



Appeal Decision

Site visit made on 14 October 2025

by D R Kay BA Dip.Arch RIBA

an Inspector appointed by the Secretary of State

Decision date: 09 January 2026

Appeal Ref: APP/V1260/W/25/3364139

1346 Christchurch Road, Bournemouth Christchurch Poole, Bournemouth BH7 6ED

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for planning permission
 - The appeal is made by Mr D Lowman of Prestige Organisation Limited against Bournemouth Christchurch and Poole Council.
 - The application Ref is 7-2024-9354-G.
 - The development proposed is the demolition of a 2-storey side elevation of no.1346 Christchurch Road, sever land and erect an extension to form additional dwelling to the side of existing dwelling. Sever land to the rear and erection a (sic) detached 2-storey building comprising 2no.1-bedroom flats, with on-site car parking and provision for bicycle and refuse storage.
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Decision

1. The appeal is dismissed and planning permission for the demolition of a 2-storey side elevation of no.1346 Christchurch Road, sever land and erect an extension to form additional dwelling to the side of existing dwelling. Sever land to the rear and erection of a detached 2-storey building comprising 2no. 1-bedroom flats, with on-site car parking and provision for bicycle and refuse storage, is refused.

Applications for costs

2. An application for costs was made by Mr D Lowman of Prestige Organisation Limited against Bournemouth Christchurch and Poole Council. That application is the subject of a different decision.

Preliminary Matters

3. The appeal relates to a planning application that was not determined by the Council within the prescribed period. I note that the Council would have refused planning permission, should it have made a decision on the proposal. I have had regard to the parties' submissions in establishing the main issues, which I set out below.

Main Issues

4. The main issues are i) the effect of the proposal on the character and appearance of the surrounding area; and ii) whether it would provide acceptable living conditions for existing and future occupiers; and iii) whether it would provide adequate vehicular access, manoeuvring and parking together with appropriate cycle parking; and iv) its effect on the integrity of Nationally and Internationally designated Habitat Sites.

Reasons

Character and Appearance

5. The appeal property is a two-storey hipped roof detached dwelling which has a two-storey flat roofed extension to its side elevation, together with a flat roofed box dormer to the side roof slope facing the highway. The property occupies a corner plot forming the junction of Christchurch Road and Bedford Crescent, from which it takes its vehicular access. The latter is a cul-de-sac which terminates in a semi-circular turning head, from which similar properties radiate and take their vehicular access to their driveways and parking. There are limited gaps in the access positions between driveways, resulting in on-street parking in the turning head being restricted.
6. The appeal site and 'Iford Court' (IC) the property occupying the opposite corner plot between Bedford Crescent and Christchurch Road, both address the latter as their primary elevation. The properties located in Bedford Crescent splay around the semi-circular turning head, sitting behind the line created by the rear garden boundaries of the properties which front Christchurch Road. There is as a result, a clear delineation, and gap, between development on Christchurch Road and Bedford Crescent.
7. The area is characterised by detached two-storey hipped roof properties constructed between the wars, which are set back from the highway behind front boundary walls and landscape gardens, with mature trees lining the verges. Many properties retain their original character, as most development has taken place to rear gardens which is not visible from the public realm. There is a presence of distinct gaps between properties, formed by driveways giving access to garages within rear garden areas. Whilst some front gardens have been lost to provide wider driveways or vehicular parking, overall, the area has the character of a well-established leafy residential neighbourhood.
8. The proposal would remove the flat roofed extension and box dormer to its side, replacing it with a new two-storey dwelling, forming a pair of semi-detached properties, under an enlarged hipped roof. This enlarged mass would not generally be characteristic of the area. However, the property on the opposite corner, IC, is a recent development of apartments formed on the site of a previous detached corner property. This is much larger than the property it replaced and therefore, has much more of a mass and presence at the junction. The element of the proposal which fronts Christchurch Road (Plot 1 and Plot 2), would have a larger mass that would reflect that of the development at IC opposite. I find it would, therefore, be acceptable in terms of its mass and appearance and how it would be viewed in the street scene at the Christchurch Road junction. It follows, that I do not find that this element of the proposal would harm the character and appearance of the area.
9. Turning to the element of the proposal to the rear of the appeal site (Plot 3), this would encompass two flats, accommodated in a two-storey building which would relate to, and take its vehicular access from, the semi-circular turning head in Bedford Crescent. However, to accommodate car parking, the building itself, would be set back into the site, resulting in the introduction of a building mass within the established gap between development on Christchurch Road and Bedford Crescent.

