounding built form, the number of storeys proposed and how they would appear would not. Furthermore, Due to the proposed design and form of the elevations, the number of storeys would be clearly discernible. As a result, the appeal proposal would disrupt the visual rhythm along this section of the coast, and its intensification, due to the number of storeys, would also undermine the established residential proportions and appearance of the built form in the surrounding area.
8. My attention has been drawn to a recent previous appeal decision¹ on the same site. The previous scheme was for a six storey dwelling with the top floor being stepped in from either side and set back and was therefore different to the scheme that is before me now. I accept that some of the features that were previously proposed have been carried across and are proposed as part of the scheme before me. I also acknowledge that the previous Inspector found that a contemporary dwelling constructed in render with glazed elevations and balconies would be compatible with the evolving built form of the row and area. I concur with this view.
9. However, the previous Inspector considered that the combination of the height and the number of other floors would exceed and be at odds with the prevailing character and appearance of the area and be more prominent and over scaled than would be appropriate.
10. In my view, whilst the height has been reduced and the tapering effect has been diminished through the removal of the sixth storey, the number of storeys now proposed would still be at odds with the prevailing character of the surrounding area and as a result it would appear overly prominent and incongruous in the street scene.
11. Whilst the proposed dwelling would be partially screened in views from the harbour due to the existing tree which would be retained and views would be more limited from Elms Avenue and Pearce Avenue, due to the setback, the gated access and existing trees, the development would still be visible, at least in part from public views and from the neighbouring properties.
12. The appellants have mentioned a recently approved scheme at 48 Pearce Avenue. However, this other scheme relates to a proposal for three detached dwellings. The site for the approved scheme would be subdivided into three plots, which would be largely equal in size. To the contrary, the appeal proposal is for a replacement dwelling. Therefore, I do not find it comparable to the appeal development before me and it does not change my conclusion on this main issue.
13. The appellants have also mentioned another example at 58 Pearce Avenue and I have also been referred to extracts from the Officer Report relating to the replacement dwelling scheme adjacent to the appeal site at No 56, nevertheless, I

¹Appeal Ref. APP/V1260/W/24/3336238

do not have the full details before me on either of these. In any event I have determined this appeal on its merits with particular regard to the specific details of the scheme before me and the relationship between the appeal and the adjacent buildings.

14. Overall, I conclude that the proposal would harm the character and appearance of the area. It would not comply with Policy PP27 of the Poole Local Plan adopted November 2018 (PLP), which requires a good standard of design in all new developments.

Planning Balance

15. The appeal proposal would harm the character and appearance of the area by virtue of its intrusive form relative to the surrounding area. I have judged the magnitude of the harm to be significant.
16. I find that the overarching aims of PLP Policy 27 are consistent with the National Planning Policy Framework (the Framework) which seeks the creation of high quality and sustainable buildings that are sympathetic to local character. Therefore, the conflict between the proposal and Policy PP27 of the PLP should be given significant weight in this appeal. As the proposal would be contrary to the policy referred to, there would be conflict with the development plan as a whole.
17. The Council cannot demonstrate a five-year supply of land for housing. Therefore paragraph 11 of the Framework is engaged. As a result, permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, having particular regard to key policies that include securing well-designed places.
18. Whilst the appellants suggest that the proposal would support the more efficient use of land, the proposal would not make a positive contribution to the housing supply given it would be a replacement dwelling. Notwithstanding that, the appeal proposal would bring some environmental benefits associated with new planting and biodiversity enhancements, the installation of a heat pump and electric vehicle chargers. There would be temporary and ongoing economic benefits due to the construction of the proposal and ongoing domestic expenditure in the area from its occupants. However, the benefits would be modest and localised to the site itself, and therefore they carry only limited weight in the overall planning balance.
19. It is proposed to retain the existing trees on site and an appropriate landscaping scheme could be secured. It is asserted that the living conditions of neighbouring occupiers would not be adversely impacted. I accept that the accommodation, external space, parking and storage that would be provided for future occupants would be adequate. Also, it is not likely that the proposal would give rise to any crime or safety concerns, and the scheme would not be likely to prejudice the future development of adjoining sites. Nevertheless, a lack of harm or policy compliance in these respects are neutral considerations that weigh neither for nor against the proposal.
20. As stated above, I have found that the proposal would result in harm to the character and appearance of the area, contrary to Paragraph 135 of the Framework. The weight I attribute to this conflict is significant, given that it would result in long lasting effects.

21. In the particular circumstances of this case, I conclude that the adverse effects of the development would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. As such the proposal would not benefit from the presumption in favour of sustainable development set out in the Framework.

Other Matter

22. The site is situated within the Dorset Heathlands and Poole Harbour Special Protection Areas. As I am dismissing the appeal for other reasons, I do not need to consider this matter or the related duties under the Conservation of Habitats and Species Regulations 2017 further.

Conclusion

23. The proposal conflicts with the development plan as a whole and the material considerations, including the Framework, do not indicate that the appeal should be decided other than in accordance with it. Therefore, the appeal is dismissed.

O Tresise

INSPECTOR