



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: 03 September 2025

Appeal Ref: APP/V1260/W/24/3357108 82 Parkstone Heights, Poole BH14 0RZ

- 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 V Patel against the decision of Bournemouth Christchurch and Poole Council.
 - The application Ref is APP/23/00147/F.
 - The development proposed is demolition of 2no. flats and 1no. dwelling and outbuildings, the erection of a block of 8no. flats and 1no. detached house to the rear.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by Mr V Patel against Bournemouth Christchurch and Poole Council. This application is the subject of a separate Decision.

Preliminary Matters

3. According to the appellant, a revised Arboricultural Impact Assessment: Revision 211/AIA/2 May 2023 ('AIA') and Arboricultural Method Statement: Revision 211/AMS/2 23 May 2023 ('AMS') were submitted during the application process. The Council does not appear to have a record of these. Irrespective, these documents were available during the appeal.
4. The revised documents are intended to address one of the Council's reasons for refusal but do not alter the overall nature of the proposal. Also, the Council could have commented on these revised documents during the appeal. Therefore, I have accepted these in determining the appeal and do not consider that the interests of any party have been prejudiced by my having done so.

Main Issues

5. The main issues are:
 - i) The effect of the proposed development on the character and appearance of the area;
 - ii) Whether the proposed development would provide an acceptable quality of accommodation;
 - iii) The effect of the proposal on protected trees; and,

- iv) 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 Poole Harbour Special Area of Conservation ('SAC').

Reasons

Character and appearance

- 6. Notwithstanding the address on the application form, the appeal site comprises two residential buildings and outbuilding located at 80 and 82 Parkstone Heights. The residential buildings are detached, two-storey buildings. Like other properties in the street scene, their proximity to the highway gives them a strong visual presence.
- 7. The existing residential buildings would be replaced by a single, larger building containing multiple flats. Although the proposed building is larger in scale, its height is consistent with the existing structures. The overall massing is softened through thoughtful architectural detailing, materials and landscaping.
- 8. Furthermore, the proposed frontage is narrower than the combined width of the existing buildings, which allows for improved separation from adjacent properties and contributes to a more spacious and balanced layout.
- 9. Despite the building's placement near the highway, its design, scale, and arrangement ensure that it would integrate harmoniously with the surrounding context. Similar development patterns already exist in the area, and the inclusion of landscaping would further soften the new buildings presence within the street scene.
- 10. The proposal includes a two-storey dwelling positioned toward the rear of the appeal site. This introduces a form of backland development that has been supported on neighbouring plots.
- 11. While neighbouring backland developments typically feature rear gardens, the proposed dwelling incorporates front and side gardens. This design approach is a direct response to the presence of a protected Willow tree at the centre of the site, which constrains the developable area. The siting of the dwelling has been considered to respect this ecological feature.
- 12. Although the layout of the proposed rear dwelling differs slightly from previously approved backland schemes, in this case it broadly occupies the footprint of an existing building. Also, its discreet positioning would ensure it is not readily visible from public vantage points, thereby preserving the visual character of the wider area.
- 13. As such, the proposal would not harm the character and appearance of the area. Consequently, I find no conflict with Policy PP27 of the Poole Local Plan (November 2018) ('LP'). Amongst other things, this policy requires that new development reflects or enhances local patterns of development and neighbouring buildings in terms of: (i) layout and siting, including building line and built site coverage; (ii) height and scale; (iii) bulk and massing, including that of the roof; (iv) materials and detailing; (v) landscaping; and (vi) visual impact.

14. I also find no conflict with Policy PP28 of the LP, which says that residential proposals involving plot severances or plot sub-divisions will only be permitted where there is sufficient land to enable a type, scale and layout of development including parking and usable amenity space to be accommodated in a manner which would preserve or enhance the area's residential character.

Quality of proposed accommodation

15. While the proposed dwelling would benefit from a predominantly south-facing orientation, the outlook is significantly compromised by the positioning and scale of the protected Willow tree located centrally within the site. The tree's canopy and proximity are likely to dominate views from the dwelling and cast substantial shade across the primary living spaces. As a result, there is a genuine concern that the levels of natural light reaching the interior would be reduced, leading to an increased reliance on artificial lighting during daytime hours. This would undermine the quality of the living conditions expected for future occupants.
16. The proposed flatted block also raises significant concerns regarding outlook. Flat 2, located on the ground floor, would have its principal bedroom window facing No. 84, with a separation of approximately 1.2 metres to the boundary wall and only about 2.8 metres to the neighbouring flank elevation. This limited distance, combined with the height and massing of the adjacent two-storey wall, would result in an oppressive and overbearing relationship. The same issue applies to Flat 5 above, which would also face directly onto the neighbouring flank wall at a similarly constrained distance.
17. These windows serve as the sole source of outlook for the respective rooms. At about just 2.8 metres, the proximity to a substantial blank elevation would severely restrict views, reduce daylight penetration, and create a sense of enclosure. The resulting environment would fall short of acceptable standards for residential amenity and fails to reflect good quality design. The proposal, in this regard, is contrary to Policy PP27 of the LP, which seeks to ensure that new development is compatible with surrounding uses and would not result in a harmful impact upon amenity for both local residents and future occupiers considering levels of sunlight and daylight, privacy, noise and vibration, emissions, artificial light intrusion and whether the development is overbearing or oppressive.