10. A further building is proposed, located adjacent to the rear elevation of the Plot 3 flats building, in the gap between it and the Plot 1 and 2 building. This would provide parking and storage of cycles for all the proposed dwellings. I find the introduction of the mass of the Plot 3 building together with that of the cycle store, within the existing gap between development, would be incongruous in the street scene, contrary to the pattern of existing development, contributing to a cramped and contrived appearance which would result in harm to the character and appearance of the area.
11. The sub-division of the appeal site to provide increased density of residential development, would result in the creation of multiple vehicular and pedestrian access positions. This would result in several openings in the property's boundary walls, together with drop kerbs to the highway. The proposal also introduces head height timber fences behind and above the retained masonry boundary walls, which are uncharacteristic within the area. I find this would diminish the feature of the boundary walls, would be incongruous in the street scene and result in harm to the character and appearance of the area.
12. For the above reasons, I conclude the proposal would conflict with Policy CS41 of the Bournemouth Local Plan: Core Strategy (2012) (the Core Strategy), saved Policy 6.8 of the Bournemouth District Wide Local Plan (2002) and with paragraph 135 of the National Planning Policy Framework (the Framework), which require, among other things, that development achieves a high quality of design which respects the character and appearance of the site and surroundings, which provides a high standard of amenity for future occupants, and which contributes positively to the appearance of the public realm.

Living Conditions

13. The rear elevation of the Plot 3 building would be situated around 16m north-west of the rear elevation of the Plot 1 and 2 building. Both buildings would be two-storey in height. Located between them would be the cycle parking and storage building for the development, and the tandem parking bays of the Plot 1 property. The remaining space would provide garden areas for the Plot 1 and Plot 2 dwellings, separated by head height boundary fences.
14. The Plot 3 building would have no first-floor level windows either in the rear elevation facing the Plot 1 and Plot 2 dwellings, or in the gable facing the adjacent property No1344 Christchurch Road (No1344). It would therefore maintain privacy for occupants of those properties and for future occupiers of the Plot 3 dwellings. The Plot 3 building would also be situated to the north and west of these properties, and their garden areas. It would, therefore, have little effect on the levels of natural sunlight and daylight experienced, either in the dwellings or their gardens.
15. The separation distances between the Plot 3 building and surrounding properties on Bedford Crescent are such, that there are no concerns with regards to outlook or privacy, which would result from the proposal for occupants of these surrounding properties. The Plot 1 dwelling is essentially existing. Therefore, any effects it may have in terms of privacy, or overshadowing to the neighbouring No1344 are those that currently exist. The separation distance between the Plot 2 dwelling and No1344 would limit any possible effects on privacy or overshadowing to No,1344.
16. The proposal would maintain privacy between the individual dwellings which make up the proposed development, and between the proposed dwellings and

surrounding properties. However, to achieve this, the elevational treatment of the Plot 3 building is contrived and unsympathetic to the surrounding properties, particularly No1344 and the Plot 1 and Plot 2 dwellings, presenting large blank elevations to these adjacent properties to provide adequate levels of privacy. This provides further evidence of the cramped and contrived nature of the proposal.

