



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: 16 September 2025

Appeal Ref: APP/V1260/W/24/3358113

40 Brownsea View Avenue, Poole BH14 8LQ

- 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 Messrs Nisbett against the decision of Bournemouth Christchurch and Poole Council.
 - The application Ref is APP/24/00938/F.
 - The development proposed is demolition of an existing dwellinghouse, erection of a replacement dwelling and workshop/store outbuilding and subdivision of the plot to erect a further single detached dwellinghouse with associated access, parking and landscaping.
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Decision

1. The appeal is allowed and planning permission is granted for demolition of an existing dwellinghouse, erection of a replacement dwelling and workshop/store outbuilding and subdivision of the plot to erect a further single detached dwellinghouse with associated access, parking and landscaping at 40 Brownsea View Avenue, Poole BH14 8LQ, in accordance with the terms of the application, Ref APP/24/00938/F, and subject to the Schedule of Conditions to this Decision.

Applications for costs

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

Main Issues

3. The main issues are:
 - i) The effect of the development on the character and appearance of the area;
 - ii) Whether the development would provide an acceptable quality of accommodation;
 - iii) The effect of the development on the living conditions of neighbours;
 - iv) Whether the development secures a Biodiversity Net Gain ('BNG'); and,
 - v) Whether the development would be likely to have a significant effect on the integrity of the Dorset Heathlands Special Protection Area (SPA'), Dorset Heaths Special Area of Conservation (SAC), and Dorset Heathlands Ramsar sites ('the Dorset Heathlands') and Poole Harbour SAC.

Reasons

Character and appearance

4. The appeal site comprises a detached dwelling and garage located off Brownsea View Avenue, which rises from Sandbanks Road and features homes on both sides of the street, typically fronting the public highway. These properties benefit from generous frontages with soft landscaping, boundary walls, hedges, and mature trees, contributing to a consistent and attractive street scene.
5. The wider avenue displays a mix of architectural styles, ranging from late Victorian and Edwardian homes to modern dwellings constructed within the last decade. Plot severance and dwelling replacement are evident, reflecting an evolving development pattern.
6. Accordingly, there is no in-principle objection from the Council regarding the demolition of the existing dwelling or the subdivision of the appeal site to create two plots, and I have no reason to disagree. Based on my observations, the proposed plots would be of a comparable size to other examples of subdivision in the vicinity.
7. The appellant contends that Brownsea View Avenue accommodates a variety of dwelling sizes and densities, with recent developments reflecting a trend towards higher density and smaller plots due to reduced demand for large homes. In this context, the appeal site is currently occupied by a single dwelling. This plot is large relative to surrounding properties along Brownsea View Avenue. An assessment of built density has been undertaken to support the proposed development, which is said to align more closely with the modern pattern of development.
8. However, the appeal site is located on a private drive serving a small cluster of residences. The existing dwelling is largely screened from public view by mature tree coverage, which positively contributes to the verdant, leafy character of this part of the private drive. I observed that the private drive has a more informal, spacious, and semi-rural quality compared to the structured and denser development patterns found elsewhere along Brownsea View Avenue. This distinction is significant. The proposed development, by introducing two dwellings with extensive hard surfacing and fragmented soft landscaping, would alter the informal and open character of the appeal site. The scheme would erode the sense of spaciousness and greenery that currently defines the private drive.
9. Having considered the appellant's submission and undertaken a site visit, I find that the evidence presented does not adequately address the qualitative concerns raised by the Council. While the appellant relies heavily on quantitative comparisons of built coverage, this approach fails to capture the nuanced spatial and visual qualities that define the character of the private drive, particularly in the vicinity of the appeal site.
10. In my view, the appellant's comparisons with nearby properties that have undergone plot subdivision fail to account for key qualitative differences in layout and landscaping. Those sites successfully integrate both hard and soft landscaping and maintain a balanced composition that respects the prevailing development pattern. Typically, hard landscaping is set back behind deep frontages, while generous rear gardens are dominated by soft landscaping. In contrast, the appeal scheme lacks this equilibrium. The proposed dwellings are

positioned close to the private drive and to each other, and the removal of hedgerow sections further contributes to a more visually intrusive and spatially constrained appearance.

