



Appeal Decision

Site visit made on 21 October 2025

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

an Inspector appointed by the Secretary of State

Decision date: 23 October 2025

Appeal Ref: APP/V1260/W/25/3370851

71 Ashley Road, Poole BH14 9BT

- 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 L Younger against the decision of Bournemouth Christchurch and Poole Council.
 - The application Ref is APP/25/00061/F.
 - The development proposed is described as 'Sever the land and erect a detached bungalow at the rear with associated cycle store'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. When I undertook my site visit I saw that some development had taken place on the appeal site. This included a four-sided structure on what appears to be a concrete slab. The structure did not have any windows, doors, a roof or external cladding. The structure appeared to have similar dimensions to the appeal scheme but there were differences in terms of the placement of openings for windows and doors (for example there was no opening for a window on its eastern elevation). The site of the proposed dwelling and the host dwelling were separated by high timber fencing which appeared to be of a similar height to the four-sided structure, and differing from the 1.8m brick wall and railings that is indicated on the submitted plans. High fencing had also been erected on the southern, eastern and western boundaries of the appeal site. The area to the north of the proposed dwellinghouse and the side access path had been covered in hard surfacing, similar in appearance to an asphalt or tarmac road surface.
3. Given that what I observed on site differed from what is shown in the appeal application, I have determined this appeal on the basis of the submitted plans.

Main Issues

4. The main issues are:
 - the effect of the appeal scheme on the character and appearance of the area;
 - whether the appeal scheme would provide acceptable living conditions for the future occupiers of the dwelling; and
 - whether any effects on habitats sites would be mitigated.

Reasons

Character and Appearance

5. The part of Ashley Road within which the appeal site is located is characterised by large, detached dwellings which are set within generously-sized plots. Many dwellings have gardens to the rear, some with outbuildings, but the local area is not characterised by sub-divided or backland plots.
6. The appeal scheme would result in two newly-formed plots that would be markedly smaller than the size of the plots along this part of Ashley Road. There would be some views of parts of the proposed dwelling down the access in particular, enabling passers-by to see this difference in character from the public realm, including the tiled hipped roof which would differentiate the dwelling from the generally more modest roof forms of garden outbuildings in the area and which would result in an incongruous appearance.
7. Whilst the appellant has referred me to an appeal decision relating to the sub-division of a residential garden at 28 St Clement's Road, the Council has said that that site is not comparable because the plot was much larger. The appellant has also noted that planning permission was granted to convert an outbuilding to the rear of 297-299 Ashley Road from ancillary retail use to residential (C3). However, in respect of both of these cases, I have not been provided with any further details to enable me to appreciate whether there are any similarities with the appeal site and the appeal scheme.
8. In the case of the appeal site an additional dwelling in the rear garden would be clearly at odds with the prevailing character of the area. The small plot, and the resultant small amount of outdoor space that would remain for each of the dwellings following the division of the plot would also be out-of-place, with the proposed dwelling in particular having a cramped appearance because of its close proximity to the boundaries of the severed part of the site and the remaining limited amount of space around the proposed dwelling. This would also result in the appearance of over-development.
9. I conclude, therefore, that the appeal scheme would result in a significant harmful effect on the character and appearance of the area and would conflict with Poole Local Plan (2018) (LP) Policies PP27 and PP28 and with Paragraph 130 of the National Planning Policy Framework (the Framework) which together seek development that is of a good standard of design and which reflects or enhances local patterns of development and neighbouring buildings, and which only permit plot severance or plot sub-division where it would preserve or enhance the area's residential character, and achieve well-designed places that are sympathetic to the local character and built environment.

Living Conditions

10. The severance of the host dwelling's garden into two plots would result in a very limited outlook from the windows in the northern elevation of the appeal scheme towards the boundary treatment separating the two plots. Even though there might be some views from the proposed study towards the access path and adjacent fence, as I saw when I visited the site the limited extent of such views would also represent a poor outlook. Given the location of these windows and their immediate context, there is also likely to be a limited amount of natural light in the study in

particular. The proposed dwelling would also overshadow the outdoor area to the north of those windows to a large extent, resulting in a gloomy feeling.

