



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/25/3367624

4 Knightwood Close, Christchurch BH23 4NE

- 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 and Mrs Mike Featley against the decision of Bournemouth Christchurch and Poole Council.
 - The application Ref is 8/24/0677/FUL.
 - The development proposed is described as: 'Demolish existing dwelling and replace with two dwellings'.
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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) (the Regulations) to consider this matter.

Main Issues

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

Reasons

Character and Appearance

4. The appeal site is situated in a cul-de-sac which comprises 14 detached dwellings with a mix of single-storey bungalows, chalet bungalows and one two-storey house (number 10 at the northern end of the cul-de-sac). Whilst the bungalows are of a variety of different styles, together they create a low-rise character to the area. The majority of the dwellings are orientated such that their longest elevations face the street. There are unenclosed gardens and parking areas / drives to the front of most properties. Gaps between the dwellings vary in size and, in many cases, provide views of mature trees in the wider area.

5. According to the appellant, the appeal scheme would not result in an overall site coverage that is greater than recently-approved developments on plots which neighbour the appeal site and, like other plots, it would have an open frontage with hard and soft landscaping between the proposed dwellings and the street.
6. However, the proposed dwellings would be located close to each other as well as to 3 Knightwood Close which, together with the loss of the existing landscaping between the existing dwelling on the appeal site and number 3, would represent a departure from the spacious feel of the cul-de-sac and would appear to be cramped.
7. The gable ends of the proposed dwellings would present to the street, appearing as vertical elements amongst buildings displaying a strong horizontal emphasis. Whilst this arrangement would be similar to that of number 11, that property's gable end does not feature in views looking along the length of Knightwood Close, unlike the appeal site which occupies a prominent and visible position.
8. The proposed dwellings would also align with number 3, breaking the general pattern in Knightwood Close of the front elevations of dwellings sitting broadly parallel with the kerb line in front of them. Number 3 is an exception to this because it occupies a corner site with a much smaller street frontage than other dwellings in the street and it is angled to 'turn the corner'. Aligning the proposed dwellings with number 3 would result in a development that would look out-of-place, giving the appearance that the dwellings had been positioned to maximise the amount of development as opposed to in response to the prevailing layout of the area.
9. Furthermore, with two dwellings replacing one, the increased car parking at the front of the properties – the submitted drawings show 4 spaces – would add to the feeling of a significant intensification in the amount of development on the site.
10. My attention has been drawn to a nearby redevelopment of 5 Forest Close for two dwellings which no longer address the street directly but have their own access driveway. However, I consider that the context of that development is different in that that site does not occupy such a prominent location as the appeal site and therefore I do not consider it to be directly comparable.
11. Overall, I consider that the appeal scheme would be harmful to the character and appearance of the area and, therefore, that it conflicts with Policy HE2 of the Christchurch and East Dorset Local Plan Part 1 – Core Strategy 2014, saved Policy H12 of the Christchurch Local Plan (CLP) and Policy HWNPH11 of the Highcliffe and Walkford Neighbourhood Plan (2023) which together support development that is compatible with its surroundings, that is appropriate in character, scale, design and materials to the immediate locality, and which seek to avoid cramped forms of infill development and parking provision that dominates the street scene.

Biodiversity Net Gain

12. The appellant submitted BNG information with the appeal application but this was not considered by the Council. As part of its appeal submission the appellant has provided information which demonstrates that the layout of the proposal has retained as many habitats as is possible and particularly those of moderate distinctiveness. Nevertheless, 10% biodiversity net gain could not be achieved on

site. However, the 10% target could be achieved when the statutory condition is discharged prior to commencement by purchasing other biodiversity units, or if this is not possible, biodiversity credits. The Council has confirmed that the information submitted with this appeal overcomes the reason for refusal relating to BNG. Therefore, the appeal scheme would comply with the requirements of Schedule 7A of the Town and Country Planning Act 1990 (as amended) and with CLP Policy ME1.

Habitats

13. The appeal site lies within 5km but beyond 400m of Dorset Heathland which is designated as a Site of Special Scientific Interest (SSSI) and as a Special Protection Area (SPA). The proposal for a net increase in residential units would, in combination with other plans and projects and in the absence of avoidance and mitigation measures, likely have a significant effect on the site. Natural England has advised that on a site that lies between 400m and 5km from the SSSI, an appropriate assessment may reasonably conclude that there would not be an adverse cumulative impact on the integrity of the SSSI on the basis of the adopted Dorset Heathlands Planning Framework 2020-2025 (DHPF) which provides for mitigation against the impacts of new dwellings on the heathland. The DHPF requires a financial contribution towards the funding of mitigation measures, specifically strategic access management and monitoring. The appellant has provided a unilateral undertaking which secures the contribution and, consequently, the appeal scheme would not result in an adverse effect on the integrity of the designated site. Therefore, it also accords with CLP Policy ME2 in relation to this consideration.
14. The new residential development would result in wastewater which would create an additional phosphate load in the River Avon and which could harm the water quality of the River Avon Special Area of Conservation (SAC) and SSSI. The River Avon is in an unfavourable condition due to high levels of nutrients and is 'phosphorus limited' which means that any addition either directly or indirectly should be deemed to have an adverse impact on integrity. There would be a likely significant effect from the proposed development and in the absence of mitigation, it would not be possible to conclude that there would not be an adverse effect on the integrity of the River Avon SAC. This could be addressed by securing phosphate credits. There is some evidence that the credits could be secured in this case, and had I been minded to allow the appeal, I would have sought further evidence that this matter could be dealt with by way of a negatively-worded condition to ensure accordance with CLP Policy ME1.
15. In its appeal statement the Council noted that the site also lies within the 13.8km zone of influence of the New Forest SAC, New Forest SPA and New Forest Ramsar sites. Although it was open to the appellant to respond to this matter by way of final comments, it did not do so.
16. The Council stated 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 proposal 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 proposal would require mitigation, therefore.

17. However, a formal strategy or mechanism which is specific to the borough is not yet in place for the distribution of any contributions. As such, there is no certainty that the necessary mitigation would be achieved. Consequently, even had the appellant proposed to enter into a planning obligation or agreed to a negatively-worded condition it would not have satisfied the policy and statutory tests governing the use of planning obligations and conditions.
18. Without clarity as to the appropriate mitigation and how this would be secured, I cannot be certain that this proposal would be acceptable in terms of this planning matter. In light of these circumstances, I therefore find that the proposal would have a significant adverse effect on the integrity of the New Forest protected habitats. Therefore, and in accordance with the Regulations, I am unable to authorise the project because of this unmitigated impact.

Conclusion

19. The Council cannot demonstrate a five-year housing land supply in Christchurch and consequently paragraph 11 d) of the National Planning Policy Framework is engaged. However, the appeal scheme would result in unmitigated impacts on designated habitats sites, and therefore, in accordance with paragraph 11 d(i) and Footnote 7, this provides a strong reason for refusing the development proposed. Furthermore, I have found that the proposal would have a harmful effect on the character and appearance of the area. Consequently, I find that the limited benefits of the proposal in providing an additional housing unit do not outweigh the conflict with the development plan and other harms.
20. For the reasons given above the appeal should be dismissed.

P Burley

INSPECTOR