11. This arrangement would result in plots that appear more intensively developed, with built form dominating the site. As such, the proposal does not reflect the established pattern of development in the immediate area and is therefore inconsistent with Policies PP27 and PP28 of the Poole Local Plan (2018) (LP'), which seek to preserve residential character and ensure that new development responds appropriately to local patterns of siting, built coverage, and landscaping.
12. Nonetheless, while the proposal does not strictly adhere to these policies, the extent of harm is considered limited when viewed in the broader context of Brownsea View Avenue. The avenue has undergone gradual change, including plot subdivisions and increased residential density. The appeal site itself is unusually large and capable of accommodating such development. Although the scheme would alter the informal character of the private drive, its impact would be localised and would not significantly undermine the evolving and increasingly diverse character of the wider area.

The quality of the proposed accommodation

13. The main part of the external amenity space for Unit 1 would be located to the north of the proposed dwelling within this plot. While I acknowledge that this rear amenity space would not receive direct sunlight throughout the year due to its orientation, it would benefit from direct sunlight during summer days, as well as in the mornings and afternoons of spring and autumn. The submitted Shadow Study supports this, illustrating sunlight conditions for Spring Equinox.
14. The external amenity space for Unit 2 would be located to the front of the proposed dwelling, adjacent to the private drive. This area is already used as amenity space and benefits from a degree of privacy due to an established mature hedge separating it from the private road. While part of this hedge would be removed to facilitate access for the development, new hedgerow planting using mature specimens is proposed to maintain the privacy of this area.
15. Accordingly, the proposed development would provide acceptable living conditions for future occupiers. This aligns with LP Policy PP27, which, among other considerations, seeks to ensure that development does not result in harmful impacts on amenity for both existing residents and future occupiers. This includes factors such as levels of sunlight and daylight, privacy, noise and vibration, emissions, artificial light intrusion, and whether the development is overbearing or oppressive. This Policy also requires satisfactory provision of both external and internal amenity space.
16. Furthermore, I find no conflict with LP Policy PP28, which states that residential plot subdivision is only acceptable where there is sufficient land to support, among other requirements, adequate amenity space.

Living conditions

17. The appeal proposal involves the construction of two dwellings of notable scale, both two storeys in height, positioned close to the shared boundary with 42 Brownsea View Avenue (No. 42). This comprises a detached bungalow set within

a relatively generous plot. While the proposed development would introduce a substantial built form near the rear boundary of No. 42, I note that the appeal site sits at a slightly lower ground level.

18. A mature, mixed species hedge currently runs along the boundary between the two properties. Based on the evidence submitted and my own observations during the site visit, the hedge appears to be under the control of the appellant. It is substantial in both height and depth and presents as robust and well-established. The appellant's arboricultural assessment confirms that the hedge is in reasonable condition, and I have no reason to dispute this conclusion.
19. The hedge provides a degree of visual screening between the appeal site and No. 42. The submitted landscaping plans indicate that the hedge is to be retained, and I consider its continued presence to be beneficial to both the future occupants of the proposed dwellings and the existing residents of No. 42. On this basis, I am satisfied that the development would not result in an unacceptable sense of enclosure or a harmful loss of outlook for neighbouring occupiers.
20. Subject to the imposition of an appropriate condition to secure the retention and protection of the hedge during construction, I am satisfied that the proposal would not result in harm to the living conditions of the occupants of No. 42.
21. Based on the location and siting of the proposed dwellings, the intervening road and established landscaping, I am satisfied that these would not harm the living conditions of any other nearby neighbours with regard to overlooking and loss of privacy.
22. Therefore, the proposal accords with LP Policies PP27 and PP28, which seek, among other objectives to ensure that development is compatible with its surroundings and does not result in unacceptable harm to residential amenity.

