



Appeal Decision

Site visit made on 15 July 2025

by **O Marigold BSc DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 30 July 2025

Appeal Ref: APP/D1265/D/25/3362661

18 Dene Walk, West Parley, Ferndown, Dorset BH22 8PQ

- 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 Jacqueline Mundeel against the decision of Dorset Council.
 - The application Ref is P/HOU/2024/07447.
 - The development proposed is garage conversion to annexe for multi-generational living accommodation.
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Decision

1. The appeal is allowed and planning permission is granted for garage conversion to annexe for multi-generational living accommodation at 18 Dene Walk, Ferndown, Dorset BH22 8PQ in accordance with the terms of the application, Ref P/HOU/2024/07447, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: P001, P002, P003, P005, P007, P009, P011.
 - 3) The building subject to this appeal shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 18 Dene Walk. No new pedestrian or vehicular access shall at any time be formed from New Road into the site.
 - 4) Within three months of the first occupation of the new annexe use within the garage hereby approved, the existing annexe use on the site shall cease and revert to non-annexe ancillary residential use, including the permanent removal of the toilet.
 - 5) The building hereby permitted shall not be occupied as an annexe until the WC and en-suite windows (as opposed to the rooflights) in the west elevation have been fitted with obscured glazing, and no part of the windows that are less than 1.7 metres above the floor of the room in which they are installed shall be capable of being opened. Details of the type of obscured glazing shall be submitted to and approved in writing by the Local Planning Authority before the windows are installed, and once installed the obscured glazing shall be retained thereafter.

Main Issue

2. The main issue is the effect of the proposal on the Dorset Heathlands Special Protection Area (SPA) and Ramsar site, which is part of the Dorset Heaths Special Area of Conservation (SAC), and on the Poole Harbour SPA and Ramsar site

Reasons

3. The site consists of an existing dwelling and detached outbuildings within a suburban part of West Parley. One of these outbuildings is already in use as an annexe. The proposal seeks to convert an existing garage to provide a replacement one-bed annexe.
4. The site is located within 400 metres of Parley Common Site of Special Scientific Interest, part of the Dorset Heathlands SPA and Ramsar site, which is part of the Dorset Heaths SAC. Its qualifying features include Dartford warblers, nightjars, woodlark, hen harrier, merlin, sand lizards and smooth snakes. The site is also within an area where development could affect the Poole Harbour SPA, which includes Common Shelduck, Pied Avocet, Black-tailed Godwit, Mediterranean Gull, Common Tern, Little Egret, Eurasian Spoonbill and waterfowl. The conservation objectives for these areas include maintaining or restoring the extent, distribution, structure and function of qualifying natural habitats and species.
5. The evidence before me is that these areas are under significant pressure from an increase in the level of human recreation, a disturbance of bird species, adverse effects on air quality from additional traffic, and the build-up of nitrates from waste water and human sewage, all resulting from new development. The proposal would contain overnight accommodation and so could result in a further increase in human activity within the areas of influence.
6. The SAC, SPAs and Ramsar sites are protected pursuant to the Conservation of Habitats and Species Regulations 2017 as amended (the Habitats Regulations). For the reasons given above, alone and in combination with other development, a likely significant effect on the SAC, SPAs and Ramsar sites cannot be ruled out. Consequently, in accordance with the Habitats Regulations and as competent authority for this appeal, I must undertake an Appropriate Assessment (AA).
7. The proposal would contain a bedroom, kitchen, lounge and two toilets. It would therefore have all the facilities needed for independent occupation. It would also have a floorspace size equivalent to a three-bedroom, four-person dwelling, and be somewhat further from the existing dwelling than the current annexe. The Council and Natural England are concerned that the accommodation would constitute a separate dwelling and would thus result in additional adverse effects and pressures on the protected areas and species.
8. However, that is not the proposal before me, which is for an annexe to replace the existing one. The appellant explains that the current annexe is too small and does not provide sufficient space, particularly for older people. As shown on the proposed plans, access to the new annexe would be achieved through the existing driveway from Dene Walk, past the windows and garden of the host dwelling, and in a position still not far from it. These factors would all discourage use of the garage building annexe as an independent dwelling.
9. I am mindful that, within 400 metres of the Heathlands, the Council's SPD¹ permits ancillary residential accommodation forming part of an existing building in C3 Use Class, to provide independent living, where there is no net increase in functional

¹ The Dorset Heathlands Planning Framework 2020-2025 adopted April 2020.

dwelling units. A planning condition could be used to secure ancillary use, and to prevent the creation of a new entrance to the annexe off New Road, the possibility of which was a concern of the Council. Another planning condition could require that the existing annexe is no longer used as such, once the new annexe is available. This would need to include removal of its toilet, to prevent an overall increase in nitrates.

10. On this basis, I see little reason to doubt that the new annexe would be used as proposed, or that any breach of planning control to a more intensive use could not be enforced. As a result, barring a short overlap, the new annex would replace the existing one, and so the level of occupation and use of the site, including in terms of overnight use and traffic movements, would be within acceptable levels. It would therefore comply with the SPD and would not worsen the effects on the protected areas and species.
11. In undertaking the AA, the information before me indicates that the use of planning conditions would reduce the impact of the proposal on the integrity of the SPAs, SAC and Ramsar sites to a de minimis level. It would therefore accord with the Habitats Regulations in this respect and have an acceptable effect on them.
12. Policy ME2 of the Christchurch and East Dorset Local Plan Core Strategy (CELP), adopted April 2014, seeks to resist residential development within the 400 metres area. However, in light of the permissive stance of the SPD regarding annexes, and its stated aim as supporting policy ME2, I have taken 'residential development' to mean new units of accommodation (e.g. C3 dwellings) rather than any form of residential development, such as annexes. Consequently, I find no conflict with policy ME2.
13. The Decision Notice also refers to Policy HODEV3 of the East Dorset Local Plan, adopted January 2002. This permits extensions to dwellings to provide semi-self-contained accommodation, subject to certain criteria. However, the proposal is not for an extension, but for the conversion of an existing building. Accordingly, I find no conflict with policy HODEV3.

Other Matters

14. The proposed use would be closely aligned to the boundary with the adjoining property, 17 Dene Walk. Concerns regarding fire hazards from use of the existing wooden buildings as accommodation are a matter for the Building Regulations. I have no reason to believe that noise and disturbance from the proposal would be different from any other domestic use. I have based my decision on the plans before me, and any future development would need to be considered in the first instance by the Council, on its own merits.

Conditions

15. The Council has provided a list of conditions, which I have assessed and where necessary amended, having regard to the advice in the Planning Practice Guidance. A condition requiring adherence to the approved plans is necessary for certainty.
16. For the reasons already given, it would be necessary to ensure that the accommodation remained in use as an annexe, and that the existing annexe reverts to non-annexe residential accommodation. A condition preventing the

creation of a separate access from New Road would further ensure the enforceability of the annexe use of the proposal.

17. Similarly, to prevent an increase in waste water, and avoid unacceptable intensification and the effects on the protected areas, it would be necessary for the existing annexe toilet to be removed. The appellant has suggested removing another toilet, from either the proposal, or within the host dwelling as part of a future linking between this and the existing annexe. However, I must consider the proposal, including its internal layout, only on the basis of the plans before me, rather than any other possible scheme.
18. In the interests of the privacy of adjoining occupiers, and future users of the proposed accommodation, a condition is required to ensure the obscure glazing and appropriate fixing shut of the bathroom and ensuite toilet windows.

Conclusion

19. For the reasons given above, I conclude that the appeal should be allowed.

O Marigold

INSPECTOR