
Appeal Decision

Site visit made on 30 July 2025

by **J J Evans BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 21 August 2025

Appeal Ref: APP/V1260/W/24/3354036

Athena House, 612-616 Wimborne Road, Bournemouth BH9 2EN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Mr Paul Hicks & Mr Jason Hicks against the decision of Bournemouth Christchurch and Poole Council.
 - The application Ref is 7-2024-1149-U.
 - The development proposed is the demolition of existing office building and replacement with new building to form ground floor commercial and 9 flats.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. A revised version of the National Planning Policy Framework (the Framework) was published on 12 December 2024. Consideration of the comments of the main parties regarding revised national policy has been undertaken in reaching a decision upon the appeal.
3. Winton Library is a grade II listed building. As required by Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) special regard has been paid to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses.
4. The Talbot Inn has been identified by the Council as a Non-Designated Heritage Asset (NDHA). Although the appellants point out that no public consultation to verify this designation has occurred, the Planning Practice Guidance advises that NDHAs can be identified in a variety of ways, including as part of the decision-making process on planning applications. This has occurred in this case, and for the avoidance of doubt the appeal has been considered on the basis that the Talbot Inn is a NDHA.
5. The original application sought outline planning permission, with the application form making it clear that approval is sought at this stage for access, layout, and scale. However, drawings submitted with the application show floorplans and elevations. The appellants have confirmed that approval is sought at the outline stage only for access, layout, and scale, with all other matters to be reserved for future consideration.
6. The appellants submitted a Unilateral Undertaking (UU) with the appeal, which offers financial contributions towards mitigating the impact of the scheme upon the Dorset Heathlands Special Protection Area (SPA), Ramsar and Dorset Heaths

Special Area of Conservation (SAC), and commitments with regard to works to the public highway. Consideration of the UU will occur later.

Main Issues

7. The main issues in this case are:

- The effect of the scheme upon the character and appearance of the area, having particular regard to whether it would preserve the special interest and setting of a nearby listed building and the effect upon the significance of a nearby Non-Designated Heritage Asset;
- The effect upon the living conditions of nearby residents having particular regard to outlook and loss of light; and
- The effect upon protected habitat sites.

Reasons

Character and Appearance

8. The appeal property is part of a short terrace that is positioned to one side of Wimborne Road. To either side of this busy road are mostly terraced properties that comprise a mix of uses, including retail, services, and residential. Like the other properties in the terrace, the appeal building is two storeys in height. Currently used as offices, the existing building is set back from the public footway behind off-road parking spaces. The building occupies the breadth of its plot, and to the rear it is very close to the flank wall of a block of flats. To the north are public gardens, beyond which is the library.
9. Scattered along Wimborne Road are a few eye-catching buildings. The listed library is one such building, in part due to it being a detached, single storey building amongst the terraces, but also because of its elaborate Edwardian classical style. The symmetry of the building and its elegant, considered style are all part of the special interest of this listed building. It has a legible social and community function and importance, as emphasised by its corner position, its rich decoration and detailing, including curved steps leading to the grandly detailed main entrance, and the presence of numerous large windows to light the interior, all of which are part of the building's special historic and architectural special interest. Despite the single storey nature of the building, it is clearly apparent within the long views that are available due to the straight nature of Wimborne Road. When approaching from the north, the library is a notable feature within the street scene, with its cupola being apparent in skyline views. This deliberate prominence forms part of the expansive setting of the library, as well as being part of its special interest as a building with community importance.
10. Opposite the appeal site is the Talbot Inn (the Inn), which has been converted into residential apartments. Like the library, this NDHA is constructed of the attractive red brick with stone detailing that is a feature of many of the historic buildings along Wimborne Road. It also has an eye-catching form, in part due to its size, height, articulated form, and rich architectural detailing, but also because it occupies a corner position. This is another community building within the street scene that has an imposing prominence, reflecting its former use and the evolution of the area over time. These features, including its visual impact, are all part of the

significance of this NDHA, and it too has an expansive setting within both the street scene and also within the residential streets to the rear.