Biodiversity Net Gain

23. The application is supported by a Biodiversity Metric and a Biodiversity Net Gain Report ('BNGR'). These documents aim to quantify the net percentage change in biodiversity on-site following development and to demonstrate compliance with the national requirement for a minimum 10% BNG.
24. Based on the submitted scheme and the proposed on-site habitat creation, the proposal would result in a loss of 0.20 habitat units, equating to a -19.22% change. Consequently, the required 10% net gain cannot be achieved on-site. To meet this requirement, off-site enhancements or the purchase of biodiversity credits would be necessary.
25. I note the Council's concerns regarding insufficient habitat condition assessments and inconsistencies in ecological data. However, condition scores and habitat classifications are embedded within the technical tools used by qualified professionals, even if not explicitly listed in summary documents. Apparent discrepancies, such as variations in tree counts or habitat mapping may arise from differences in survey scope or classification criteria and do not necessarily indicate significant errors. In this case, there is insufficient evidence that such inconsistencies are sufficient to alter the appellant's conclusion on BNG for this proposal.

26. While Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021) does not explicitly mandate adherence to the biodiversity gain hierarchy ('BGH'), national planning guidance, Natural England's best practice encourage its application.
27. The BGH, as set out in national planning guidance, prioritises avoiding harm to medium or higher distinctiveness habitats, followed by mitigation, and finally compensation. The appellant has sought to retain higher-value habitats and maximise biodiversity enhancements on-site. Only after exhausting such options did, they conclude that achieving the required net gain would necessitate off-site mitigation or the purchase of biodiversity credits both of which are recognised and acceptable under the statutory framework.
28. The BNGR outlines a range of enhancement measures integrated into the development, including native hedgerow planting, bird and bat boxes, hedgehog homes, and pollinator-friendly ornamental species. These features are mapped in the BNGR and reflected in the proposed landscaping scheme.
29. I note the Council's concern that there is "no certainty" the Statutory BNG Condition could be discharged. However, the Government's centralised biodiversity credit scheme provides a reliable mechanism for securing off-site mitigation where local options are unavailable. In this context, I am satisfied that the appellant would be able to meet the requirements of the condition.
30. Overall, the appellant's strategy reflects appropriate consideration of BNG principles and offers a reasonable and compliant path to securing BNG.
31. Therefore, and subject to conditions, I see no reason why the proposal would not secure the required BNG. As such, this complies with the overall requirements of LP Policy PP33, which amongst other things, sets out a requirement to demonstrate how any features of nature conservation and biodiversity interest are to be protected and managed to prevent any adverse impact.

Habitats sites

32. The appeal site falls within the zone of influence for the Dorset Heathlands, which include a SPA, a Ramsar site, and a SAC. These protected areas support a range of priority habitats and species, such as heathland birds, reptiles like lizards and snakes, and other wildlife typically found in lowland heath, wetlands, and dune environments.
33. In addition, the site is located within the catchment area of Poole Harbour, which is recognised as a Site of Special Scientific Interest (SSSI), SPA and Ramsar site. This area is nationally and internationally valued for its wetland bird populations, intertidal and subtidal ecosystems, and rich invertebrate communities.
34. Both the Dorset Heathlands and Poole Harbour are protected under the Conservation of Habitats and Species Regulations 2017 (as amended). These sites face increasing pressure from recreational use and public access, which can disturb sensitive habitats and undermine their ecological integrity. While the relationship between housing numbers and impact is not strictly linear, a rise in residential development within these zones tends to increase visitor numbers, thereby elevating the risk of environmental harm. 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 of the above protected sites.

