



## 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: 29 July 2025

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**Appeal Ref: APP/V1260/W/25/3358760**

**Land rear of 7, 7a and 7b Kinson Park Road, Bournemouth BH10 7HF**

- 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 Miles against the decision of Bournemouth Christchurch and Poole Council.
  - The application Ref is 7-2024-22591-F.
  - The development proposed is erection of a bungalow and formation of a parking space.
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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;
  - The effect of the proposal on the living conditions of the occupants of 7 Kinson Park Road, having regard to privacy; and
  - Whether the proposed dwelling would provide satisfactory living conditions with regards internal space and privacy.

### Reasons

#### *Character*

3. The appeal site is in a residential area which generally has a linear layout, with dwellings addressing the street. 'Infill' development is not an uncommon feature in this setting. However, these additions, such as Northbourne Mews and those on New Road close to the site, form small cul-de-sacs or have significant driveways. As such, in keeping with traditional suburban patterns of development, dwellings usually have some kind of vehicular access at their immediate frontage.
4. Properties fronting this section of Kinson Park Road also tend to have distinctly separate plots, and Nos 7 and 7a/7b are somewhat anomalous in this regard, as these existing dwellings have a shared drive and a combined off-street parking area. There are other variant features at the site, in particular, Nos 7a/7b comprise a building divided into two units. However, these built forms, similar to other development characteristic of this area, have vehicular access at their frontage and a linear plot form, and with these features some design coherency is retained in this suburban setting.

5. The proposed new dwelling would be behind Nos 7 and 7a/7b, and this would result in a cluster of dwellings that would significantly disrupt the existing linear pattern that exists in this immediate vicinity. Moreover, the only access to the front of the new dwelling would be via an existing pedestrian access between Nos 7 and 7a/7b. The house would therefore not have a driveway at its immediate frontage. These proposed features would not only be out of keeping with the original pattern of development, but it would also fail to reflect the general layout of secondary development that has emerged subsequently in this area.
6. Even with the existing degree of variation at this wider site as described, the proposed arrangement would appear distinctly awkward. While views of the dwelling would be limited by its position behind Nos 7 and 7a/7b, this poor layout would be evident in glimpsed views in the street and clearly visible from neighbouring properties.
7. Plot sizes vary in this area, and while small plots do exist, there are also many units with good sized gardens. This variation is important, as the relatively undeveloped areas help to retain a sense of space and much needed contrast with buildings in the area, particularly where more recent additions have already altered the grain of built form to the rear of Kinson Park Road. The appeal site has few structures, and its relatively undeveloped qualities adds to a sense of space between properties on this bend of Kinson Park Road and some balance with the development to the rear on Northbourne Mews.
8. While the new dwelling would be single storey, its roof would substantially fill the existing space above the boundary fence. With very little garden retained for the new dwelling and leaving only small gardens at No 7 and 7a/7b, the development would significantly add to the existing built form on the wider site. With this existing space largely filled, this curve of the road would appear unpleasantly cramped. The resultant erosion of space may be small, but it would nonetheless be significant for the reasons stated and this visual harm would be appreciated at neighbouring properties and in localised views from the street.
9. The appellant highlights the changes in the area since a similar proposal on this site was dismissed on appeal. However, the proposal before me would be incongruous with the character of development that currently prevails in this area for the reasons set out above. Moreover, the current policy context requiring good design is similar to that in place when the previous proposal was considered and dismissed on grounds that included harm to character.
10. Other examples of infill development in the wider area have been identified, including those on Castleton Avenue and Markam Close. However, as those additions are some distance away, they have limited influence on the character around the appeal site, and in turn on the consideration of development in this locale. I also note the support for infill development in local policy. However, this is not unqualified, and such proposals are expected to complement and respect the character of neighbouring development. I have found that this would not be so with this proposal.
11. With a discordant access and layout as well as a significant loss of space, the new dwelling would not positively integrate into this setting and the development would not appear a good design for these reasons. Consequently, I find that the proposal would have a significant harmful effect on the character and appearance of the area. In this respect, 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 require, amongst other matters, all development and spaces are well designed and of a high quality.

### *Living Conditions - Existing Occupants*

12. The main door for No 7 is to the side, by the pedestrian access between that dwelling and Nos 7a/7b. This elevation of No 7 also has windows that serve habitable rooms. While those windows are only divided from its neighbours by a walkway, that side of Nos 7a/7b is a blank wall. Therefore, although the outlook from this side elevation is limited, the habitable rooms in that part of No 7 are not significantly overlooked by neighbouring properties and as such its occupants have a reasonable sense of privacy when using the rooms in question.
13. Also, the main entrance to Nos 7a/7b is on the southwest side of that building, and access to the private garden of those units also appears to be on that side. Moreover, although the walkway between the existing dwellings may lead to the appeal site, the site is enclosed by fences on three sides and as such forms a dead end. Therefore, the use of the pedestrian access at the side of No 7 appears largely limited to the users of that property.
14. Access to the front of the new dwelling would be via this existing pedestrian access. Future occupants of the new dwelling, their visitors and individuals delivering items to the proposed property would have no alternative other than to walk very close to the main door and windows on this side of No 7.
15. The resultant pattern of use along this existing walkway would be considerably different to that which currently occurs. Moreover, even assuming that individuals accessing the new dwelling would be considerate of their neighbours, given the proximity to the side of No 7 and the frequency of trips likely to be needed along this walkway, this significant change in foot fall would be very intrusive. The existing levels of privacy enjoyed by occupants of No 7 in this part of their home would be considerably diminished. The frequent intrusion so close to habitable rooms would result in unacceptable living conditions for these neighbouring residents.
16. I therefore find that the proposal would have an unacceptable harmful effect on the living conditions of the occupants of 7 Kinson Park Road, having regard to privacy. In this respect, the proposal would conflict with Policies CS 21 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.