17. Due to the density of the proposed development and the restricted size of the appeal site, the resulting size of the Plot 1 and Plot 2 gardens would be small. They would be surrounded at close quarters by two-storey development, the cycle store, parked vehicles and high fences. Whilst it is accepted by the Council that there are no minimum standards for external amenity space identified within the development plan, I find the proposal would provide future occupants of the Plot 1 and Plot 2 dwellings, with a poor standard of external amenity space, and therefore would not provide future occupants with acceptable living conditions.
18. For the above reasons, I conclude the proposal would conflict with Policy CS41 of the Local Plan, saved Policy 6.8 of the Bournemouth District Wide Local Plan (2002), the Residential Development: A Design Guide PGN (2008) and with paragraph 135 of the Framework, which require, among other things, that development achieves a high quality of design which respects the character and appearance of the site and surroundings, and which provides a high standard of amenity for existing and future occupants.

Access and Parking

19. The existing vehicular access position consists of a single width access close to the mid-point of the appeal property's boundary on Bedford Crescent. The proposal would result in a new, double width vehicular access from the turning head in Bedford Crescent and two parking bays being formed, to provide parking for Plot 3, to the rear of the site. The existing vehicular access would be maintained for Plot 1, providing two parking spaces in tandem format. A further vehicular access and single parking space would be created for the Plot 2 dwelling, which would be located around 10m from the junction of Bedford Crescent with Christchurch Road.
20. The proposal would therefore result in two new openings in the appeal property's boundary walls for vehicular access, also requiring the introduction of corresponding new drop kerbs and footpath crossings in the public highway, and removing existing on-street parking in the area.
21. The proposed off-street parking would not allow vehicles to enter, turn and exit the site in forward gear. It would, therefore, potentially result in vehicles either stopping in the carriageway and backing into the parking spaces, or more likely, entering in forward gear and reversing out of the parking spaces onto the highway, with consequent implications for highway safety.
22. Parking and highway standards are identified in Bournemouth Christchurch and Poole Council (BCP) Parking Standards - Supplementary Planning Document (2021) (Parking SPD). This document defines that the proposal requires the provision of six parking spaces for the extent of proposed development. Five spaces are identified in the proposed drawings, resulting in one additional space being displaced to on-street parking. However, the introduction of the new vehicular accesses would reduce the level of existing on-street parking, whilst the proposal would add to the level of on-street parking required.

23. The positioning of the openings to driveway entrances within the Bedford Crescent semi-circular turning head provides limited space for on-street parking in that area. Most of the on-street parking is provided within the straight section of the road, between this turning head and the junction with Christchurch Road. On-street parking in this section of road would be reduced by the new access. The proposal has not demonstrated that there is sufficient on-street parking available to take the additional parking required for the proposal, without consequent detrimental effects on highway safety.
24. Whilst the appellant avers that this is acceptable as they consider the appeal site to be in a sustainable location, the LHA have confirmed that the site is within the least sustainable location, furthest away from district centres. They go on to identify that at two site visits, there were signs of existing parking stress on Bedford Crescent, due to it being the only un-restricted cul-de-sac in the immediate area. Further, they state that the loss of existing parking spaces for the new access positions, together with the additional displaced parking from the proposal will only exacerbate this situation.
25. The Parking SPD also lays down the requirements for cycle parking within developments. For the proposal, the Parking SPD requires appropriate, secure parking for 7 cycles. The proposal includes provision which meets this requirement and is therefore satisfactory in this regard. The Parking SPD also requires that cycle parking should be close to front entrances of properties for users' convenience and to encourage cycle use. However, the proposal has a single cycle store located adjacent to the rear of the Plot 3 building. This would be accessed via a pathway to the side of the building's gable. There is no direct means of access to the cycle parking for future residents of Plot 1 or Plot 2. Who can only access the cycle parking by walking around the public footpath from their property's, then down the pathway at the side gable of the Plot 3 building. This would not meet the requirements of the Parking SPD in this regard.
26. The proposal has, therefore, not demonstrated compliance with the Parking SPD in regard to vehicular or cycle parking, or the effect of the proposal on on-street parking in Bedford Crescent. This could lead to likely effects of increased incidents of inconsiderate parking and detrimental risk to highway safety and would not encourage cycle use. The proposal would, therefore, not provide adequate vehicular access, manoeuvring and parking together with appropriate cycle parking.
27. For the above reasons, I conclude the proposal would conflict with Policies CS18 and CS41 of the Core Strategy, with the Parking SPD and with paragraph's 115 and 117 of the Framework, which require, among other things, that development provides safe and suitable access for all, giving priority first to pedestrian and cycle movements, and to promote the uptake of sustainable modes of transport.

