
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: 22 October 2025

Appeal Ref: APP/V1260/W/25/3361229

48 Hillbourne Road, POOLE BH17 7JB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Fortitudo (Hillbourne Road) Limited against the decision of Bournemouth Christchurch and Poole Council.
 - The application Ref is APP/24/00829/P.
 - The development proposed is Demolition of existing dwelling and erection of four no. detached bungalows, formation of parking and landscaping.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal proposal is made in outline form with all matters for consideration other than landscaping. The submitted plans therefore show the proposed access points, appearance, layout and scale of the scheme. Accordingly, the submission provides a clear indication of most elements of the final scheme, and I shall consider this appeal in those terms.
3. A S106 Legal Agreement, in the form of a Unilateral Undertaking (UU), has been submitted in support of the appeal. This seeks to provide financial payment towards both the Poole Harbour and Heathland Strategic Access Management Monitoring (SAMM) contributions. This requires the payment of the sums to be made to the Council prior to the commencement of the development. I shall return to this later.

Main Issues

4. The main issues are:
 - The effect of the proposed development on the character and appearance of the area, including on trees, 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 Poole Harbour SPA (the 'European Sites'.)
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Reasons

Character and appearance

5. The appeal site is within a suburban residential area. The area consists of bungalows and two-storey residential properties in a variety of styles and scales. Roadside landscaping includes street trees, alongside surrounding plots, in addition to landscaping within most local frontages. Properties are recessed from the highway along both York Road and Hillbourne Road, creating relatively uniform front building lines and a general sense of openness to the street. The site is a corner plot, occupied by a dormer bungalow, with boundary hedging and a large oak tree alongside its boundary with York Road. Accordingly, the site makes a positive contribution to the local open and verdant character.
6. The proposal would place four bungalows alongside Hillbourne Road. The dwellings would be modest in size and would be set close to the highway. Due to their proximity these would be a dominant form of development. This would harm the streetscene in contrast with the recessed appearance of local built form, largely set behind mature planting. This effect would also reduce the sense of spaciousness in the area. Furthermore, the prominence of the proposal could not be materially softened by plant screening due to the limited depth of front gardens. Therefore, whilst the plot widths and proposed materials would be comparable to local examples, the scheme would be an obtrusive form of development, having an adverse effect on the character of the site and its surroundings.
7. Furthermore, the parking spaces associated with plot 3 would be located on York Road, alongside an oak tree. The parking provision for this plot would be remote from the dwelling and would not be provided in a convenient or practical location. Accordingly, future occupiers would have to carry items a long distance to and from their vehicles around the corner of the site. The position of this parking would also prevent owners' natural surveillance of their vehicles, raising crime and safety concerns, and representing an element of poor design that further weighs against the scheme.
8. The proposed layout places the footprint of several parking spaces and the dwelling of plot 4 within the Root Protection Area (RPA) of the oak tree, located within the footway of York Road and subject to a tree preservation order. As the tree is alongside the hardstanding of the highway a modified RPA, favouring root growth within the front garden of the appeal site, has been identified. The west elevation of plot 4 would encroach into the RPA by around 11%. This impact can be off-set by the adjacent open land in the rear garden of plot 4 and through the dwelling being built using a pile and beam foundation system, limiting overall impact.
9. Spaces 5 and 6 would be adjacent to the dwelling of plot 4. This area would equate to 16% of encroachment into the RPA, which would comply with tolerable encroachment identified by BS 5837. This area would be subject to a cellular confinement system to minimise compaction and protect roots. The details of a method of system, and cross-section drawing, could be secured by planning condition. Furthermore, spaces 7 and 8 alongside the oak tree, would include the

use the western end of the existing driveway. The existing driveway would be removed and replaced with a cellular system. As a result, the reduction of the RPA would be limited, where BS 5837 guidance explains such loss would be unlikely to harm the tree. As a result, the proposed development would be unlikely to cause harm to the tree subject to the imposition of mitigating conditions.

10. The evidence identifies that some local housing has limited separation between dwellings, extensive hardstanding and an absence of frontage landscaping. It is noted that 120-126 York Road demonstrates these characteristics. However, despite the absence of landscaping these local plots include dwellings that remain set back from the highway and do not over-dominate the street. Furthermore, these plots are an exception to the prevailing character of housing along York Road.
11. Consequently, the proposal would harm the character and appearance of the area. As such, the proposal would conflict with policies PP27 and PP28 of the Poole Local Plan [2018](LP). These seek development, amongst other matters, that reflects the local pattern of development, that would preserve an area's residential character and requires parking to be convenient and practical.

