



Appeal Decision

Site visit made on 17 September 2025

by **E Worley BA (Hons) Dip EP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 28 November 2025

Appeal Ref: APP/V1260/W/25/3358389

29 Western Road, Poole BH13 7BH

- 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 H&S Homebound Ltd against the decision of Bournemouth Christchurch and Poole Council.
 - The application Ref is APP/24/00362/F.
 - The development proposed is described as 'Plot severance and the conversion and extension of the existing outbuilding/garage to create a detached dwelling with associated access and parking'.
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Decision

1. The appeal is allowed and planning permission is granted for plot severance and the conversion and extension of the existing outbuilding/garage to create a detached dwelling with associated access and parking at 29 Western Road, Poole BH13 7BH in accordance with the terms of the application, Ref APP/24/00362/F, and the plans submitted with it, subject to the conditions in the attached schedule.

Main Issues

2. The main issues are the effect of the proposed development on:
 - the character and appearance of the area, including whether the proposed development would preserve or enhance the character or appearance of the Branksome Park and Chine Gardens Conservation Area, and the setting and significance of the nearby non-designated heritage assets;
 - highway safety; and
 - European sites.

Reasons

Character and appearance

3. The appeal site forms part of the garden to 29 Western Road (No.29), a detached dwelling, which occupies an elevated position set back from the highway. Due to the local topography the land slopes up from the highway to the front towards the rear boundary of the site. The site is occupied by a detached garage/outbuilding associated with No. 29 and benefits from considerable mature vegetation, including tree coverage.
4. The site is within the Branksome Park and Chine Gardens Conservation Area (the CA). The Branksome Park Conservation Area Character Appraisal and Management Plan (CACAMP) outlines that the special interest of Branksome Park

is derived from its spacious sylvan character with dense evergreen hedges, turf embankments and generous wooded plots. It sets out that extensive trees and vegetation dominate the streetscape to the extent that, in views along many roads, few buildings are clearly visible. The CACAMP highlights that the CA comprises buildings of varied architecture, which depict the gradual development of the area and reflect the architectural fashions of the time. It recognises that the presence of attractive homes an architecture enhances the appearance of the area.

5. It is not disputed by the parties that the host dwelling, No. 29 and the neighbouring property at 31 Western Road (No. 31), which is a Locally Listed Building, are non-designated heritage assets (NDHAs). The CACAMP describes No. 29 as a late C19 cottage, set back hidden from the road behind a well-landscaped garden/woodland. The significance of No. 29 is derived from the age of the building, which it is suggested dates from the first phase of the development of the area, likely forming part of what is now Branksome Park nursing home. I understand No. 31 is one of the last original gatehouses which formed part of the original setting of Branksome Park. In addition, the age and architectural detailing of No. 31, which is currently undergoing sensitive renovation, contribute to its significance. The NDHAs therefore contribute to the understanding of the evolution of the area and development of the original parkland setting.
6. The appeal proposal would see the subdivision of the plot and the conversion and extension of the existing detached garage/outbuilding to create a new dwelling. Access to serve the dwelling is proposed via the existing driveway to No. 29 which would be shared by the 2 dwellings, with parking on an existing area of hardstanding to the front of the garage. The proposal would introduce sizeable new built form into the area of woodland, the verdant nature of which contributes positively to the qualities and historic significance of the CA and the setting of the NDHAs.
7. No. 29 differs from other detached dwellings along this stretch of Western Road, by virtue of the irregular configuration of the plot on which it sits. The dwelling itself is set back from the highway, behind No. 31, on part of the site which is somewhat constrained by its close relationship with the boundaries of the site. Furthermore, it appears to be visually separated from the remainder of the plot which comprises the appeal site. This arrangement would remain unchanged as a consequence of the appeal proposal.
8. The proposed dwelling would be sited on a generous parcel of land between the existing residential development fronting the highway and would not be dissimilar to other plots along Western Road in terms of width. By virtue of the footprint and overall scale of the proposed built form, the dwelling would be of an appropriate size in relation to the site. Furthermore, the dwelling would be set in from the side boundaries of the site and generous separation distances would be retained between the proposed building and the adjoining dwellings. As such, the resulting plot size would not appear cramped or at odds with the surrounding residential development and in that regard the proposed development would reflect the spacious character of the area.
9. The CACAMP highlights that many houses within the CA are oriented at quirky angles within their plots, which is a significant local characteristic. While the orientation of the proposed dwelling would not follow this layout, the front elevation of the dwelling would however face the side boundary of the site, not Western

Road, and in that regard would reflect approximately one third of the area's buildings that have been set onto their plot facing a side boundary, which the CACAMP sets out adds to the distinctive character and appearance of the street scene.