35. The proposed development would introduce one additional dwelling. Applying the precautionary principle, and in the absence of mitigation, this could result in significant adverse effects on the protected habitats either individually or in combination with other developments due to increased human activity.
36. To address this, the Council has adopted mitigation strategies outlined in the Dorset Heathlands Planning Framework Supplementary Planning Document ('SPD') and the Poole Harbour Recreation SPD, both of which were updated in 2020. These documents require financial contributions from new residential schemes to support Strategic Access Management and Monitoring Measures, while a portion of Community Infrastructure Levy ('CIL') funds is allocated to the creation of alternative natural greenspaces.
37. Provided these mitigation measures are properly secured, the development is unlikely to harm the integrity of the protected sites. This approach is endorsed by Natural England.
38. In this case, the appellant has submitted a completed Unilateral Undertaking confirming their commitment to the required financial contributions under the relevant SPDs. These obligations meet the tests set out in the National Planning Policy Framework ('the Framework') and Regulation 122 of the CIL Regulations 2010 (as amended).
39. For the above reasons, I am satisfied that the proposed development, with mitigation in place, would not adversely affect the integrity of the European designated sites. The scheme therefore complies with the Habitat Regulations and aligns with Policies PP32 and PP39 of the LP, which seek to protect nationally and internationally important ecological assets.

Other Matters

40. A number of third parties have submitted representations regarding the proposal beyond the main issues. In light of the submitted ecological information, and subject to the implementation of proposed mitigation measures therein, the development would not result in unacceptable impacts on protected or priority species and habitats.
41. Concerns have been raised regarding the cumulative impact of the proposed scheme in conjunction with other nearby developments. However, based on the evidence available, I find no compelling reason to conclude that the addition of a single dwelling as proposed would give rise to any materially harmful cumulative effects. Moreover, no substantive evidence has been submitted to demonstrate that local infrastructure would be incapable of accommodating the modest increase in demand resulting from the appeal scheme.
42. Matters relating to legal access rights over the private drive to the appeal site are for the relevant parties and fall outside the scope of this appeal. Having considered the site-specific circumstances and the representations of the local highway authority, I am satisfied that, subject to conditions securing appropriate access, parking, and turning arrangements, the development would not pose any significant risks to highway safety or accessibility.

43. Furthermore, the imposition of a condition requiring the submission and adherence to a Construction Method Statement would adequately address any potential highway or public safety concerns during the construction phase.

Other considerations

44. Based on the most recent evidence before me, the Council has a housing land supply of about 2.1 years. As the Council cannot demonstrate a five-year supply of deliverable housing sites, paragraph 11(d) of the Framework applies.
45. The proposal would secure a small and suitable site to deliver an additional dwelling. Given the Council's current housing land supply shortfall, this represents an important benefit in line with the Framework's objective of significantly boosting the supply of homes and would be a social benefit.
46. The construction of the development would generate some economic activity. New residents would also support shops, services and facilities in the wider area. Therefore, there would be some economic benefits arising from the proposal.
47. Taken together and considering the scale of the scheme (one additional dwelling) I attach limited weight to these benefits.

Conditions

48. In imposing conditions, I have included the standard timescale condition for the implementation of the planning permission. A condition specifying the relevant plans and drawings is necessary as this provides certainty.
49. In the interests of protecting neighbouring living conditions and ensuring highway safety, a condition requiring the submission of a Construction Method Statement is necessary.
50. To secure the delivery of Biodiversity Net Gain, conditions requiring a Biodiversity Gain Plan and a Habitat Management and Monitoring Plan are justified.
51. The application is supported by a Phase I Desk Study (GWPR5422/DS/June 2023). Accordingly, a condition is warranted to reflect any further requirements arising from this study and to secure appropriate remedial or mitigation measures in the interest of public health.
52. A condition requiring details for the protection and management of the boundary hedge between the development site and 42 Brownsea View Avenue is necessary to safeguard the amenity of neighbouring occupiers.
53. Foul and surface water drainage details have been submitted and deemed acceptable by both the statutory undertaker (Wessex Water) and the Council's technical consultee. Therefore, a condition requiring compliance with the approved drainage scheme and its ongoing management is sufficient.
54. To protect and enhance local biodiversity, a condition requiring the development to be carried out in accordance with the mitigation and enhancement measures outlined in the submitted ecological reports is necessary.
55. Conditions securing the provision of access, parking, and turning areas, as well as the installation and maintenance of visibility splays, are essential for highway safety and the effective operation of the development. Additionally, a condition

requiring electric vehicle charging points is reasonable and supports the promotion of sustainable transport.

