



Appeal Decision

Site visit made on 9 July 2025

by **M Aqbal BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 15 August 2025

Appeal Ref: APP/V1260/W/24/3357926

Land at the Corner of Comet Way.

- 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 Andrew Martin Pool against the decision of Bournemouth Christchurch and Poole Council.
 - The application Ref is 8/23/0878/FUL.
 - The development is for a proposed new chalet dwelling .
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - i) The effect of the proposal on the character and appearance of the area;
 - ii) The effect of the proposal on the risk of crime;
 - iii) The effect of the proposal on protected trees;
 - iv) The quality of the proposed development for its occupiers;
 - v) Whether the development would be likely to have a significant effect on the integrity of the Dorset Heathlands Special Protection Area, Dorset Heaths Special Area of Conservation, and Dorset Heathlands Ramsar sites ('the Dorset Heathlands') and,
 - vi) Whether the development would be likely to have a significant effect on the integrity of the River Avon Special Area of Conservation ('SAC'), with particular regard to nutrient neutrality.

Reasons

Character and appearance

3. The appeal site is a triangular area of land located on the corner of De Havilland Way with Comet Way. This comprises an appreciable grassed space with three trees along its southern boundary. These trees form part of a prominent belt, which are located along a grassed strip on the northern side of De Havilland Way and are covered by a Tree Preservation Order. Together, the appeal site and strips of land to the east and west along with the established trees provide a soft edge to De Havilland Way and form a natural and verdant buffer to the housing estate to the north.

4. The Christchurch Borough Wide Character Assessment (2003) notes that “this area has been extensively developed as a residential neighbourhood. There is no significant open land left undeveloped and only a limited open space provision”. It goes on to state that “there is therefore minimal scope for further development without impact on the remaining open spaces”. Furthermore, on the information before me, the appeal site was secured as open space under a legal agreement as part of the development of the wider housing estate.
5. In light of the above and my observations, the appeal site is clearly a designed feature of a wider housing estate and positively contributes to this and the character, visual amenity and distinctiveness of the area. Most notably, because this site occupies a prominent corner position, adjacent to footpaths and an arterial road and is largely open, this is particularly sensitive to change.
6. The wall at the back of numbers 2-10 Comet Way forms the established rear boundary of built development along this part of Comet Way. The proposal would represent a significant encroachment of built development forward of this established boundary into an area of open space. This would have an unacceptable erosive effect on the landscaped buffer and the planned and established pattern of existing development.
7. Despite the proposed dwelling occupying a plot of a comparable size to other dwellings in the area, because of its triangular form and the siting of the proposed dwelling relative to this, the private garden would be located to the side and fore of the proposed dwelling. This would be in contrast to the prevailing arrangement, whereby private amenity areas are located to the rear of dwellings. Moreover, to ensure that the garden is private and secure, a combination of landscaping and fencing is proposed along a considerable section of the southern boundary of the appeal site, adjacent to the footpath. This would result in the further enclosure and erosion of openness associated with the appeal site.
8. Although the proposed plot is designed with an access off Comet Way, the new dwelling due to its orientation would face towards the junction of Comet Way and De Havilland Way. Due to this and its detached nature, the proposed development would not form part of any cohesive street scene and would appear incongruous.
9. Consequently, even if I were to accept the appellant’s assertion that the development would introduce an active frontage to the entrance of Comet Way, this would be at the expense of the planned design of the wider housing estate and the scheme’s failure to design out crime, for the reasons given below.
10. I have noted the bungalow at 13 Bure Homage Lane (‘no. 13’) which is a more recent development in the area. This appears to have been developed in the rear garden of 14 Bure Homage Lane (‘no. 14’) and therefore is likely to have been a private and enclosed space. Whilst no. 13 is visible from along De Havilland Way, its arrangement to this road is consistent with no. 14. Also, in part, both these dwellings are screened in views from this road by a similar boundary treatment which gives these dwellings a cohesive appearance. In views from Bure Homage Lane, the newer dwelling shares a building line with no. 14 and is settled within the street scene along here.
11. In my view, the site specific circumstances of no. 13 are different to the appeal site which is an area of open space. Furthermore, this existing development

assimilates with its context. As such, this does not lend support to the appeal scheme.