10. The proposed dwelling is of a contemporary design and materials, including areas of glazing and a green roof. While it would depart from the predominant local vernacular in the immediate vicinity of the site, it would nonetheless reflect the time in which it was designed. Moreover, it would depict the continuing evolution of the area, including modern building styles which contribute to the character and appearance of the area. The form and materials of the proposed dwelling would add further to the varied architecture in the CA.
11. Notwithstanding its elevated position, the proposed dwelling would be set back from the front of the site. As with the surrounding residential development, the dwelling would be visible in glimpsed views towards the site from the highway, up the driveway and from the adjoining properties, where it would appear nestled within a woodland clearing. In this context, it would be seen against the backdrop of the mature trees and considerable built form of Branksome Park nursing home and behind the mature trees on the front part of the site. While the extent and nature of tree presence depicted on the submitted elevation drawings may not be entirely accurate, I observed at my site visit there is substantial tree coverage on the site and within the surrounding area, as shown on the site plan and Tree Survey.
12. I appreciate visibility would increase during the winter months, nonetheless, given the variety of tree species, including evergreen trees, leaf cover would remain and collectively, the trees would continue to provide reasonable cover and screening. The proposed dwelling would also have the potential to emit lighting during hours of darkness, particularly during the winter months. However, despite the extent of glazing, levels of light from the development would not be unduly intrusive given the overall scale of the development, presence of mature tree and vegetation and within the context of the surrounding residential development.
13. The appeal site comprises an area of woodland subject to a Tree Preservation Order and forms part of the wider, more extensive woodland. The woodland nature of the site adds to the character, appearance and significance of the CA. The appellant's submissions indicate that the layout of the scheme would allow for the retention of the existing tree coverage on the site as far as possible, with 8 trees required to be removed to facilitate the proposed development. In addition, the elevated nature of the built form would ensure the majority of the existing woodland floor would not be directly affected by the proposed dwelling. Measures are also proposed to ensure the wellbeing of the remaining trees; these could be secured through the imposition of a suitable planning condition. While the trees to be removed may be poor quality specimens, they nonetheless make an important contribution to the composition and ongoing regeneration of the woodland overall.
14. Due to the scale of the appeal proposal, for a single dwelling, it would directly affect only a modest proportion of the site in terms of tree removal and a reduction in the area available for regeneration of species. The removal of trees to accommodate new residential development in the CA is not unusual, as is evident from the historic mapping of the area. Over time, this has created the now established character of dwellings being located within sizable woodland plots.

