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## Appeal Decision

Site visit made on 7 October 2025

by **B Plenty BSc (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 21 October 2025

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**Appeal Ref: APP/V1260/W/25/3363670**

**12 Dalkeith Road, Christchurch, POOLE BH13 6LQ**

- 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 Miss Emma and Louise Wright against the decision of Bournemouth Christchurch and Poole Council.
  - The application Ref is APP/24/00815/F.
  - The development proposed is the use of outbuilding as self-contained unit of accommodation.
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### Decision

1. The appeal is dismissed

### Preliminary matters

2. The outbuilding has already been converted for habitable use. The layout plan shows a side window serving the bedroom which has not yet been installed. As the unit did not appear to be currently in occupation during my visit, I have not considered the proposal as being retrospective in nature.
3. A S106 Legal Agreement, in the form of a Unilateral Undertaking has been submitted in support of the appeal. This commits to the provision of financial contributions to provide the required mitigation towards the effected European Sites. I shall return to this matter later.

### Main Issues

4. The main issues are:
  - The effect of the proposed development on the character and appearance of the area with particular regard to The Avenue Conservation Area,
  - whether the proposed development would provide suitable living conditions for future occupiers with respect to outlook, privacy, daylight and sunlight
  - The effect of the proposal on the living conditions of the main dwelling, with respect to outlook, privacy, daylight and sunlight, and
  - The effect of the proposal on the integrity of the Dorset Heathlands Special Protection Area (SPA) and Ramsar site and the Dorset Heaths Special Area of Conservation (SAC), and the effect of the proposed development on the Poole Harbour SPA. (the 'European' Sites)

## Reasons

### *Character and appearance*

5. The main dwelling within the appeal site is a locally listed building and is reflective of the arts and crafts movement. The proposal relates to a converted outbuilding that stands within a verdant spacious plot of a mature suburb. The site is within The Avenue Conservation Area (TACA). The conservation area consists of a range of individually designed homes, set within spacious plots in well landscaped settings.
6. The Conservation Area leaflet identifies that the conservation area is divided into three zones. The area to the west of The Avenue, including the site, is described as containing buildings that include good examples of the arts and crafts architecture. Development is described as low-key, with large-detached buildings set in large, well-landscaped grounds. The appeal site accords with this description. As such, the significance of the conservation area derives from the architectural and historical interest of the area.
7. The outbuilding proposed to be used as a separate dwelling is located alongside the main dwelling. The use of the proposal, whilst attracting additional residential activity would have a minimal effect on the appearance of the area. Nonetheless, the outbuilding is a long and narrow building, that stands on a small plot alongside the existing dwelling. Therefore, the subdivision of the plot would create a dwelling that would be extremely small in comparison to the scale of adjacent plots, resulting in a form of intensification that would cause an unacceptable change to the character of the established residential area.
8. Due to its modest size, the proposed dwelling would be out of character with the grain and pattern of local development. Such subdivision would erode the character of the area through the introduction of a discordant type of housing. The dwelling would be a cramped and crowded form of development, causing 'less than substantial' harm to the character of TACA.
9. Furthermore, Policy PP28, of the Poole Local Plan [2018](LP), concerning residential proposals for plot severance and sub-divisions requires such schemes to make a positive contribution to the area including with respect to scale and layout. Due to the size and position of the converted outbuilding, the proposed dwelling would be uncharacteristically small and represent a sub-division that would form an extremely narrow property in comparison to local housing stock and plot sizes. Consequently, this form of development would not make a positive contribution to the area.
10. Accordingly, the proposal would not preserve or enhance the character or appearance of TACA. As such, the proposal would conflict with LP policies PP02, PP27, PP28 and PP30, The Avenue Conservation Area leaflet and the National Planning Policy Framework (the Framework). These relate, among other matters, to the delivery of sustainable patterns of development to preserve Poole's heritage assets and to only support development that would be of a type, scale and layout that could be accommodated in a manner that would preserve the area's residential character.

### *Living conditions – future occupiers*

11. The converted annex is to the west of the main house, and a large tree is to its south. Due to its location and proximity to surrounding elements, the proposed unit would receive limited access to direct sunlight. However, during my visit I noted that natural daylight levels within the unit were good, benefiting from the three rooflights and glazing to the front, side and rear of the building. As a result, occupiers would not be reliant on artificial light to undertake day-to-day tasks preventing conflict with LP policy 37(1)a.
12. Furthermore, the front and side windows include obscure glazing that prevents overlooking towards the main house. However, the extent of obscure glazing creates a strong and oppressive sense of enclosure within the accommodation. This sense is reinforced by the rear outlook from the bedroom, providing only a restricted view towards a boundary hedge. As a result, future occupiers would experience a poor outlook caused by the proximity of the main dwelling and its boundaries.
13. Accordingly, whilst future occupiers would not experience adverse effects with respect to privacy, sunlight and daylight, the proposal would create a poor outlook resulting in poor living conditions. Consequently, the proposal would conflict with LP policy PP27 with respect to effect on future occupiers. This seeks development, *inter alia*, to be compatible with local uses without causing a harmful impact on the amenity of future occupiers.

### *Living conditions – neighbouring residents*

14. The proposed dwelling would be close to the main house. During my visit I noted that the side and front facing windows of the proposed dwelling were obscurely glazed, with a rear facing bedroom window that was clear glazed. The adjacent main house has several side windows. Whilst most side windows of the main dwelling are obscurely glazed, one is clear, and this serves a ground floor habitable room. Occupiers of this room would suffer a loss of privacy through attending future occupiers arriving and leaving the proposed dwelling.
15. As the building was formerly used as a garage its relationship to the main house is historic. As such, occupiers of the main house would not experience a change to sunlight, daylight or outlook from the converted building despite its proximity.
16. As a result, occupiers of neighbouring dwellings would not experience a loss of sunlight, daylight or outlook but would suffer an erosion of privacy. Consequently, the proposal would conflict with LP policy PP27 with respect to the effect on the living conditions of adjacent residents. This seeks development, among other matters, to be compatible with local uses without causing a harmful impact on the amenity of local residents.