European sites

12. The site is within the zone of influence of the Dorset Heathlands SPA and Ramsar site and the Dorset Heaths SAC. The site is also within 5km of the Heathland Site of Special Scientific Interest (SSSI). The proposed residential scheme would result in a net increase in population where future occupiers could attend the SPA and SAC creating recreational pressure. Without avoidance or mitigation measures the proposal would be likely to result in significant adverse effects. The Council identifies that mitigation, to address the impact of recreation disturbance, is provided for in the Community Infrastructure Levy (CIL) Charging Schedule. The Dorset Heathland Planning Framework requires a contribution to fund SAMM of the SPA and SAC. The submitted UU makes such a contribution.
13. Furthermore, the site is also within the zone of influence of the Poole Harbour SPA. The increased population, caused by the scheme, would create nutrient enrichment that would require measures to avoid and mitigate the effects. Furthermore, the proposal would create additional recreational pressure of the Poole Harbour area, requiring measures to mitigate this effect. The Council identifies that mitigation, to address the impact of recreation disturbance, is provided for in the CIL Charging Schedule. A SAMM Payment is also required for this SPA to provide suitable mitigation to address the adverse recreational disturbance caused by the increased population of the proposal. This sum has also been provided within the UU.
14. 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

15. The site is within a sustainable transport corridor, reported to be within 20 metres of a bus stop which is served by services to Wimborne, Merley and Poole. The appeal site is within a sustainable transport corridor. LP policies PP2, PP34 and PP35 support the increase of density of development within such corridors, seeking to meet higher density objectives of 50 dwellings per hectare. These seek to focus investment in infrastructure by creating a safe, connected and accessible transport network.

Planning balance and conclusion

16. The Council has a housing land supply position of 2.1 years. Therefore, there is a significant shortfall against the requirement to demonstrate a five-year supply of deliverable housing land, as set out at paragraph 78 of the National Planning Policy Framework (the Framework).
17. In this circumstance, paragraph 11 of the Framework is engaged, whereby planning permission should be granted unless (i) policies in the Framework that protect areas or assets of particular importance provide a strong reason for refusing the development, or (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, and having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination. There is nothing to suggest 11(d) (i) is relevant to this case, hence the balance in 11(d) (ii) applies.
18. The Framework seeks to boost the supply of housing and highlights the contribution small sites can make in meeting the housing requirements of an area which are often built out relatively quickly. The proposal would contribute a net gain of three additional dwellings on a small site which would make better use of land in an accessible location close to services in Broadstone. However, three additional houses would make little difference to the overall supply of housing.
19. The proposed development would be located within a Sustainable Transport Corridor providing good access for future occupiers to goods and services. Its sustainable location would comply with LP policies PP2, PP34 and PP35. As such, the proposed development would be in an accessible location providing good opportunities for travel by public transport.
20. There would also be some economic benefits during the construction phase when the development would provide jobs and opportunities for local companies and once occupied when future residents would support services in Broadstone. However, given the small scale of the proposal, these benefits would be limited.
21. The appellant identifies that the scheme would deliver bungalows that would be suitable for elderly occupiers, meeting the needs of a specific group. This is seen as a modest benefit only in addressing the Framework's requirement for housing to provide for a mix of house types for the local community, to which I afford modest weight in favour of the scheme.

22. It is also noted that the proposal is not constrained by any restrictive heritage or landscape designations and would not cause harm to the protected oak tree. Furthermore, it is undisputed that the proposal would not harm neighbour's living conditions in terms of loss of light or privacy. However, an absence of harm in these respects can only be considered as neutral factors in the planning balance.
23. In contrast, the proposal would result in substantial harm to the character and appearance of the area, raising conflict with the development plan. The Framework requires development to function well and add to the overall quality of an area, be visually attractive and be sympathetic to local character. I have concluded that the proposal would conflict with development plan LP policies PP27 and PP28 and the Framework in this respect. I give this conflict significant weight.
24. Consequently, even with the Council's 5-year supply shortfall, the adverse impacts of the development on the character and appearance of the area would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. Therefore, the presumption in favour of sustainable development does not apply.
25. For the reasons given above, the proposal would conflict with the development plan as a whole and there are no material considerations that would outweigh that conflict. Therefore, the appeal is dismissed.

B Plenty

INSPECTOR