Trees

18. The mature Willow tree within the site is covered by a tree preservation order. An area tree preservation order protects existing mature trees located over the rear boundary. I note that the Council's Tree Officer raised concerns in respect of insufficient information submitted with the application regarding foundation details and utilities layout to enable an assessment on the impact on the root protection areas of the protected trees.
19. Based on the revised AIA and AMS, all but a section of the front elevation of the new building to the rear of the site is outside the plotted Root Protection Area ('RPA') of the Willow tree. However, it is proposed that a short bore piling system supporting a non-invasive ground beam will be used for the whole of the foundation. To avoid damage to woody tree roots, the first 450mm of each pile hole will be excavated by hand. Should roots with a diameter greater than 25mm be uncovered, the position of the pile would be adjusted so that they can be retained. All groundworks would be carried out using a toothless bucket.

20. The position of the services and the sections that should be excavated by hand are shown on the submitted Tree Protection Plan/Construction Drawing, any service trenches would avoid the RPA of retained trees, unless agreed by the Arboriculturist. Soakaways would not be located within the RPA of a retained tree.
21. Any service trenches that are required would be excavated by machine outside the RPA of retained trees. Where this is not possible manual excavation would be undertaken and no roots with a diameter greater than 20mm would be severed unless agreed by the Arboriculturist.
22. For the above reasons, I am satisfied that the development could be undertaken without any physical harm to the retained protected trees within and near the appeal site. As such, the proposal accords with LP Policy PP27, which amongst other things requires that development responds to natural features on the site and does not result in the loss of trees that make a significant contribution.

Protected Habitats

23. The appeal site is within 5km of the Dorset Heathlands and the Poole Harbour SPA.
24. The Dorset Heathlands are an extensive network of lowland heath recognised for their importance for nature conservation. Poole Harbour is a natural harbour which is inhabited by important bird species. As such, both Dorset Heathlands and Poole Harbour are recognised by the Conservation of Habitats and Species Regulations 2017 ('the Regulations') as areas of international importance.
25. Natural England advises that additional residential development within 5km of the above sites and associated recreational activity is likely to have a significant effect on the Dorset Heathlands and Poole Harbour either alone or in combination with other proposals.
26. Adopting a precautionary principle and without mitigation, new residential development is likely to have a significant effect on the sensitive interest features of the habitat sites, from human pressures and increased nitrogen levels either alone or in combination with other proposals causing harm to nature conservation. It is necessary for me, as the competent authority for the purposes of the Regulations, to conduct an Appropriate Assessment in relation to the effect of the development on the integrity of the Dorset Heathlands and Poole Harbour sites.
27. The Dorset Heathlands Planning Framework Supplementary Planning Document ('DHPFSPD') and Poole Harbour Recreation Supplementary Planning Document ('HRSPD') provide a strategic mitigation framework to secure the appropriate avoidance or mitigation measures. These documents set out Strategic Access Management and Monitoring Measures ('SAMM') which require a mitigation payment per residential dwelling from all new development within close proximity to the protected habitat sites.
28. Provided mitigation can be secured, in the form of a developer contribution, it can be concluded that proposals would not have an adverse effect on the integrity of the habitat sites from recreational disturbance, when considered either alone or in combination with other proposals.

29. For the proposed scheme, the officer's report identifies a requirement for financial contributions of £2,088 for Heathland SAMM and £1,086 for Poole Harbour SAMM.
30. Although several Unilateral Undertakings have been submitted, these are in draft form, undated and unsigned. As such, these Unilateral Undertakings are incomplete and fail to secure the required mitigation. Consequently, without the required mitigation, the proposal would have a significant adverse effect on the integrity of the Dorset Heathlands and the Poole Harbour SAC. The proposal therefore conflicts with LP Policy PP32, which, amongst other things, sets out that developments would be permitted where it can be ascertained that these would not adversely affect the integrity of nationally, European and internationally important sites. It also conflicts with LP Policy PP39, which seeks to ensure that required infrastructure is secured in a timely manner.

Other considerations

31. The Council is currently unable to demonstrate a 5-year supply of housing land. Therefore, Paragraph 11d) of the National Planning Policy Framework ('the Framework') is engaged. However, and irrespective of the extent of the shortfall in housing land supply, the application of policies in the Framework as far as they protect habitat sites provide a strong reason for refusing the development proposed. This is reiterated by paragraph 195 of the Framework and as such, the proposal would not benefit from the presumption in favour of sustainable development set out in the Framework.
32. Nevertheless, the development would provide additional dwellings. 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. Given the Council's 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 (6 additional dwellings), I afford this moderate weight.

Planning Balance

33. Section 38(6) of the Planning and Compulsory Purchase Act 2004, requires that decisions on planning applications should be made in accordance with the development plan unless material considerations indicate otherwise.
34. The development would provide a number of additional dwellings and associated benefits to which I attach moderate weight. This would not harm the character and appearance of the area. 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.
35. Nonetheless, such neutral factors would not diminish the harm arising from the failure of the proposed scheme to provide an acceptable quality of accommodation for its occupiers and safeguard habitats sites. These harms are also contrary to the aims of the Framework and attract substantial weight.
36. Having taken account of the other considerations in support of the proposal, I do not consider these to be sufficiently forceful, to outweigh the harm and conflict with the development plan I have identified. Consequently, in the circumstances of this

case, the material considerations do not justify a decision other than in accordance with the development plan taken as a whole.

Conclusion

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

M Aqbal

INSPECTOR