### *European Sites*

17. The Dorset Heathland SPA is designated for its extensive network of lowland heath recognised for its national and international importance for nature conservation. LP policy PP32 requires mitigation for schemes that would result in a net increase in dwellings to avoid adverse effects. The Dorset Heathland Planning

Framework requires contributions, towards Strategic Access Management and Monitoring (SAMM), to prevent an adverse effect on the integrity of the SPA.

18. The Poole Harbour SPA is designated as an outstanding natural feature on the south coast of England providing habitat for a range of protected birds. The Council's Poole Harbour SPD requires a contribution from all qualifying residential development in Poole to avoid adverse effects. LP policy PP32 requires a SAMM contribution to mitigate the adverse effects of increased recreation disturbance. Furthermore, the 'Nitrogen Reduction in Poole Harbour SPD' explains that increasing nitrogen levels from sewerage and agriculture contributes to the growth of algal mats in the Harbour, restricting the growth, distribution and variety of important food for wading birds. This adverse effect on the integrity of the SPA requires mitigation in accordance with the SPD.
19. The appellant's UU would secure required mitigation in accordance with the above requirements. Nonetheless, potential mitigation, such as offered through a mitigation payment, cannot be taken into account when determining whether an Appropriate Assessment (AA) is required. It may be considered, if an AA has been undertaken, that the development would harm the integrity of the SPAs and SAC in consultation with Natural England. However, as I am dismissing the appeal for other reasons it is not necessary for me to consider this matter further as it could not change the outcome of the appeal.

### **Other Matters**

20. The appellant asserts that it is not intended to sever the site from the main plot. However, the converted outbuilding has a bedroom, bathroom and living/kitchen area and is proposed to function independently to the main dwelling as a self-contained property. Therefore, despite including shared access to the parking area and garden and being subservient in size to the main dwelling, there would be no material functional link with the main dwelling, and it would function as a separate dwelling.
21. In consideration of the application to convert the outbuilding in 2021 the Council deemed that the proposal would not have a detrimental effect on the character and appearance of the area. Whilst noted, the previous decision was for a different scheme that was considered within the terms of a use that was incidental to the main dwelling. The Council's findings in that matter are therefore fundamentally different to this proposal for a separate dwelling.
22. Furthermore, whilst the appellant asserts that the use of the converted outbuilding by a tenant would be no different to the fall-back position. The stated fall-back position is that a room of the house could be occupied by a tenant, or the outbuilding could be occupied by a family member. However, neither of these scenarios would create a separate dwelling and do not represent a fall-back position that would be of greater harm than that proposed.
23. The appellant offers the imposition of a planning condition, intended to prevent the creation of a separate planning unit. However, such a condition would be unable to be applied as it could not control ownership and would, in any event, allow the unit to operate as a separate dwelling creating the identified adverse effects. Furthermore, no other similar condition relating to how the dwelling could be used would mitigate the identified harm.

## **Heritage balance**

24. I have identified above that the scheme would cause less than substantial harm to the heritage significance of TACA. It must be noted that even less than substantial harm to a designated heritage asset carries great weight. Paragraph 215 of the Framework requires that where less than substantial harm is found to a heritage asset this should be weighed against the public benefits of the proposal.
25. In terms of public benefits, the proposal would deliver one dwelling, within a District where a 4.1-year housing land supply is in existence, which falls below the level of supply required by national policy. An additional dwelling would make a valuable contribution to the Council's housing land supply and thus would contribute to the Government's objective to significantly boost the supply of homes. However, even taking account of the current housing land supply position, the benefits of housing delivery, to which I attach considerable weight, are tempered by the fact that the provision of one dwelling would only make a small difference to housing supply.
26. The appeal scheme would also provide some long-term expenditure in the local economy. However, I attach limited weight to this benefit considering the scale of development proposed and the modest size of the site in question.
27. Therefore, I attach moderate weight to the combined benefits of the proposal. As such, whilst the proposed development's public benefits attract moderate weight when considered cumulatively, they would not outweigh the great weight applied to the harm that would be caused to the heritage significance of TACA.

## **Overall Planning balance and conclusion**

28. On consideration of the Council's housing land supply position, paragraph 11(d) i) of the Framework indicates that the presumption in favour of sustainable development should be engaged unless the application of policies in the Framework that protect areas or assets of particular importance provide a strong reason for refusing the development proposed. Footnote 7 of paragraph 11(d) of the Framework lists designated heritage assets as assets of particular importance.
29. For the avoidance of doubt, as I have found harm to the significance of TACA, provides a strong reason for refusing planning permission, the presumption in favour of sustainable development is not engaged. Consequently, because of the harm I have found, there is conflict with LP Policies PP02, PP27, PP28 and PP30, with respect to harm to the character and appearance of the area and specifically to the conservation area. Furthermore, the proposal would result in harm to existing and future living conditions, finding further conflict with LP policy PP27.
30. Accordingly, the proposal conflicts with the development plan when read as a whole and the material considerations I have identified in my Heritage Balance above – even though attracting moderate positive weight in the context of a housing land supply shortfall – do not outweigh that conflict.
31. For the reasons given above, the appeal is dismissed.

*B Plenty*

INSPECTOR