



Appeal Decision

Site visit made on 23 July 2025

by H Faulkner BSc (Hons) MSc PGCE MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 September 2025

Appeal Ref: APP/V1260/W/25/3362048

Forest Lodge, 16 Burton Road, Poole BH13 6DU

- 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 R Hurt of Chine Developments Ltd against the decision of Bournemouth Christchurch and Poole Council.
 - The application Ref is APP/24/00778/F.
 - The development proposed is: Part conversion of the existing triple garage to form a maisonette (revised scheme).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Refusal reasons 2 and 3 on the Council's decision notice refer to the absence of acceptable mitigation in relation to the internationally designated sites of importance for biodiversity at the Dorset Heathlands and Poole Harbour. A Unilateral Undertaking pursuant to Section 106 of the Town and Country Planning Act 1990 dated 7 May 2023 (the UU) has been provided. This includes obligations for financial contributions towards strategic access, management, and monitoring (SAMMs) amounting to £527 for the Dorset Heathlands and £187 for Poole Harbour. The Council has indicated that this addresses the second and third reason for refusal.
3. Planning permission was previously refused in 2020 for the construction of a residential coach house¹. The appeal for this was dismissed in October 2020² and I have had regard to that decision in the assessment of this appeal.
4. The appeal site is located within the Branksome Park and Chine Gardens Conservation Area (CA). In considering whether to grant planning permission, I have been mindful of my statutory duties under Sections 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Main Issue

5. The effect of the proposed development on the character and appearance of the CA.

¹ APP/20/00048/F

² APP/V1260/W/20/3255281

Reasons

6. Forest Lodge is a large property which has been extended and converted into flats. The Branksome Park Conservation Area Appraisal (CAA) identifies Forest Lodge as a site which 'adds character' to the area. It is surrounded by other similarly large buildings set within generous plots. To the north of Western Road there is a spacious pattern to the grain of development with mature trees and hedges forming an important part of the areas character.
7. In determining the previous appeal on this site, the Inspector considered that the significance of the CA was partially derived from the attractive layout of the properties within their plots and I share this assessment.
8. There are design differences between the building previously proposed and the current proposal which is for the conversion of an existing building. The alterations to the building would include the installation of additional roof lights, a pedestrian door within the frontage and a floor to ceiling window in the end elevation.
9. The introduction of a front door would identify the property as a dwelling, as would features which could be introduced such as a letter box or house name or number. The additional windows would also provide further external features indicating the use as residential. The character of its use, such as occupants, guests and deliveries regularly coming and going would also identify it as a dwelling. Whilst the proposal states that no subdivision of the curtilage is involved it was observed at the site visit that there is already a fence in place separating an area at the rear of the building from land which is labelled on the plans as 'not forming part of the communal garden'. This when combined with the other features would further contribute to the building appearing as a separate residential property rather than a garage building.
10. I accept that the proposal would not change the footprint, scale, or massing of the building. However, whilst the proposed alterations may appear fairly limited in the context of the building, they facilitate the change of use and alter its character in a significant way. The building would change from being an ancillary building to one in separate residential use. Whilst these changes would not necessarily be highly visible from the street, they would be clearly apparent to the existing residents of Forest Lodge as well as other nearby properties.
11. The CAA notes that development should reflect the low-density pattern of the area, retaining detached houses in large well landscaped plots. The creation of a new dwelling in this manner, although more discrete than the previous proposal, would still introduce a dwelling which would be accessed directly from a parking area and would appear as a back land development in a manner which is not common or characteristic of the area where houses generally front the street. There is variation in architectural styles in the surrounding area, however, the prevailing character is that of large buildings in generous plots.
12. There may be examples of other garage or ancillary buildings within the area, however, I have not been provided with anything which is directly comparable where a garage building is in use as a dwelling accessed directly from a parking area.
13. The proposed dwelling is suggested as being consistent with the size and density of dwellings at 16 Burton Road, 10 Burton Road and 39 Western Road. No specific details

have been provided, however, these appear to be buildings which have been converted to flats and therefore do not directly correspond to the visual impact of the proposal.

14. The creation of a dwelling in this location, even through a conversion, would result in a backland development which would undermine the pattern of development in the area which is an important characteristic of the CA and would not preserve or enhance the character or appearance of the CA. This would therefore fail to preserve the significance of the CA. The proposal would result in less than substantial harm, albeit towards the lower end of the scale.
15. In accordance with paragraph 214 of the National Planning Policy Framework (the Framework) where less than substantial harm has been identified it should be weighed against the public benefits of the proposal. Paragraph 212 of the Framework stipulates that when considering the impact of a proposal on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
16. Benefits of the scheme include more efficient use of a site and building, the creation of a dwelling where there is a shortfall in supply, in a reasonably sustainable location and economic benefits of the use of local facilities by residents and during the construction phase. In accordance with paragraph 73 of the Framework the contribution of small sites is recognised. Whilst there are important public benefits the proposals are only for a single dwelling and therefore only attract modest weight. Given the great weight that is attributed to the less than substantial harm to the significance of the CA, even if at the lower end, the public benefits do not outweigh this harm.
17. Overall, I find that the proposals would be detrimental to the character and appearance of the CA and they would fail to preserve or enhance the character or appearance of the CA. Therefore, they would conflict with policies PP27, PP28 and PP30 of the Poole Local Plan which, amongst other things, seek development that reflects and enhances local patterns of development and preserves and enhances the historic environment and character of the area.

Other Matters

18. The appeal site lies within 5km of the Dorset Heathlands Special Protection Area (SPA), the Dorset Heaths Special Area of Conservation and Ramsar site, and the Poole Harbour SPA, SSSI and Ramsar site. As explained in the procedural matters a UU was submitted with the appeal which included financial obligations towards SAMMs. The Council do not dispute these amounts and I am satisfied that the obligations in the UUs meet the 3 tests in Regulation 122(2) of the Community Infrastructure Levy Regulations 2010 (as amended).
19. If I was minded to grant planning permission, it would have been necessary to consult Natural England under Regulation 63(3) of the Habitat Regulations and complete an appropriate assessment. However, given the harm found in relation to the main issue, I consider this would be unnecessary as it is unlikely to be determinative to the outcome of the appeal.

Planning Balance and Conclusion

20. The Council cannot demonstrate a five-year supply of housing. However, I have found that the harm to the significance of a designated heritage asset would not be outweighed by the public benefits of the proposal. As a result, there is conflict with the

policies of the Framework that protect areas or assets of particular importance and provide a strong reason for refusing the development proposed. Therefore, the proposal does not benefit from the presumption in favour of sustainable development outlined at paragraph 11 of the Framework.

21. There are benefits arising from the proposal which have been identified above. However, in light of the relatively modest scale of the proposal, these benefits would be restricted in extent. The benefits arising from the proposal do not provide sufficient justification for a development that conflicts with the development plan and national policy when taken as a whole. The material considerations do not indicate that a decision should be made other than in accordance with the development plan. Therefore, I conclude that the appeal should be dismissed.

H Faulkner

INSPECTOR