



Appeal Decision

Site visit made on 26 August 2025

by **P Burley BA (Hons) MPhil MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 25 September 2025

Appeal Ref: APP/V1260/W/25/3364440

100 Boscombe Grove Road, Bournemouth, Dorset BH1 4PG

- 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 James Scollard against the decision of Bournemouth Christchurch and Poole Council.
 - The application Ref is 7-2024-28401-E.
 - The development proposed is described as '2 storey, 2 bedroom freehold house'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the appeal application was determined by the Council, the effect of development on the New Forest protected habitats area has arisen as an issue. Whilst the Council did not raise this during the application process I am nevertheless obliged by the Conservation of Habitats and Species Regulations 2017 (as amended) to consider this matter.

Main Issues

3. The main issues are:
 - whether any effects on habitats sites would be mitigated;
 - whether the statutory biodiversity net gain (BNG) would be achieved;
 - the effect of the appeal scheme on the character and appearance of the area; and
 - the effect of the appeal scheme on the availability of car parking.

Reasons

Effect on Habitats Sites – Heathlands / Heaths

4. The Council has noted that the site is within 5km of the Dorset Heathlands Special Protection Area (SPA) and Ramsar Site and the Dorset Heaths Special Area of Conservation (SAC) which covers the whole of Bournemouth. As such, the determination of any application for an additional dwelling resulting in increased population and the presence of domestic animals must be undertaken with regard to the requirements of The Conservation of Habitats and Species Regulations 2017. According to the Dorset Heathlands Planning Framework 2020-2025

Supplementary Planning Document (2020), all applications for additional residential accommodation within the borough are subject to a financial contribution, secured by way of a planning obligation pursuant to section 106 of the Town and Country Planning Act 1990, towards mitigation measures in respect of the designated sites.

5. Although the appellant agrees the policy is engaged in this instance, and has indicated in their written statement their willingness (by way of completion of the Council's planning obligations contribution form) to pay the required contribution, an executed planning obligation is not before me. In the absence of such an obligation or any justified reason for its absence, I find that the appeal scheme conflicts with Policy CS33 of the Bournemouth Local Plan: Core Strategy (October 2012) (CS) and the adopted Dorset Heathlands Planning Framework SPD (2020) which seek to avoid harm to the Dorset Heathlands.

Effect on Habitats Sites – New Forest

6. The Council has also noted that the site lies within the 13.8km zone of influence of the New Forest SAC, New Forest SPA and New Forest Ramsar sites. The Council has said that recreational pressure from additional bedroom numbers has the potential to harm their integrity and it cannot be ruled out beyond all reasonable scientific doubt that the appeal scheme would not have a likely significant effect on the sensitive interest features of the habitat sites from human pressures, either alone or in combination with other proposals. The appeal scheme would require mitigation, therefore.
7. Whilst the appellant has questioned the basis upon which the zone of influence has been identified, it is not open to me in determining this appeal to review or comment on the validity of the criteria that are used by the Council; I may only consider whether any impacts would be satisfactorily mitigated.
8. At the present time a formal strategy or mechanism which is specific to the borough for the distribution of any mitigation-related contributions is not yet in place. As such, there is no certainty that the necessary mitigation would be achieved, even if the appellant had proposed to enter into a planning obligation or agreed to a negatively-worded condition. In the absence of a mechanism to ensure that contributions are directed towards mitigation measures, the proposal would have a significant adverse effect on the integrity of the New Forest protected habitat and would therefore conflict with the Conservation of Habitats and Species Regulations 2017 (as amended).

Biodiversity Net Gain

9. Unless it is exempt, development must achieve a 10% biodiversity net gain (BNG) per Schedule 7A of the Town and Country Planning Act 1990, as inserted by Schedule 14 of the Environment Act 2021.
10. The appellant has not argued that any exemptions apply but that as the appeal site is a private garden, BNG cannot be secured and therefore no BNG can be achieved, that the appeal site could be classified as an urban unvegetated garden, that there is no way to secure measurable net gains and that BNG is for developers who have common areas, green spaces or adopted spaces.

11. The objective is for development to deliver at least a 10% increase in biodiversity value relative to the pre-development biodiversity value of the on-site habitat. However, no details of existing habitats on the site have been provided. Therefore, it is not possible to know what the current baseline situation is or to understand what an appropriate form and quantity of biodiversity gain would be required in order to meet the statutory objective, whether by way of on-site biodiversity gains, registered off-site biodiversity gains or statutory biodiversity credits in accordance with the Biodiversity Gain Hierarchy¹.
12. Therefore, I cannot be confident that the statutory biodiversity gain condition is capable of being discharged in accordance with the Biodiversity Gain Hierarchy and, as such, the proposal is contrary to CS Policy CS35 and Schedule 7A of the Town and Country Planning Act 1990 which both seek to achieve biodiversity enhancements.