15. While there may be pressure in the future to remove or carry out work to trees on the site due to concerns regarding safety, inconvenience or in the interests of the living conditions of future occupiers, this would be subject to the approval of the Council and would be likely to be limited to those trees immediately surrounding the dwelling itself. There is no compelling evidence that the presence of a dwelling in the position and design proposed, including the use of the associated garden area, would lead to pressure for further extensive tree works or removal which would have a tangible effect on the appearance of the site or tree coverage overall. Nor have I been presented with any clear reason why ancillary uses associated with the dwelling, services, including soakaways, and any contaminated land remediation works could not be accommodated on the site without detriment to the remaining trees. On this basis, the proposed dwelling would not have a significant effect on the character and appearance of the area in relation to tree loss and would preserve the heavily landscaped character and appearance of the area.
16. While I observed at my site visit that the appeal site was in use by the appellant for outdoor amenity purposes, which would cease to be the case in the event the appeal is allowed, there is no clear reason why the land immediately surrounding No. 29 would not be sufficient to meet the needs of the occupiers in that regard, in terms of amount or layout. Notwithstanding the presence of trees and vegetation, the appeal site would continue to provide outdoor amenity space, for use by the future occupiers of the proposed dwelling, which would also be served by a raised terraced area immediately to the side/rear of the property. While a significant part of the outdoor space associated with the proposed dwelling would be largely beneath the canopies of the trees, there is no substantive evidence that the garden area, or habitable rooms within the dwelling, would not receive an appropriate level of sunlight to ensure suitable living conditions for future occupiers.
17. I note concern expressed regarding the effect of the development on trees on the adjoining land at 27 Western Road (No.27) and No. 31. The appellant's Arboricultural Impact Assessment and Method Statement (AIA) indicates that the proposed development would take place beyond the Theoretical Root Protection Area (TRPA) of most of the trees both on the site and the adjoining land, with the exception of a small number of specimens including T34, a Lawson cypress which is within the rear garden of No.27. Drawing Plan TC3, Tree Protection Plan and Arboricultural Method Statement (Construction) indicates that excavation within the TRPA must be carried out in accordance with the method statement. Thus, subject to a planning condition to ensure compliance with a detailed AIA, there is no substantive evidence that the proposal would adversely affect the mature trees shown to be retained.
18. Taking account of the factors set out above, having regard to the siting, height, scale and design of the proposed dwelling, including the removal of trees to accommodate the development, it would not be an incongruent feature when viewed within the immediate context of the site. Furthermore, it would assimilate within the existing context of detached dwellings on generous verdant plots within a woodland setting. This would not be at odds with the prevailing pattern of the surrounding development. As the extensive tree coverage on the remainder of the site and within the vicinity would be retained, the proposal would respect and maintain the current dominance of trees and other vegetation in the area. Thus, while the proposal would result in the loss of an area of the woodland, the effect would be localised and would not give rise to any tangible erosion of the verdant

qualities of the wider woodland. For these reasons, the appeal proposal would not diminish the integrity of the woodland as a whole or the contribution it makes to the sylvan character and appearance of the area. Importantly, the resulting situation would be wholly compatible with the character, appearance and the significance of the CA as a designated heritage asset. Moreover, as the proposal would not appear as an anomalous feature in views from or towards the NDHAs or unduly compromise their spacious setting or woodland context, it would not diminish the significance of the NDHAs derived from their setting.

19. My attention is drawn to an appeal decision at Lower Rockledge¹, where the Inspector found that fear of harm from trees falling during bad weather could lead to pressure for tree removal for reasons of safety. While there is no evidence before me to suggest that the trees at the appeal site are unsafe or likely to become so in the future, any work which may be required to ensure the safety of the trees would nonetheless be necessary in the event that the appeal did not succeed. Reference has been made to a number of other appeal decisions² which were dismissed. However, from my reading these schemes differ from the appeal proposal in terms of the design of the specific developments, site context in relation to the removal of trees and the subsequent effects of the development. Therefore, from the evidence before me, they do not appear to be directly comparable, as such the weight to be attached to these is limited.
20. In light of the above considerations, I therefore conclude that the proposed development would not harm the character and appearance of the area and would preserve or enhance the character or appearance of the CA and would not diminish the significance of the neighbouring NDHAs through harm to their setting. Accordingly, the proposal would not conflict with the aims of Policy PP27 of the Poole Local Plan, adopted November 2018 (PLP), which seek development that, among other things, reflects and enhances local patterns of development, responds to natural features on the site and does not result in the loss of trees that make a significant contribution, either individually or cumulatively, to the character of the area and Policy PP28 of the PLP, in so far as it requires the scale and massing of new buildings and plot coverage to reflect the established pattern of development and to preserve or enhance the area's residential character. It would also accord with the aims of Policy PP30 of PLP which sets out the expectation that development will preserve or enhance the historic, architectural and archaeological significance of heritage assets, and their settings, in a manner that is proportionate with their significance.