12. For the above reasons, the proposal represents poor quality design, which would harm the character and appearance of the area. This conflicts with the aims of policies HE2 and HE3 of the Christchurch and East Dorset Local Plan Part 1 - Core Strategy (2014) ('CS') which amongst other matters seek to secure high quality developments that are compatible with or improve its surroundings in terms of layout and visual impact. The proposal would also be contrary to saved Policy H12 of the Consolidated Borough of Christchurch Local Plan Adopted March 2001, modified September 2007 ('LP') which says that developments need to be appropriate to the character of the immediate locality, and Policy HWNP11 of the Highcliffe and Walkford Neighbourhood Plan (dated January 2023) ('NP') which amongst other things requires that proposals reflect and enhance an areas distinctiveness.
13. The National Planning Policy Framework ('the Framework') also promotes the desirability of maintaining an area's prevailing character and setting.

Effects on risk of crime

14. The appeal site is located to the front of the rear of dwellings (numbers 2-10 Comet Way) and is separated from these by a public footpath linking Comet Way with De Havilland Way. Therefore, the appeal site also provides an open and pleasant setting for pedestrians using this footpath.
15. The proposed scheme incorporates a 1.8m high fence along the northeast boundary of the appeal site, which is adjacent with the boundary of the abovementioned footpath. On the other side of this section of this footpath is the high brick wall which forms the rear boundary to properties (numbers 2-10 Comet Way). Consequently, the proposed arrangement would create an enclosed alleyway and an unwelcoming space for pedestrians, which is likely to compromise the actual and/or perceived safety of its users.
16. The appellant has suggested that an alternative lower level fence, wall or hedge could be erected / planted along part of this boundary. However, no such scheme is before me. Therefore, I cannot be certain that a boundary treatment could be provided along here, which delineates between the public and private realm, and offers an acceptable degree of security and privacy for the proposed dwelling and its garden without compromising the quality and safety of the adjacent footpath.
17. As such, the proposal fails to design out the fear of crime and would be contrary to Policies HE2 of the CS and Saved Policy H16 of the LP. Together, these policies seek to secure design of developments which are of high quality, reflecting and enhancing areas of recognised local distinctiveness and that are expected to be designed in a manner which takes into account the need for security and crime prevention. The aims of these policies also align with the Framework to achieve healthy, inclusive and safe places.
18. The Council's decision also refers to CS Policy LN2, which relates to the density of development. Because the proposal does not raise any issues in respect of density, this Policy is not directly relevant to this main issue.

Protected trees

19. Based on the submitted Tree Survey, the proposed dwelling would be sited so as not to encroach the Root Protection Areas of the 3 protected Lime trees along the southern boundary of the appeal site. Also, conditions could be used to ensure that appropriate measures are in place to safeguard these trees during any construction phase. As such, the proposed development is unlikely to have any direct impact on the longevity of the protected trees.
20. I have also taken account of the layout of the proposed dwelling and the orientation of rooms and placement of windows associated with this. Despite the proximity and orientation of the proposed dwelling relative to the extant trees, this arrangement is unlikely to result in any unacceptable indirect impact on the protected trees.
21. For the above reasons, the proposal would not have any adverse impact on the long-term longevity and wellbeing of the protected trees. Therefore, in so far as the protected trees are concerned, the proposal would accord with the aims of Policy HE2 of the CS, which amongst other matters seeks to secure high quality developments that are compatible with or improve its surroundings in terms of relationship to mature trees, and Policy HE3 of the LP, which says that development will need to protect and seek to enhance the landscape character of the area.

Quality of proposed development

22. Notwithstanding, its irregular form and uncharacteristic arrangement, the proposed garden would generally be larger in size relative to those associated with nearby dwellings. This garden would be fairly secure, private and easily accessible from the dwelling. This would also incorporate sufficient space to accommodate a shed for storage, seating and drying out areas and leisure activities commensurate with a family dwelling.
23. A section of the proposed garden is likely to be shaded at times by the protected trees. However, this is unlikely to significantly compromise its overall quality. Indeed, the shading provided by the trees may also be of benefit to future residents given the southern orientation of the garden.
24. Therefore, the quality of the proposed dwelling with regard to its garden would be acceptable and this accords with saved policy H12 of the LP, policy HE2 of the CS and Policy HWNP11 of the NP. Amongst other things these policies seek to secure high quality developments including incorporating practical garden space.

The Dorset Heathlands

25. The appeal site is situated between 400 metres and 5km of the Dorset Heathlands, which is designated as a Site of Special Scientific Interest and as a European wildlife site. These sites host protected priority habitats and species. In combination with other residential development in the area, development would be likely to have a significant effect on these sites without mitigation.
26. CS Policy ME1, requires that development proposals incorporate mitigation measures to safeguard designated sites. The Dorset Heathlands Planning Framework 2015-2020 - Supplementary Planning Document ('SPD') provides further detail, setting out the Council's approach to the mitigation of harmful effects

on the designated sites. It requires all new residential development between 400 metres to 5km of the protected heathlands to be subject to a financial contribution towards mitigation measures in order to avoid adverse effects on the integrity of the designated sites.