### *Living Conditions - Future Occupants*

17. Residents experience some overlooking in this estate, However, rear gardens generally provide a good amount of separation between existing dwellings or buildings are orientated such that occupants enjoy a reasonable amount of privacy in significant sections of their rear outside space and in rear habitable bedrooms.
18. In this case the new dwelling would be very close to the rear elevations of Nos 5 and 7. While the part of the garden near the proposed living room would be relatively private, this would be a very narrow strip of land. There would be a larger garden on the other side of the new built form, but this space would still be small. Moreover, all of this small, proposed garden would be clearly visible from the upper floor of Nos 5 and 7a.
19. Moreover, uncommon for this area, the rear of No 5 has floor to ceiling windows with a sizeable balcony at the rear upper floor level. Given the positioning of the respective buildings, occupants of No 5 would have close and uninterrupted views of the new side garden and into the two bedroom windows on the northeast elevation of the proposed dwelling, from that aspect of the existing dwelling. Consequently, future occupants would have very little sense of privacy when using this half of the proposed small dwelling.

Occupants should be able to open curtains and enjoy some sense of privacy, particularly in a bedroom. The lack of privacy in all the bedrooms and more than half of the available garden space would result in a poor standard of living accommodation.

20. The Council is concerned about the amount of internal space that would be provided, and I am directed to nationally described space standards. However, I find no local policy requiring the consideration of these standards. This aside, even if I accept that the internal living space proposed would be acceptable, the development would not offer an amount of privacy that future occupants should reasonably expect in their home in this setting.
21. I therefore find that the proposed dwelling would not provide satisfactory living conditions for future occupants, having regard to privacy. In this respect the proposal would conflict with Policies CS 21 and CS41 of the Core Strategy and Policy 6.8 of the Local Plan. These Policies collectively seek to protect residents' amenities.

### **Other Matters**

22. The Council is unable to demonstrate a five year housing land supply (HLS), stating it currently stands at only 2.1 years. The appellant suggests a lower figure of 1.6 years, but it is unclear whether this relates to just part of the district. In any event, the evidence points to a requirement for over 2,900 new homes per annum and a shortfall of over 8,000 new units in the area. The HLS shortfall is substantial. Moreover, the latest published Housing Delivery Test (HDT) shows a very poor rate of housing delivery in the district over the three years previous to the HDT publication. Provisions set out in paragraph 11 of the National Planning Policy Framework (the Framework) are therefore relevant in this case.
23. Addressing this, as a small family dwelling, the development would add to the mix and supply of homes in the area. Although this would be a small contribution, given the critically low HLS position in the district and the Government's recently reaffirmed objective to significantly boost the supply of homes, any additional dwelling would be significant, and I attach considerable weight to this.
24. The site is small and could be built out quickly. It is also well related to services and public transport options, such that the location in these regards appears sustainable. These matters have support in national policy and attract significant weight accordingly.
25. The submitted information suggests that the appeal site is vacant land. However, the approved plans of a planning permission permitting the initial subdivision of the wider site shows that the appeal site is a section of the relatively modest rear gardens belonging to Nos 7 and 7a/7b. It neither appears vacant nor under-utilised in this regard.
26. In any event, although the Framework promotes the effective use of land in meeting the need from homes, this is subject to, amongst other matters, ensuring safe and healthy living conditions. Also, the Framework seeks well-designed places, requiring a high standard of amenity for existing and future users. I have found this proposal would result in poor living conditions for future users and significant harm to existing users' amenity and the character of the area. The development proposed is not a good design in respect of these matters and in turn it would not be an effective use of this land.
27. Separate to the statutory biodiversity net gain condition, which I will deal with in due course, other ecological enhancements could be secured by condition. There would be some economic benefit from the construction phase, and future occupants would likely support local services. Also, low carbon measures and water efficiencies could be incorporated into the

development by condition. However, these would be small economic, social and environmental benefits given the scale of the development.

28. In summary on this matter, the adverse impacts of this development, with regards harm to character and amenity and unsatisfactory living conditions, would significantly and demonstrably outweigh the limited economic, social and environmental benefits identified above, when assessed against policies of the Framework taken as a whole. The presumption in favour of sustainable development therefore does not apply.
29. The appellant asserts that development plan policies are out of date given the current HLS situation in the district. However, local policies relevant to the main issues in this case seek good design and require development to protect residents' amenity. In these respects, the local policies are consistent with provisions of the Framework which require well-designed places, and as such these policies attract full weight in this decision.
30. The biodiversity gain condition required in Schedule 7A of the Town and Country Planning Act 1990 (as amended) applies in this case. Therefore, information specified in article 7(1A) of the Town and Country Planning (Development Management Procedure) (England) Order 2015 must be submitted at the application stage.
31. This minimum national information includes a completed biodiversity metric tool. A biodiversity metric has been submitted, but this shows errors and is not complete in this respect. It therefore appears that the proposal is not supported by the statutory minimum information required at this stage. This is a matter that would need to be addressed if I was finding differently on this appeal.
32. The appeal site is in the zone of influence for the Dorset Heathland 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 seeking to address this matter has been submitted but it is in draft, and therefore not a properly executed deed. However, as I have found other grounds to dismiss this appeal, it is not necessary to deal with this further.

## **Conclusion**

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

*A J Sutton*

INSPECTOR