Highway safety

21. Vehicular access to the site is proposed via the existing access to No. 29 from Western Road. The proposed development would therefore increase the use of the existing access. There is no dispute between the parties that the visibility for vehicles egressing the site is restricted due to the curvature of the road and the presence of vegetation to the front of the site.
22. The Highway Authority contend that appropriate visibility splays should be provided in both directions, taking account of actual vehicle speeds and sight stopping distances, to be determined by a speed survey. A site plan submitted as part of the appeal shows the indicative visibility that could be achieved, subject to an area of

¹ Appeal Ref: APP/K1128/W/20/3260083

² Appeal Refs: APP/K1128/W/19/3240806, APP/M2270/W/17/3169467, APP/Q1255/A/12/2173836

vegetation clearance adjacent to the site entrance, on land within the ownership of the appellant. However, in the absence of a speed survey to establish the required visibility distances, I cannot be certain that it would accord with relevant guidance.

23. While Western Road is identified in the CACAMP as one of the main vehicular routes through the CA and vehicles may travel along it at or above the speed limit, the site is nonetheless located within a residential area, with properties served by individual vehicle access points from Western Road. Given this context, the appellant asserts that traffic speed in the vicinity of the site is regulated by the nature of the single carriageway and the expectation of emerging and opposing vehicles from this and similar access points along the road. Moreover, notwithstanding the apparent deficiencies in the visibility at the existing access, the collision data submitted by the appellant³ indicates that no accidents have been recorded within the immediate vicinity of the site access directly attributed to the existing arrangements.
24. Consequently, there is no clear evidence to demonstrate that the existing access, despite its deficiencies, specifically a shortfall in visibility, is operating to the detriment of highway safety. Considering the modest increase in traffic generation overall because of the proposal, it has not been demonstrated that the intensification of the use of the access of the scale proposed, would have an adverse impact on highway safety. In addition, the existing visibility in a southerly direction is to be improved, which, given the modest extent of the works and extensive planting at the site, would be unlikely to reduce the dominance of planting to the site frontage to the detriment of the character and appearance of the area. This would represent an improvement on the current situation.
25. It has been brought to my attention that replanting of the frontage at No.31 is to be undertaken. However, there is no substantive evidence that this would obstruct visibility at the access to the appeal site. I am mindful that there are no parking restrictions on the road in the vicinity of the access, which means that cars could currently park on the carriageway which may hinder visibility. Notwithstanding this, given that there is adequate parking provision at the site, there is no reason why any on-street parking would substantially increase as a result of the appeal proposal.
26. While the width of the driveway would make it difficult for vehicles to pass, it is not excessive in length and despite its incline, there is relatively good visibility from the junction with Western Road up to the point of the new dwelling. It would, therefore, not be unduly onerous for vehicles to reverse back up the driveway in the event they encounter oncoming traffic entering the site. In addition, given the likely modest volume of vehicular movements associated with 2 dwellings, the likelihood of conflict arising between vehicles using the driveway is in all probability low. I appreciate my view differs from that of the Inspector's decision at Glan yr Avon⁴ whereby the appeal for a new dwelling utilising an existing driveway was dismissed; however, I have determined the appeal on its own merits, based on the evidence before me.
27. For the foregoing reasons, I conclude that the proposal would not be harmful to highway safety. Accordingly, it would not conflict with Policy PP35 of the PLP which

³ Statement by JPC Highway Consultants dated 27 December 2024

⁴ Appeal Ref: APP/V6945/A/08/2089244

requires new development, among other things, to provide safe access to the highway.