11. There is no disagreement between the main parties as regards the principle of the residential use of the site and loss of office space, and that the dwellings would be in a sustainable location with future occupiers being near to a variety of services and facilities.
12. As with the existing building, that proposed would occupy the full width of the plot. However, it would extend beyond the depth of the existing one due to the presence of a single storey element that would abut the footway, and it would also be significantly taller in that it would have elements that were either three or four storeys in scale. Taken as a whole the building would be significantly larger and taller than the existing one, and as most of the nearby buildings are two or two and a half storeys in height, that proposed would appear incongruously prominent.
13. The presence of such a large, tall building would detract from the significance of both the library and the Inn. The important community role of these buildings is such that they are seen as landmarks within the street scene, and there are no other buildings nearby that compete with their visual and community importance. The scale of the proposed building would erode this prominence as it would become a dominating focal point in the area, unacceptably intruding into the settings of both the library and the Inn and detracting from their impact in the street scene. Even though the building would be shorter than the Inn, it would be of a similar height to the NDHA and would thereby compete with its prominence. The provision of a three storey element would reduce the scale of the building near to the library, but despite such measures its substantial height and breadth would conspicuously intrude into the setting of the listed building. It would form a bulky, dominating backdrop to the library when approaching from the north, and its size would obscure the elegant, eye-catching impact of this listed building within the street scene.
14. Although the appellants consider the existing building has a dated appearance, its size and height is similar to that of those nearby, and it appears as an integral part of the street scene and one which retains the prominence of the library and the Inn. The set back of the three storey element from the public footway would serve to reduce the bulk of the front of the proposed building. However, this element would have a three storey scale across the depth of the site, and the imposing nature of such a tall, deep wall adjacent to the public gardens would appear overwhelmingly dominant in the street scene.
15. There are trees within the public gardens, and the maple species specimen near to the public footway is in itself a verdant focal point within the street scene, as well as forming a leafy backdrop in some views of the library. The tree provides a partial screen between the appeal site and the library, but the tree cannot be relied upon to screen the development for its lifetime, and particularly so in this case as it is not within the ownership of the appellants. Moreover, the Act protects the listed library and its setting for its intrinsic qualities irrespective of whether nearby development could be screened from view.
16. The appellants refer to higher buildings adjacent to two storey ones along Wimborne Road not being uncommon. Of that referred to, 846-848 Wimborne Road is a prominent building, and the provision of a mansard roof would extend

what is an already tall building that has an existing prominence in the street scene. In addition, whether this building is within the setting of a listed building or NDHA has not been identified. As regards the examples in Exeter Road and The Lansdowne, these tall buildings are in very different contexts, being part of the wide-ranging diversity of these town centre locations which are characterised by a disparate variety of buildings that include those of multiple storeys. None of these comparisons forms a binding precedent for allowing the appeal.

17. As regards the expired permission for the upward extension of the appeal building the appellants consider this to be a fallback position. This scheme proposed an upward extension on one part of the building providing an additional two floors under a flat roof, whilst retaining the existing pitched roof two storey element. As such it would not have had the depth nor height of the proposed building, thereby having a less dominating impact upon the library. Given these differences, and that details as to why this permission lapsed have not been provided, the weight that can be attributed to this fallback is limited.
18. The Framework requires that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Where a development would harm the significance of a designated heritage asset, such as would occur to the listed library, this harm should be weighed against the public benefits of the proposal. In this case the scheme would result in less than substantial harm, albeit at the lower end of this scale, due to the comparative size of the proposed building relative to that of the setting of the listed building. Nevertheless, such harm would be of considerable importance and weight, and the Framework advises that where development would lead to less than substantial harm, this harm should be weighed against the public benefits of the proposal.
19. The scheme would provide an additional nine homes at a time when the Council has an acute shortfall of supply and much-needed one bed flats could be provided. The dwellings would be in a location where future occupiers would benefit from and could support a range of services and facilities, and an employment use would be retained on the site. Notwithstanding these benefits, they would attract moderate weight and would not outweigh the considerable harm the building would cause to the setting and special interest of the library.
20. For these reasons, the scheme would harm the character and appearance of the area and would unacceptably detract from the significance of the listed building and a NDHA. The suggested conditions would not overcome these harms, and there would be conflict with the Act and with the Framework. There would also be conflict with Policies CS21, CS39, CS40, and CS41 of the Bournemouth Core Strategy (2012)(CS) and Policy 6.10 of the Bournemouth District Wide Local Plan (2002)(LP), and the supporting Residential Design Guide (2008), as these seek, amongst other things, high quality development that respects the site and its surroundings and the character and appearance of the area, that which maintains and enhances the quality of the street scene, and that the significance of local and designated heritage assets will be protected.

Living Conditions

21. To the rear of the site is an estate of flats and houses that are arranged around a courtyard. The blank flank wall of a three storey block of flats abuts the appeal

site, with the windows of these dwellings looking out over the courtyard and the public gardens. The close proximity of the two buildings to each other, along with their perpendicular positional relationship is such that the outlook from the windows of the flats closest to the appeal site is either already obliquely onto the rear wall of the existing two storey building or onto the single storey element.