Habitat Sites and Ramsar

28. The appeal site lies within the vicinity (beyond 400 metres but within 5 kilometres) of the Dorset Heathlands SPA (Special Protection Area), Dorset Heathlands Ramsar Site and Dorset Heaths SAC (Special Area of Conservation). These Habitat Sites and the Ramsar site, are all recognised for their national and international importance for nature conservation. They host protected priority habitats and species including Hen-harrier, Merlin, European nightjar, Woodlark and Dartford warbler, as well as other typical species of forest and heath areas.

29. Evidence shows that these protected Habitat Sites are under significant pressure from an increasing number of people living nearby. As the population grows, urbanisation and increased visitor number effects from human pressures and damage caused by domestic pets have the potential to cause ongoing adverse effects on the protected habitats and species.
30. The Council, together with Dorset Council and with advice and agreement from Natural England (NE), have prepared the Dorset Heathlands Planning Framework 2020-2025 – Supplementary Planning Document (Dorset Heathlands SPD). This document sets out a strategy for the avoidance and mitigation of impacts of new residential development upon the Dorset Heathlands, through a financial contribution from developers for mitigation schemes within the area. The mitigation would be provided by funding of the Urban Heaths Partnership who undertake monitoring and management of heathland sites. This is known as Strategic Access Management and Monitoring (SAMM).
31. The Council has previously agreed with NE, that for developments of 50 residential units or less, that contributions to SAMM's mitigation schemes defined in the Dorset Heathlands SPD, provides adequate mitigation for small developments of this nature. The Council, therefore, determined that the increased recreation disturbance effects of the proposal, could be suitably mitigated by contribution to the SAMM's mitigation defined in the Dorset Heathlands SPD, calculating the required level of contribution.
32. I am acting as the Competent Authority for the purposes of the Habitat Regulations. The proposal would result in the addition of three dwellings to the site, one house and two flats. The proposal would, either alone, or in combination with other development proposed in the area, be likely to have significant effect on the nearby Habitat Sites. It would therefore be subject to the requirements of the Dorset Heathlands SPD for a financial contribution towards mitigation. An obligation covering the financial contribution is necessary to make the development acceptable in planning terms, is directly related to the development, and fairly and reasonably related in scale and kind to the development. This is in relation to both the Regulation 122 of The Community Infrastructure Levy (CIL) Regulations 2010 and the tests set out in the Framework.
33. Contributions for mitigation would normally be secured through a signed Section 106 Agreement under the Town and Country Planning Act (1990) (as amended) with the Council, or a Unilateral Undertaking (UU) from the appellant. The appellant has sought to use the Council's fast-track form of UU, which was included in the appeal documentation. However, having examined the UU, it was undated, unsigned and did not refer to the application which is the subject of the appeal. As a result, the UU is incomplete and I attach no weight to it, in the determination of the appeal. The proposal, therefore, provides no valid means of mitigation of its likely significant effects on Habitat Sites.
34. For the above reasons, I find the proposal to be contrary to Policies CS32 and CS33 of the Local Plan, and the Dorset Heathlands SPD which require, among other things, that development protects all types of nature conservation, habitats and internationally designated sites, and protects the Dorset Heathlands through the provision of mitigation measures. The development would also be contrary to the policies within Chapter 15 of the Framework, which requires, among other things, that development protects and enhances biodiversity.