European sites

28. The appeal submissions indicate that the site is within 5km of the Site of Special Scientific Interest (SSSI) which is part of the Dorset Heathlands Special Protection Area (SPA) and Ramsar site and Dorset Heaths Special Area of Conservation. The Dorset Heathlands Planning Framework Supplementary Planning Document 2020-2025, adopted April 2020 (DHSPD) indicates that these designations are collectively known as the Dorset Heathlands. They host protected priority habitats and species including Dartford warblers, nightjars, woodlark, hen harrier, merlin, sand lizards and smooth snakes, typical species of lowland heathland, wetlands and dunes.
29. The appeal site is also described as being in close proximity to Poole Harbour, which is a designated SSSI, SPA and Ramsar site (Pool Harbour). The Poole Harbour Recreation 2019-2024 Supplementary Planning Document, adopted April 2020 (PHSPD) sets out that the site is designated for its internationally important populations of rare, vulnerable and migratory birds including Common Shelduck, Pied Avocet, Black-tailed Godwit, Mediterranean Gull, Common Tern, Little Egret and Eurasian Spoonbill. There is also an internationally important assemblage of waterfowl including Dunlin, Redshank and Brent Goose, and supporting habitats for seagrass; shallow inshore waters including coastal lagoons; intertidal sediments; saltmarsh; and reedbeds. It was subsequently extended, at which time little egret, Eurasian Spoonbill, and Sandwich Tern were added to the variety of species.
30. Recreational pressure, predominantly from those living in close proximity to the Dorset Heathlands are causing harm to the heathland ecology and disturbance to the protected birds and their habitat in Poole harbour through recreational activity including sailing, walking, dogs and bait digging along the shoreline. There is, therefore, potential that additional residents at the appeal site, in combination with other development, could result in adverse effects on the integrity of the Dorset Heathlands and Poole Harbour and their qualifying features.
31. A completed unilateral undertaking pursuant to Section 106 of the Town and Country Planning Act 1990 (UU), as sought by the Council, has been submitted as part of the appeal to secure financial contributions towards Strategic Access Management and Monitoring to avoid or mitigate against any adverse effects on the Dorset Heathlands and Poole Harbour, in accordance with the DHSPD and PHSPD. Following appropriate assessment under the Conservation of Habitats and Species Regulations 2017, I am, therefore, satisfied that adverse effects on the integrity of the Dorset Heathlands and Poole Harbour will be avoided. The proposal would therefore not conflict with the aims of Policies PP32 and PP39 of the PLP which seek to ensure that development does not lead to adverse effects upon the integrity, either alone or in-combination, of European and internationally important sites and secure required infrastructure in a timely manner.

Other Matters

32. The officer report indicates that the planning application was validated prior to 2 April 2024. In these circumstances the development would not be subject to biodiversity gain required under the statutory framework introduced by Schedule 7A

of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021) as the biodiversity gain condition would not apply.

33. There is no compelling evidence that the proposal would exacerbate surface water flooding in the area as a consequence of the removal of trees and the construction work, subject to a suitable planning condition to ensure the provision of an appropriate drainage system to serve the development.
34. The Council has not objected to the proposal with specific regard to the effect of the development on the living conditions of the occupiers of the neighbouring properties in relation to light, outlook, privacy or light pollution. Despite the elevated position of the new dwelling, given the separation distance between the proposed new built form, in relation to the site boundaries and adjoining dwellings, together with the siting and orientation of the properties, the overall scale and design of the development, including the position of new windows, and existing boundary treatments, I have no reason to disagree.
35. Moreover, I see no reason why, if this proposal were to be allowed, that it would undermine the Council's ability to exercise its judgement in relation to similar development proposals on this or other sites, particularly given that each case is determined on its own merits and because each site will have different constraints and opportunities.
36. Interested parties allege an approach of incremental planning applications to intensify the use of the land, which it is suggested uses stealth in an attempt to obtain a dwellinghouse in an inappropriate location. However, this matter falls outside of the remit of this decision and is not relevant to my consideration of the planning merits of the appeal.

Conditions

37. I have considered the conditions put forward by the Council in light of the requirements of the Planning Practice Guidance (PPG) and the Framework. Where I agree the conditions are necessary, I have amended the wording, in the interests of precision and clarity, and to comply with advice in the PPG. The Council's conditions include detailed lists of requirements of what it would like to see submitted. This is not necessary in order to make the condition precise or enforceable. I have, therefore, not included such lists and the parties can agree what is necessary to satisfy the conditions considering the situation and guidance applicable at the time approval is sought.
38. In addition to the standard timescale condition, I have imposed a condition specifying the relevant plans to provide certainty. A condition to require details of the proposed external materials, is necessary to ensure the satisfactory appearance of the development and in the interests of the heritage assets.
39. To ensure the development would satisfy the carbon reduction objectives of Policy PP37 of the PLP, a condition is necessary to secure measures to provide energy from on-site renewable sources. In the interests of highway safety, a condition is necessary to ensure the provision of the access, vehicle and cycle parking and turning space, prior to the first occupation of the dwelling. A condition relating to the surface water drainage of areas of hardstanding within the site is necessary to ensure the development does not exacerbate flooding in the locality.