11. Although the open plan kitchen, living and dining area has been laid out to create a dual aspect room with a window on its southern elevation that would look out onto the garden of the appeal scheme, I have not been provided with any evidence to demonstrate that when the depth of the open plan area, the floor-to-ceiling height and the internal configuration of the space are taken into account, a satisfactory degree of light would permeate the full depth of the space. Furthermore, there are large coniferous trees close to the southern boundary of the site which, I saw when I undertook my site visit, overshadow the southern part of the site. Thus, the trees would limit natural light from the south to both the proposed dwelling and its small garden.
12. More generally, on my visit to the site I noted that the proximity of the existing structure to the boundary treatment, along with the limited amount of space around the structure, resulted in a claustrophobic environment. Thus, together with the very limited outlook and limited natural light, I find that the appeal scheme would result in an oppressive environment that would not provide future occupiers with adequate living conditions. Therefore, the appeal scheme would conflict with LP Policy PP27 which seeks development that would not result in a harmful impact on future occupiers considering levels of sunlight and daylight and whether the development would be overbearing or oppressive.

Habitats

13. The appeal site is within the zone of influence (Zol) of the Dorset Heathlands Special Protection Area (SPA) and Ramsar site. It is also within the Zol of Poole Harbour which is an SPA, Site of Special Scientific Interest (SSSI) and Ramsar site. LP Policy PP32 seeks to protect such sites from harm and, where necessary, seek mitigation against any adverse effect of development.
14. The creation of a new dwellinghouse within the Zol could result in increased recreational activity in the habitats sites, which in the heathlands can lead to an increase in wild fires, damaging recreational uses, the introduction of incompatible plants and animals, loss of vegetation and soil erosion and disturbance by humans and their pets amongst other factors, resulting in an adverse effect on the heathland ecology. Public access in and around the harbour, and various forms of recreational activities (including sailing along with walking, dogs and bait digging along the shoreline) can disturb the SPA birds in the harbour.
15. Therefore, I consider that there is a probability or risk that the appeal scheme, in combination with other plans or projects, could have a likely significant effect on the habitats sites as it would be likely to exacerbate existing recreational pressures. I am required to carry out an appropriate assessment, therefore. Where it cannot be concluded that there would be no adverse effects on a site's integrity, which is the case here due to increased disturbance to the qualifying features from recreational activity, it is necessary to consider potential mitigation.
16. The Council has, with the agreement of Natural England, established a strategic, district-wide approach to mitigating recreational pressures on the habitats sites which involves securing financial contributions for access management schemes and monitoring, and this is set out in the Council's Dorset Heathlands Supplementary Planning Document (SPD) (2020) and its Poole Harbour

Recreation SPD (2020). I consider that this is an appropriate approach to mitigating identified harms.

17. The appellant has submitted a draft unilateral undertaking (UU) relating to Strategic Access Management and Monitoring contributions. However, the UU is not signed or dated. Where an appeal is made following the written representations procedure, the appellant must ensure that it submits an executed and certified copy of any planning obligation at the time of making their appeal¹.
18. Given that the UU has not been properly executed, I do not attach any weight to it. Therefore, I conclude that it would not mitigate the effects of the proposed development and remove all reasonable scientific doubt that the appeal scheme would not have an adverse effect on the integrity of the habitats sites either alone or in combination with other plans and projects.
19. Accordingly, the submitted draft UU does not address the Council's second and fourth reasons for refusing the appeal application and, therefore, the appeal scheme would not comply with the Habitats Regulations. It would also conflict with LP Policy PP32 which relates to the mitigation of the impacts of development on international nature conservation sites and with LP Policy PP39 which relates to developer contributions.