Other Matters

35. The Environment Act 2021(EA) requires development to provide a minimum of 10% Biodiversity Net Gain, unless it meets an exception set out in the statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990 (as amended) (the Act).
36. The parties agree that the development would be required to provide statutory BNG. Therefore, if the appeal were to succeed, it would be subject to the statutory pre-commencement biodiversity gain condition ('the condition') as set out in the Act. In this scenario, the Planning Policy Guidance (PPG) states that it would generally be inappropriate, when determining a planning application for a development subject to BNG, to refuse on the grounds that the biodiversity gain objective will not be met. The PPG advises that consideration may be required as to whether 'the condition' is capable of being successfully discharged.
37. The appellant submitted a completed BNG Matrix (Natural England - Small Sites Metric). The pre-development biodiversity value was calculated as 0.044 on the 23 September 2024. The post development biodiversity value is calculated as 0.049, representing an 11.18% gain. The appellant has therefore demonstrated that the proposal would meet the minimum 10% BNG requirements of the EA.
38. 'The condition' sets out that development cannot begin until the Biodiversity Gain Plan (BGP) has been approved. It would be for the Council to consider the BGP, and whether, or not, the measures set out at that time are acceptable and secured. Off-site provision could be achieved through an appropriate conservation covenant, which is separate to the planning process, or through the purchase of biodiversity credits as a last resort. As such, I am as satisfied that 'the condition' is capable of being discharged.
39. While I note that the appellant sought pre-application advice, and both the Council's and appellants views on the advice given, I have determined this appeal on the basis of the totality of the evidence before me.

Planning Balance

40. The Council have confirmed that as at the 1 April, it could demonstrate a housing land supply figure of 2.1 years. The appellant notes that having regard to the December 2024 updates to the Framework, this figure is now likely to be lower than that stated by the Council. However, the figure acknowledged by the Council, is well below the 5 years required by the Framework. Accordingly, paragraph 11(d) of the Framework is engaged for decision making purposes.
41. However, the appeal site is within the zone of influence of nationally and internationally designated Habitat Sites, which is one of the protected areas or assets referenced in paragraph 11(d)(i) and footnote 7 of the Framework. Therefore, the policies within paragraph's 193, 194 and 195 of the Framework, that protect areas or assets of particular importance, such as Habitat Sites, need to be considered in the planning balance.
42. Paragraph 193(a) of the Framework requires that if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused. Paragraph 194(b) requires Ramsar sites to be given the same protection as Habitat Sites.

43. Paragraph 195 of the Framework states that the presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a Habitats Site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the Habitats Site.
44. Having regard to my conclusions on Habitats Sites and the Ramsar, in accordance with paragraph 195 of the Framework, the presumption in favour of sustainable development does not apply in this case.
45. In considering the broader planning balance, I have also found that the proposal would create undue harm to the character and appearance of the area. It would provide poor living conditions for future occupiers and would provide inadequate parking provision leading to potential harmful effects for on-street parking and highway safety. Consequently, I have found it would conflict with the development plan policies in these regards, and with the development plan when considered as a whole. These conflicts attract full weight in the planning balance. They are also consistent with the Framework.
46. In terms of the benefits of the scheme, the proposal would provide a boost to housing supply, having regard to the significant shortfall against the 5-year housing land supply, and it is on a windfall site, within the built-up area. The principle of infill development is acceptable in this area. The occupants of the new dwellings would be in a location with access to local services, facilities and employment and the additional housing units would be energy efficient. These matters attract significant weight in favour of the development.
47. The development plan policies are of some age. However, even if I was to find that policies which are most important for determining the application are out-of-date, the presumption in favour of sustainable development does not apply because the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed.
48. As set out above, collectively, the benefits attract significant weight in the planning balance. However, I have found that there would be harm caused to the character and appearance of the area, harm caused by poor living conditions for future occupiers, harm caused by inadequate parking provision leading to potential highway safety effects and harm through likely significant effect to nationally and internationally designated Habitat Sites. These attract full weight in the planning balance. Overall, the benefits do not outweigh the harm.

Conclusion

49. For the reasons set out above, I conclude that the appeal proposal would be contrary to the development plan, when considered as a whole, and that there are no material considerations, including policies in the Framework, that would justify determining other than in accordance with the development plan. Therefore, the appeal is dismissed.

D R Kay

INSPECTOR