Character and Appearance

13. The appeal scheme involves the construction of a 2-storey, 2-bed dwellinghouse adjoining an existing dwellinghouse (100 Boscombe Grove Road) along with alterations to the roof of number 100 to change it from having a simple pitched roof with a gable end to a hipped roof. The proposed dwellinghouse would be set back from the front elevation of number 100 and the entrance door would be on the side elevation of the proposed dwellinghouse. There would be a parking space for one car on the site in front of the proposed dwellinghouse.
14. 100 Boscombe Grove Road is one of a pair of semi-detached dwellings. Its neighbour, 98 Boscombe Grove Road, has a hipped roof and has been extended to its side, using materials and details which match the host dwellinghouse. Number 98 also has a small porch with a front door that is perpendicular to the street. The main entrance to number 100 is in its front elevation, facing the street.
15. The proposed dwellinghouse would read in a similar way to the extension to number 98 and, combined with the changes to the roof of number 100, would help to redress the current unbalanced appearance of the semi-detached pair. Whilst its main entrance would be to its side, I do not consider that this would be unacceptable; as well as there being other examples of side entrances nearby, it would not necessarily read as an out-of-place 'front' door; without knowing the layout of the buildings an observer could simply perceive this as being a side door to the main dwellinghouse.
16. Given that the proposed dwellinghouse would have a similar footprint to, and relationship with the adjoining building as, the extension to number 98, I am satisfied that it would not harmfully unbalance the semi-detached pair or appear to be an inappropriately-large development.
17. As such I do not consider that the appeal scheme would, by reason of poor design, create an out-of-keeping form of contrived overdevelopment that would be detrimental to the existing building, the street scene or the character or appearance of the area. Accordingly, I do not consider that the appeal scheme would be contrary to CS Policies CS6, CS21 & CS41, saved Policy 6.8 of the District Wide Local Plan (2002), Policy BAP7 of the Boscombe and Pokesdown Neighbourhood Plan (2019), or the provisions of the Bournemouth Borough

¹ <https://www.gov.uk/guidance/biodiversity-net-gain>

Council document Residential Development: A Design Guide (2008), all of which relate to the design of development, including in-fill development.

Parking

18. The Council's objection in relation to car parking was based on the loss of on-site car parking for the existing dwellinghouse at 100 Boscombe Grove Road. However, whilst there is provision for off-street car parking within the curtilage of the adjoining property (98 Boscombe Grove Road), number 100 does not. Although the site of the proposed dwellinghouse, which is adjacent to a dropped kerb, may once have been used for car parking (an objector has stated that it was used as such until 2021), from my observations it is now covered in rubble and overgrowth such that I do not find it reasonably likely that it could realistically be used for parking. Furthermore, the appellant has noted that the owner of number 100 is not entitled to use the parcel of land which is the subject of this appeal. Therefore, I do not consider that the loss of off-street car parking should be a reason for refusing this appeal.
19. In its Statement of Case, the appellant has included an aerial photograph which shows a white car parked across the frontage of the appeal site. Given that this space would no longer be usable so as to enable access to the on-site parking space that forms part of the appeal scheme, there may be a consequential impact on the availability of on-street parking. However, there is no suggestion in the submissions before me that any displacement of on-street parking would exacerbate existing parking stress. As such, I do not consider that the appeal scheme would be contrary to CS Policy CS16 or the BCP Council Parking Supplementary Parking Document (2021) which require parking provision that is in accordance with the Council's parking standards.

Other Matters

20. An interested party has referred to there being a foul sewer which crosses the site, that this would need to be diverted, and that the appellant would need to demonstrate that this is achievable within the limited space of the site prior to determination. However, I have not been provided with any evidence to substantiate this comment and therefore I have not considered it any further in this decision.

Planning Balance and Conclusion

21. Whilst both parties have noted that the Council cannot demonstrate a five-year supply of housing land in Bournemouth, the absence of any mechanism to mitigate the effects of the proposed development on the Dorset Heathlands SPA and Ramsar Site and the Dorset Heaths SAC, and on the New Forest habitats area, is sufficient for me to conclude that the impact of the proposed development significantly and demonstrably outweighs the benefit of the provision of one dwelling.
22. For the reasons given above the appeal should be dismissed.

P Burley

INSPECTOR