



Appeal Decision

Site visit made on 10 June 2025

by Tamsin Law BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 September 2025

Appeal Ref: APP/V1260/W/24/3357398

34 Somerley Road, Bournemouth BH9 1EN

- 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 SO Properties Management Ltd against the decision of Bournemouth Christchurch and Poole Council.
 - The application Ref is 7-2024-29173-C.
 - The development proposed is the change of use from established House in Multiple Occupation (Class C4), to 8-bedroom House in Multiple Occupation (Sui generis).
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by SO Properties Management Ltd against Bournemouth Christchurch and Poole Council. This application is the subject of a separate Decision.

Preliminary Matters

3. In their Officer Report the Council dispute whether the hip to gable extension and rear dormer window in particular are lawful and have refused planning permission on the impact that these have on the character and appearance of the area. Since the Council made their decision a certificate of lawful use or development¹ for a dormer to rear roof slope with gable extension has been approved. I have taken this into account in my decision. I saw during my site visit that the extensions shown on both the existing and proposed plans have been completed.

Main Issues

4. The main issues are;
 - the effect of the proposed development on protected sites, namely the Dorset Heathlands Special Protection Area (SPA) and Ramsar, and the Dorset Heaths Special Area of Conservation (SAC);
 - the effect of the proposed development on the character and appearance of the area; and
 - the effect of the proposed development on the living conditions of nearby residents with regards to noise and disturbance.

¹ P/25/00056/CLE

Reasons

Protected Sites

5. The appeal site is within 5km of the Dorset Heathlands, which are covered by international designations including the Dorset Heathlands Special Protection Area, Dorset Heathlands Ramsar Site, and Dorset Heathlands Special Area of Conservation. Additional residents, such as occupants of the proposed HMO, could lead to increased visitor pressure on the Dorset Heathlands European Sites. In combination with other proposals this is likely to result in pathways that could lead to significant adverse effects on the integrity of the European Sites. Appropriate Assessment under the Habitats and Species Regulations 2017 (the Habitats Regulations) is, therefore, required.
6. The National Planning Policy Framework (the Framework) establishes that local planning authorities should set criteria-based policies against which any development affecting protected wildlife sites, such as SACs and SPAs should be judged.
7. CS Policy CS33 sets out that development will not be permitted in such areas unless it can be ascertained that the development will not lead to an adverse effect upon the integrity of the Dorset Heathlands.
8. Amongst other things, this can be achieved through provision of mitigation measures designed to avoid adverse effects to the integrity of the Heathlands. Appropriate mitigation measures are set out within The Dorset Heathlands Planning Framework 2020 – 2025 Supplementary Planning Document (2020) (SPD), including the provision of Strategic Access and Management Measures (SAMMs).
9. As the process of securing mitigation set out in the SPD has been drawn up in consultation with Natural England, I am satisfied that, theoretically, a planning obligation could meet the necessary mitigation requirements so as to avoid significant adverse effects on the European Sites.
10. However, what is before me is a form to request the Council draft an agreement under Section 106 of the Town and Country Planning Act 1990, but the final agreement has not been submitted. I recognise that the appellant has shown willingness to complete the agreement, but one has not been submitted. Therefore, as no agreement is before me my decision must be based upon this circumstance.
11. Therefore, as sufficient measures have not been secured to mitigate against harm to the SPA, SAC and Ramsar the development would be contrary to CS Policy CS33. It would also be contrary to the guidance contained within the SPD.

Character and Appearance

12. Dwellings along Somerley Road vary considerably in the design with a wide variety of roof styles. A number of dwellings along the road, both detached and semi-detached have noticeable and large roof additions. The development includes roof alterations, extending the roof a hip to a gable, the construction of a dormer to the rear elevation and single storey extensions. The dormer would be set a below the ridgeline and would be set in from the side elevation of the house by a small amount.

13. The council contends that the proposed development would harm the symmetry and unbalance the pair of semi-detached dwellings. The roof alterations were complete when I undertook my site visit, and I have had regard to the recent approval of a certificate of lawfulness which has approved the roof alterations and associated extensions.
14. Nevertheless, based on the varied context of rooflines along the street, the minor alteration to the existing roofline, the development would not appear incongruous or out of keeping with the area. Whilst there would be some unbalancing of the pair of semi-detached dwellings, due to the limited gaps between building and the modest roof height, the roof alteration is not readily visible in the street scene.
15. Thus, the development would not harm the character and appearance of the area. It would comply with CS Policy CS41 which seeks to ensure that developments are well designed and of a high quality.

Living Conditions

16. Saved Policy 6.17 of the Bournemouth District Wide Local Plan (2002) (LP) recognises that there is a need for HMOs within the Borough to accommodate residents, such as students and young professionals, who do not wish, or cannot afford, to rent or buy a house or self-contained flat. This policy seeks to ensure reasonable levels of amenity, and that the building and locality are appropriate for HMO use, having regard to matters including the number of residents to be housed and the proximity and nature of neighbouring properties.
17. The appeal site comprises a semi-detached building used as a small House in Multiple Occupation (HMO). The site is within a residential area consisting primarily of two-storey detached and semi-detached properties set back from the road behind a small front garden and dwarf wall.
18. The proposal is for the change of use of the HMO to a large HMO for a maximum occupancy of 8 persons within 8 bedrooms. The greater capacity would be likely to result in increased activity at the site given that occupants would live largely independently, including from more people coming and going at the front of the site. Nonetheless, a greater number of occupants is not, of itself, evidence that a larger HMO would cause material harm to the living conditions of the occupants of neighbouring properties or the character of the area.
19. Whilst there would be an increase in comings and goings, this would be limited to people using the front door and the side access to the rear garden. Whilst the rear garden could be used, it is unlikely that the use of the garden would be much different than a single dwelling or small 4 person HMO, who would also likely live fairly independent lives.
20. Whilst the proposal would intensify the HMO use at the site, this would not lead to demonstrable harm to the living conditions of the occupants of neighbouring properties. Furthermore, the location of the site within an area primarily comprising dwellinghouses would not fundamentally alter the residential character of the area.
21. I conclude that the proposal would not harm the living conditions of the occupants of neighbouring dwellings with regard to noise and disturbance. The development therefore accords with Saved LP Policy 6.17 and Policy CS41 of the Bournemouth

Local Plan: Core Strategy (2012) (CS) which seek to ensure that new development safeguards the amenity of neighbouring residents.

Conclusion

22. For the reasons given above the appeal should be dismissed.

Tamsin Law

INSPECTOR