40. Notwithstanding the submitted details, to ensure robust and appropriate measures are in place to protect the trees during construction works, a condition is necessary to agree a detailed Arboricultural Impact Assessment and Method Statement and Tree Protection Plan. This is a pre-commencement condition so that the measures set out therein are in place prior to the commencement of any work on site. As the condition requires that all works are carried out in strict accordance with the approved details, which are subject to the approval of the Council, a condition to require a site meeting to identify any supplemental requirements would not be reasonable or necessary.
41. The Council has suggested conditions requiring details of the biodiversity enhancement measures and to restrict when vegetation clearance can take place. However, given the appellant's Ecological Assessment Report includes a comprehensive biodiversity and enhancement plan, including the provision of bird and bat boxes and sensitive lighting, there is no clear reason why the conditions would be necessary. Consequently, I have imposed a condition to require the implementation of the measures in the report, in the interests of local ecology and biodiversity. In addition, in the interests of public health and biodiversity, a condition relating to the reporting and, if required, remediation of unexpected contamination is necessary.

Conclusion

42. For the reasons given above the appeal should be allowed.

E Worley

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with drawing nos: Location and block plan dwg no.2329 01, Location and block plan dwg no.2329 02, Proposed site plan dwg no.2329 04, Proposed site plan with tree constraints dwg no.2329 05, Proposed ground floor plan dwg no.2329 08, Proposed first floor plan dwg no.2329 09, Proposed roof plan dwg no.2329 10, Proposed North Elevation & Site Section dwg no.2329 11, Proposed South Elevation & Site Section dwg no.2329 12, Proposed East Elevation (Western Road) dwg no.2329 13, Proposed West Elevation dwg no.2329 14, Indicative Site Sections dwg no. 2329 15 and Indicative Streetscenes dwg no.2329 16.
- 3) No development above ground level shall take place until details and samples of all external facing and roofing materials to be used in the construction of the dwelling hereby permitted have been submitted to, and approved in writing by, the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details and retained as such in perpetuity.

- 4) Prior to first occupation of the dwelling hereby permitted, details of measures to provide 10% of the predicted future energy use of the dwelling from on-site renewable sources shall be submitted to and approved in writing by, the Local Planning Authority. The approved measures shall be implemented prior to the first occupation of the dwelling hereby permitted and remain operational thereafter for the lifetime of the development.
- 5) The development hereby permitted shall not be occupied until the access, vehicle and cycle parking and turning space shown on the approved plans have been constructed, laid out and made available for use. Thereafter those spaces shall be retained and kept available for those purposes at all times.
- 6) All ground hard surfaces shall either be made of porous materials, or provision shall be made to direct run-off water from the hard surface(s) to a permeable or porous area or surface within the site. The hard surface shall thereafter be retained as such in perpetuity thereafter.
- 7) Notwithstanding the submitted Arboricultural Impact Assessment & Method Statement, no part of the development hereby approved shall take place, including any site clearance, demolition, the digging of any trenches and the bringing on to the application site of any equipment, materials or machinery for use in connection with the implementation of the development, until such time that a detailed Arboricultural Impact Assessment and Method Statement and Tree Protection Plan, prepared by an arboricultural consultant holding a nationally recognised arboricultural qualification, providing comprehensive details of construction works in relation to trees has been submitted to, and approved in writing by, the Local Planning Authority. All works shall subsequently be carried out in strict accordance with the approved details.
- 8) The development hereby approved shall be carried out in accordance with the Biodiversity mitigation and enhancement plan in the Ecological Assessment Report by ABR Ecology Ltd dated 28 March 2024. All biodiversity enhancement measures therein shall be implemented prior to the first occupation of the dwelling hereby permitted and shall thereafter be maintained and retained.
- 9) In the event that unexpected contamination is found at any time when carrying out the approved development it must be reported in writing immediately to the Local Planning Authority and further development ceased. An investigation and risk assessment must be undertaken in accordance with the Environment Agency "Land contamination risk management (LCRM)" procedures and where remediation is necessary a remediation scheme must be prepared and approved in writing by the Local Planning Authority in advance of the scheme recommencing.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority prior to development commencing other than that required to be carried out as part of an approved scheme of remediation.

******* end of conditions *******