56. A condition requiring the use of obscure glazing is necessary to preserve the privacy of neighbouring properties.
57. To ensure the development's external appearance is in keeping with the character of the surrounding area, a condition requiring the use of materials specified in the application is appropriate. Furthermore, to complement the built form and hard landscaping, a condition securing the provision and maintenance of soft landscaping is also necessary.
58. Details of the driveway design, including its no-dig construction, have already been submitted. As such, a separate condition for further submission and approval would be duplicative; compliance can be secured through adherence to the approved plans.
59. The proposed roof forms are unlikely to support dormer windows, and it has not been clearly identified how any further doors, windows and rooflights would be harmful. Therefore, the removal of permitted development rights in this regard is not justified.
60. Renewable energy measures will be addressed at the Building Regulations stage. Consequently, imposing a planning condition for this purpose would result in unnecessary duplication of regulatory controls.
61. Conditions 3, 4, 5, 6 and 7, which prevent any development approved from commencing until they have been complied with, are considered fundamental to the development hereby approved. It is necessary for these to take the form of 'pre-commencement' conditions to have their intended effect. Where necessary and in the interests of clarity, flexibility and precision, I have altered the conditions to better reflect the relevant guidance.

Planning balance and conclusion

62. The proposal would introduce new development which would result in some harm to the character and appearance of the area. However, given the site's context, I have found that development here would result in a limited level of harm. On the other hand, the proposal would provide benefits which are consistent with the Framework and these are also afforded limited weight.
63. As a result, when assessed against the policies in the Framework, the adverse impacts associated with the proposal, would not significantly and demonstrably outweigh the benefits arising from this. Consequently, the presumption in favour of sustainable development applies and this indicates that planning permission should be granted, and the appeal is allowed.

M Aqbal

INSPECTOR

Schedule of Conditions

1. The development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the following approved plans:
Proposed Site Plan: Drawing No. LS-050. Rev F;
Proposed plans - Unit 1: Drawing No. LS-1000, Rev A;
Proposed plans - Unit 2: Drawing No. LS-1001, Rev A;
Proposed North and South Site Elevations: Drawing No. LS-2000, Rev A;
Unit 1, Proposed South and West Elevations: Drawing No. LS-2001;
Unit 1, Proposed North and East Elevations: Drawing No. LS-2002;
Unit 2, Proposed South and West Elevations: Drawing No. LS-2003;
Unit 2, Proposed North and East Elevations: Drawing No. LS-2004;
Landscape Plan – Drawing No. LANDP001, Rev 007.
3. The development hereby permitted shall not commence, including any works of demolition until a Construction Method Statement has been submitted to and approved in writing by the local planning authority. The approved Construction Method Statement shall be adhered to throughout the construction period for the development.
4. The development hereby permitted shall not commence until, a Biodiversity Gain Plan has been submitted to and approved in writing by the local planning authority:
 - (a) information about the steps taken or to be taken to minimise the adverse effect of the development on the biodiversity of the onsite habitat and any other habitat;
 - (b) the pre-development biodiversity value of the onsite habitat;
 - (c) the post-development biodiversity value of the onsite habitat;
 - (d) any registered offsite biodiversity gain allocated to the development and the biodiversity and the biodiversity value of that gain in relation to the development;
 - (e) any biodiversity credits purchased for the development; and
 - (f) any such other matters as the Secretary of State may by regulations specify.
5. The development hereby permitted shall not commence, until a Habitat Management and Monitoring Plan (the HMMP) has been submitted to and approved in writing by the local planning authority. This shall be prepared in accordance with the approved Biodiversity Gain Plan under Condition 4. The HMMP shall include the following details:
 - (a) the roles and responsibilities of the people or organisation(s) delivering the HMMP;
 - (b) the planned habitat creation and enhancement works to create or improve habitat to achieve the biodiversity net gain in accordance with the approved Biodiversity Gain Plan;
 - (c) the management measures to maintain habitat in accordance with the approved Biodiversity Gain Plan for a period of 30 years from the completion of development;The approved habitat creation and enhancement works shall be implemented in full within six months of the date of their written approval. Notice in writing shall

be given to the local planning authority once the habitat creation and enhancement works as set out in the HMMP have been completed.