Other Matters

Fallback

20. The appellant has submitted a copy of a Certificate of Lawful Use or Development (P/25/01389/CLP) dated 3 July 2025 which relates to the proposed erection of an outbuilding containing a games room and gym which is incidental to the main dwelling, noting that I should afford this fallback position significant weight as a material consideration in the determination of this appeal.
21. As I noted above, on my visit to the site I saw that construction of a building had commenced and, therefore, I consider that there is a greater than theoretical possibility that the appellant's fallback position would occur. Accordingly, the question is what weight should be ascribed to the fallback position.
22. Whilst the outbuilding would have the same footprint as the appeal scheme, it would not be functionally separated from the host dwelling and as shown on the plan it would not be physically separated, either. Therefore, it would read differently from a dwellinghouse in views into the site. Although relatively large, the flat-roofed outbuilding would not be substantially different from other large outbuildings in the rear gardens of nearby dwellings and, therefore, would not harmfully affect the character and appearance of the area in the way that the appeal scheme would, as discussed above.
23. The use of the outbuilding for purposes incidental to the main dwelling would also be a significant difference. Given that it would be used as a gym or games room, the poor outlook and available sunlight and daylight would not have the same harmful effect on the occupiers of the site whose main living accommodation would still be in the host dwelling.

¹ <https://www.gov.uk/government/publications/planning-appeals-procedural-guide/procedural-guide-planning-appeals-england#written-representations>

24. Therefore, the outbuilding would not give rise to the same issues as the appeal scheme and, in my judgement, would be significantly less harmful. Accordingly, I find that the suggested fallback provides, at most, a very small amount of support for the appeal scheme, principally in respect of the amount of floorspace.

National Planning Policy

25. With reference to paragraph 125 c) of the Framework the appellant has said that even if I find that the proposal would cause harm to the character of the area, the extent of this harm would not be substantial and therefore permission should still be granted because the proposal makes suitable use of brownfield land within a settlement for homes. However, the appellant's Statement of Case confirms that the appeal site comprises part of the rear garden of 71 Ashley Road and Annex 2 of the Framework states that land in built-up areas such as residential gardens is not classified as previously-developed or brownfield land. Therefore paragraph 125 c) does not apply in this case.
26. The appellant has also drawn my attention to various policies in the Framework including those which seek to significantly boost the supply of homes, which say that great weight should be given to the benefits of using small sites within existing settlements for homes, and that developments should be in sustainable locations. It has also noted that planning decisions should promote an effective use of land in meeting the need for homes, support the development of under-utilised land especially where land supply is constrained, promote regeneration and change, and should not prevent or discourage innovation or change, such as increased densities. However, none of these policies can be applied in isolation and regard must also be paid to other relevant policies, including in respect of character and appearance and living conditions.

Planning Balance and Conclusion

27. The appellant has said that the Council has a serious shortage in terms of its five-year housing land supply and that I must apply paragraph 11 d) of the Framework. However, the absence of any mechanism to mitigate the effects of the proposed development on the Dorset Heathlands SPA and Ramsar Site and the Poole Harbour SPA, SSSI and Ramsar site provides a strong reason for refusing the development proposed per footnote 7 of the Framework. The proposed development would not therefore benefit from the presumption in favour of sustainable development found at paragraph 11 of the Framework. In any event, I find that the policies which are most important for determining the application, which relate to character and appearance and living conditions, are not out-of-date having regard to the provisions of the Framework.
28. I attach a moderate amount of positive weight to the creation of a small single-occupancy dwelling in light of the Council's housing land supply position and also take account of the appellant's fallback argument. However, I find that these are outweighed by the harm that the appeal scheme would cause to the character and appearance of the area and the inadequate living conditions that would be provided for the future occupiers of the proposed dwelling in respect of outlook, natural light and the creation of a generally oppressive living environment. Furthermore, I must take account of the absence of any mitigation for the effects of the appeal scheme on the designated habitats sites which, on its own, prevents me from allowing this appeal.

29. Overall, none of the other considerations material to the proposed development indicate that the appeal decision should be taken otherwise than in accordance with the development plan. For the reasons given above, having regard to the development plan as a whole, the approach in the Framework, and all other relevant material considerations, I conclude that the appeal should be dismissed.

P Burley

INSPECTOR