



Appeal Decision

Site visit made on 27 August 2025

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

an Inspector appointed by the Secretary of State

Decision date: 24 October 2025

Appeal Ref: APP/V1260/W/25/3366437

5 Cobham Way, Merley, Wimborne BH21 1SJ

- 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 Westell Limited against the decision of Bournemouth Christchurch and Poole Council.
 - The application Ref is APP/24/00860/F.
 - The development proposed is described as: 'Site severance and erection of new dwelling'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The third reason for refusal relates to the proposed layout of car parking on the appeal site. At the appeal stage the appellant submitted a revised drawing showing an alternative parking layout. Given the limited nature of the changes which do not fundamentally alter the substance of the proposal, and that all parties have had the opportunity to comment on this as part of this appeal, I am satisfied that no party is prejudiced by me accepting this.
3. The fifth and sixth reasons for refusal relate to the Dorset Heathlands / Dorset Heaths and Poole Harbour habitats sites. The former is an extensive network of lowland heaths nationally and internationally protected as a Site of Special Scientific Interest (SSSI), as a Special Protection Area (SPA), Ramsar site and Special Area of Conservation (SAC). The latter is an SSSI, SPA and Ramsar site, protected for birds and habitats. In its Statement of Case the Council indicated that these reasons for refusal could be overcome by the payment of financial contributions for Strategic Access Management and Monitoring measures. During the appeal process the appellant provided a Unilateral Undertaking (UU) pursuant to section 106 of the Town and Country Planning Act 1990 (as amended) to secure payment of the required financial contributions and I am satisfied that the UU satisfactorily resolves these reasons for refusal.

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 proposed dwellinghouse;

- whether satisfactory parking provision would be made; and
- whether the appeal scheme would achieve mandatory biodiversity net gain (BNG).

Reasons

Character and Appearance

5. The appeal scheme proposes a bungalow on land which currently forms part of the rear garden of an existing dwellinghouse. The existing dwellinghouse is one of a number of detached dwellings in Cobham Way, most of which have off-street parking alongside a front garden, generally laid to lawn, and relatively large back gardens. The front gardens to Cobham Way are mostly unenclosed, contributing to a spacious feel.
6. Whilst the proposed dwelling would be in the back garden of the appeal site – which is larger than its neighbours' gardens and would be divided into two – the proposed parking and pedestrian access arrangements to the front of the host dwelling would impact on the appearance of the streetscene as a consequence of the prevalence of hard surfacing.
7. Furthermore, there would only be a separation of approximately 10m between the dwellings and the plots would be delineated by a 1.8m close-boarded fence which would be located a relatively small distance from the rear (eastern) elevation of the bungalow. Thus, the appeal scheme would result in two uncharacteristically small plots and, more generally, would be at odds with the character of the immediate locality where backland development is not prevalent.
8. In its Statement of Case the appellant has referred to other backland / in-fill development in the wider area. From the limited information that has been provided I consider it unlikely that these schemes share the exact characteristics of the appeal scheme. In any event, each development proposal must be considered on its own merits.
9. Taking account of all of these considerations, the appeal scheme would result in a cramped form of development that is at odds with the spacious layout and pattern of plots that is characteristic of the area. Therefore, the appeal scheme conflicts with Poole Local Plan (2018) (PLP) Policy PP27 which relates to good design and with PLP Policy PP28 which supports plot severance where there would be sufficient land to enable a type, scale and layout of development including parking and usable amenity space to be accommodated in a manner which would preserve or enhance an area's residential character.
10. Whilst the Council also referred to PLP Policy PP2 in its reason for refusal this relates to the broad location of development across the area and I do not consider it to be directly relevant to the issue of character and appearance.

Living Conditions

11. The cramped nature of the site would also affect the living conditions of the future occupiers of the proposed dwellinghouse. The northern, southern and eastern elevations of the bungalow would be close to the site's boundaries which would limit outlook, sunlight and daylight, including to the kitchen area where the east-facing windows would face a high fence. Whilst the western elevation – which

would include the main lounge and some bedroom windows – would have a more open aspect across the bungalow’s garden and include large areas of full-height glazing, I noted on my site visit that there are trees with large canopies to the south-west of the proposed dwelling which would limit light. Thus, even though the kitchen and living space would have windows on three elevations, the limited outlook, sunlight and daylight would negatively affect the living conditions of the future occupiers.

12. Furthermore, the proximity of the dwellings – which would be approximately 10m apart – would create an overbearing relationship, and even if overlooking from windows might be unlikely, the proximity between the host property and the pedestrian access to the proposed dwellinghouse could give rise to overlooking from the access to the host property.
13. Therefore, the appeal scheme would conflict with PLP Policies PP27 and PP37 which seek good design and to orientate buildings to minimise the need for artificial light.

Parking

14. The reason for refusal in relation to car parking was based on the parking for the appeal scheme being located adjacent to the northern elevation of 5 Cobham Way. The appellant’s revised proposal is to locate parking for the appeal scheme to the front of the host dwellinghouse. The revised layout would address the Council’s issue in relation to the constrained location for parking and thus enable compliance with the relevant provisions of the Council’s Parking Standards SPD which is the successor document to the Parking & Highway Layout in New Development SPD which is noted in PLP Policy PP35 (1).
15. However, and as already noted, the large expanse of proposed parking would have a negative effect in terms of character and appearance. Furthermore, the refuse and recycling zone that is indicated on the revised plan would, when it is being used, impede access to the appeal scheme for pedestrians and cyclists when the parking spaces were occupied. Thus, the appeal scheme would not provide convenient and practical parking, servicing, bicycle storage, waste and recycling arrangements as sought by PLP Policy PP27 (g).

Biodiversity Net Gain

16. Following refusal of the planning application the appellant identified an alternative means of achieving BNG by way of the purchase of credits which it says could be secured by way of a condition. Had I been minded to approve this appeal, the submission of a Biodiversity Gain Plan would have been required by Schedule 7A of the Town and Country Planning Act 1990 (as amended) (Schedule 7A) and this would have allowed the Council to agree an acceptable approach to BNG to satisfy PLP Policy PP33 as well as the requirements of Schedule 7A.

Planning Balance

17. The Council does not have a five-year supply of housing land and therefore paragraph 11 d) of the National Planning Policy Framework (the Framework) is engaged. The Framework notes that smaller developments can be delivered quickly and, therefore, the appeal scheme provides an opportunity to make a timely contribution to help address the local housing shortfall.

18. However, the appeal scheme would result in harmful impacts on the character and appearance of the area and would not provide acceptable living conditions for the future occupiers of the proposed dwellinghouse. Furthermore, it would not provide convenient and practical parking, servicing, bicycle storage, waste and recycling arrangements. Thus, the appeal scheme would conflict with the development plan when taken as a whole and the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, particularly in relation to the aim in the Framework to secure well-designed places.

Conclusion

19. For the reasons given above the appeal should be dismissed.

P Burley

INSPECTOR