6. No development (excluding demolition and site clearance) shall commence until a Phase 2 Site Investigation has been undertaken, if required, in accordance with the recommendations of the submitted Phase I Desk Study - Ref.: GWPR5422/DS/June 2023. The investigation shall assess the nature and extent of any contamination and include an appropriate risk assessment. If contamination is found to be present, a remediation strategy shall be submitted to and approved in writing by the local planning authority. The approved remediation measures shall be implemented in full prior to the occupation of the development.

Following completion of any remediation works, a verification report shall be submitted to and approved in writing by the local planning authority to demonstrate that the site is suitable for its intended use.

If, during the course of development, any contamination is found which has not been previously identified, work shall be suspended until:

- (a) additional measures for the remediation of the site have been carried out in accordance with details that shall first have been submitted to and approved in writing by the local planning authority; and
- (b) a verification report for all the remediation works has been submitted to and approved in writing by the local planning authority.

7. Notwithstanding the requirements of Condition 13, no development shall take place, including any works of demolition, until details of measures to protect the boundary hedge with 42 Brownsea View Avenue during the construction period and measures to manage and maintain this have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and thereafter the hedge shall be managed and maintained in accordance with approved details.
8. Prior to the first occupation of the dwellings hereby permitted, the surface water and foul water drainage shall be provided in accordance with the following:
Drainage Layout: Drawing No. 00 TEC V1 XX DR C 002, Rev P3 and
Drainage Strategy by Thorpe Engineering Consultants Ltd, 12 July 2024, Rev A. Thereafter, the foul water and surface water drainage systems shall be maintained for the life of the development.
9. Prior to the first occupation of the dwellings hereby permitted, the biodiversity mitigation and enhancement measures as outlined in sections 4.2 and 4.4 and appendix VII of the Phase 2 Bat Report, August 2023 by LC Ecological Services Ltd and section 6 of 'Preliminary Ecological Appraisal, 9 October 2023 by Ecosupport Ltd shall be provided and thereafter managed and retained.
10. Prior to the first occupation of the dwellings hereby permitted, the access, turning space and vehicle parking shall have been constructed and provided in accordance with the approved plans. Thereafter, the access, turning space and vehicle parking shall be retained and kept available for those purposes at all times.

11. The land designated for visibility splays for the new access, as shown on approved Proposed Site Plan: Drawing No. LS-050. Rev F, shall be cleared of all obstructions over 0.6 metres above the level of the adjoining highway, including the reduction in level of the land if necessary, and nothing over that height shall be permitted to remain, be placed, built, planted or grown on the land so designated at any time.
12. Prior to the first occupation of Unit 1, the En-suites serving bedrooms 1 and 4 for this dwelling; as shown on approved plan: Proposed plans - Unit 1: Drawing No. LS-1000, Rev A, shall be glazed with obscured glazing which conforms with or exceeds Pilkington Texture Glass Privacy Level 3 (or an equivalent level in any replacement standard) and no part of these windows that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. Thereafter, the approved window arrangements for Unit 1 shall be retained for the life of the development.
13. All works relating to the ground clearance, tree works, demolition and development with implications for trees shall be carried out as specified in the approved Arboricultural Impact Assessment and Method Statement – Ref. DS/10324/SC and Plan TC3, Tree Protection Plan & Arboricultural Method Statement (Services & Surfacing Stage) Ref: DS/10324/SC. Such works shall be supervised by an arboricultural consultant holding a nationally recognised arboricultural qualification.
14. All planting, seeding or turfing comprised in the approved details of landscaping as shown on Landscape Plan Drawing No. LANDP001, Rev 007, shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
15. All external facing and roof materials to be used within the development hereby permitted shall be as specified on the application form and approved plans.
16. Details of electric vehicle charging points to serve the proposed development shall be submitted to and approved in writing by the local planning authority. The electric vehicle charging points shall be provided on site in accordance with the approved details prior to the first occupation of the approved dwellings and thereafter maintained for such use.