27. The appellant has provided a Unilateral Undertaking ('UU') securing a contribution towards the mitigation measures identified in the SPD.
28. However, as I have found harm in relation to other main issues and would be dismissing the appeal for other reasons, it is not necessary for me to undertake an Appropriate Assessment ('AA') and give further consideration to the likely effectiveness of mitigation and avoidance measures. In doing so I would have had regard to the UU.
29. Furthermore, although the Council's reason for refusal in respect of this main issue refers to LP saved policy ENV21, this mainly relates to landscaping and is not relevant to this main issue.

River Avon SAC

30. The appeal site falls within the catchment of the River Avon SAC, which is a large, lowland river system supporting various aquatic species. There is a known issue with nutrients entering the river and adversely affecting environmental conditions for the qualifying species. Residential development will contribute to an increase in phosphates due to foul water discharge.
31. Policy ME1 of the CS requires that development protect, maintain and enhance internationally designated sites such as SAC.
32. The appeal site, by reason of its location, would result in foul water generated by the new residential development creating an additional phosphate load in the River Avon, which could harm the water quality of the River Avon SAC, a European Designated Site. There would be a Likely Significant Effect from the proposed development and in the absence of mitigation, it would not be possible to conclude that there would not be an adverse effect on the integrity of the River Avon SAC.
33. The Council says that applicants must show upfront that they have measures in place to deal with phosphates in order to meet the AA requirements. The Council also says that whilst the applicant proposed to purchase some credits there is currently no location to purchase these.
34. The appellant advises that a new phosphorus calculator has been published for the River Avon SAC since the application was submitted. As such, the originally submitted phosphorus report has been updated to reflect this.
35. The appellants nutrient neutrality consultant has subsequently liaised with the Bicton Fish Farm mitigation scheme regarding the availability of credits and they have confirmed that there are more than sufficient credits available within the Bicton Fish Farm mitigation project, which can be purchased to mitigate the potential phosphate impact that would arise from the appeal proposal.
36. However, I am advised that it is not possible to purchase credits in advance of a grant of planning permission. As such, the appellant has suggested that the proposed mitigation is secured by a preoccupation condition.

37. Irrespective, and as already stated, because I have found harm in relation to other main issues and would be dismissing the appeal for other reasons, it is not necessary for me to undertake an AA and give further consideration to the likely effectiveness of any mitigation measures. In doing so I would have had regard to the appellant's suggested planning condition.

Other considerations

38. Based on the appellant's evidence, the Council cannot demonstrate a 5 year housing supply of deliverable housing sites as required by the Framework. The information before me is that the undersupply is acute, comprising of about 2.7 years of deliverable housing land supply. As such, and in the event that I was satisfied that matters relating to my main issues iv and v, were not in conflict with Paragraph 11 d) i) of the Framework, then Paragraph 11 d) ii) of the Framework would apply.
39. The development would provide an additional dwelling. This would accord with the aims of the Framework of making use of a small windfall site and boosting significantly the supply of homes. There would also be some benefits as a result of the proposal, which also has some local support. Given the Council's acute housing land supply position these considerations are of significant importance in favour of the development. Even so, having regard to the modest scale of the proposal (a single additional dwelling), I afford this limited weight.

Planning Balance

40. The development would provide an additional dwelling and associated benefits to which I attach limited weight.
41. The quality of the proposed dwelling with regard to its garden would be acceptable. I have also found no harm in respect of the protected trees. In terms of the planning balance, the lack of identified harm is a neutral factor. To this end, if I had concluded that the proposal would not harm the integrity of the Dorset Heathlands and River Avon SAC, this would also be a neutral factor in the planning balance.
42. Nonetheless, such neutral factors would not diminish the harm to the character and appearance of the area and that arising from the failure of proposed scheme to create a safe environment for pedestrians. These harms are also contrary to the aims of the Framework and attract substantial weight.
43. As a result, when assessed against the policies in the Framework taken as a whole, the adverse impacts would significantly and demonstrably outweigh the benefits. Therefore, the conflict with the development plan is not outweighed by other considerations including the Framework.

Conclusion

44. For the reasons above, I conclude that the appeal should be dismissed.

M Aqbal

INSPECTOR