22. Although the rear of the proposed building would range from a single storey element to a four storey one, the tallest sections would be next to the flank wall of the neighbouring flats. The windows of these dwellings would be very close to the proposed building, and even with its rear articulation, the height of the building would be increased, and occupiers of the flats would have an imposingly tall and constrained outlook very close to their windows. Furthermore, despite the articulation, the height and proximity of this tall building near to the windows would result in the loss of sunlight for much of the morning until the sun was high in the sky.
23. The proximity of the building's four storey bulk close to the rear windows and rooflights of 608-610 Wimborne Road (No 608-610) would also result in an oppressive outlook for the occupiers of this building, particularly views from the rooflight as the flank wall would tower above. As the building would be to the north of No 608-610 the loss of sunlight would not be so reduced as to unacceptably harm the living conditions of these residents.
24. The expired permission would have resulted in a four storey building, but it would have had a flat roof and would have retained the existing two and single storey element near to the public gardens. Consequently, it would not have had such an imposing impact upon neighbouring occupiers. Irrespective of the absence of objections from nearby residents, the Framework requires a high standard of amenity for both existing and future occupiers, and for the reasons given above the scheme would fail to accord with this. Nearby residents would experience a loss of outlook and sunlight, and the suggested conditions would not overcome these harms. There would also be conflict with CS Policies CS21 and CS41, and LP Policy 6.10, as these require, amongst other things, that development respects and enhances existing and future residents' living conditions.
25. The Council has noticed that the size of some of the dwellings would fall short of the standards cited in the Nationally Described Space Standards. However, as the appeal is submitted on an outline basis the internal organisation of the flats could change, and so this concern has not been considered further.

Habitat Sites

26. The appeal site is within 5km of the Dorset Heathlands which are an extensive network of heaths that are internationally recognised and protected as an SPA, Ramsar, and SAC, as they host priority habitats and species, including birds, lizards and snakes as well as other typical species of lowland heathland, wetlands and dunes. The heathlands are under significant pressure from increased public access and use, and a net increase in the number of dwellings and occupiers in the area would therefore have an adverse effect upon these important habitat sites and species.
27. Given the location of the dwellings, future occupiers could visit the habitat sites, and this use would have a significant effect upon the integrity of these protected sites. The Conservation of Habitats and Species Regulations (2017) require the

decision maker to undertake an Appropriate Assessment (AA) where there are likely to be significant effects from the proposal, either alone or in combination with other schemes, and this duty falls to occur with the appeal.

28. CS Policy CS33 requires that development will not be permitted unless it can be ascertained that it would not lead to an adverse effect upon the integrity, either directly or indirectly, of the Dorset Heaths designations. The Dorset Heathlands Planning Framework Supplementary Planning Document (SPD) (2020) details a strategy for the avoidance and mitigation of impacts of residential development upon these important sites, including that a contribution is made towards mitigation, access measures and monitoring.
29. A UU has been provided for the appeal, albeit one described as a draft. Although the Council has not commented upon the UU, it has not been dated, signed, nor does it identify either the original application or appeal references. Consequently, the UU cannot be relied upon to secure and provide habitat mitigation, and in the absence of a mechanism to mitigate the harm to the Dorset Heaths habitat sites the scheme would adversely affect their integrity. This would be contrary to objectives of the Framework, and to the requirements of CS Policy CS33. In such circumstances it has not been necessary to undertake AAs.

Other Matters

30. The Council has identified inaccuracies within the drawings, albeit mostly concerning the appearance of the building, and amendments for a revised scheme have been suggested. However, following the findings on the main issues these matters fall to be pursued outside of the considerations of the appeal.

Planning Balance

31. With a housing land supply of 2.1 years against a 5 year requirement, the Council have an acute shortage of provision. In such a context, the provision of nine homes would be an important benefit of the scheme that would weigh in its favour. The Framework supports the development of windfall sites and the use of under-utilised land, with great weight occurring from the use of a site within an existing settlement. Future occupiers would make a modest contribution to supporting local services and facilities, and there would be a modest, time-limited economic benefit arising from the construction of the homes.
32. Irrespective of the housing land supply position and the benefits of the scheme, although a key aim of the Framework is to significantly boost the supply of housing, when read as a whole the Framework does not suggest this should happen at the expense of other considerations. The Framework makes it clear that where protected areas and assets are harmed by a scheme, and this includes habitat sites and designated heritage assets, then the harm to them provides a strong reason for refusing the development. As this scheme results in harm to habitat sites and to a designated heritage asset, it follows that despite the benefits there are strong reasons for dismissing the appeal.

Conclusion

33. For the above reasons the scheme would result in significant harms that could not be overcome by conditions, and there would be conflict with the Act and with the development plan when considered as a whole. There are no other

considerations, including the requirements of the Framework, that outweigh this finding. Thus, for the reasons given above and having considered all other matters raised, the appeal is dismissed.

J J Evans

INSPECTOR