
Appeal Decision

Site visit made on 3 March 2026

by **D M Young JP BSc (Hons) MA MRTPI MIHE**

an Inspector appointed by the Secretary of State

Decision date: 06 March 2026

Appeal Ref: APP/V1260/W/25/3376155

Dorwin Court, 328 Poole Road & 68 Princess Road, Poole, BH12 1AR

- 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 Maintenance Securities Investments Ltd against the decision of Bournemouth Christchurch and Poole Council.
 - The application Ref is APP/23/01051/F.
 - The development proposed is the alteration and upward extension of the buildings to create second and third floors of accommodation on each building to create 10 additional apartments in each block (20 in total).
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Decision

1. The appeal is allowed and planning permission is granted for the alteration and upward extension of the buildings to create second and third floors of accommodation on each building to create 10 additional apartments in each block (20 in total). at Dorwin Court, Poole, BH12 1AR in accordance with the terms of the application, Ref APP/23/01051/F, subject to the conditions in the attached schedule.

Preliminary Matters

2. While there was a delay in serving the relevant Appeal Notices, the Appellant has since confirmed that these were served on 19 February 2026. I am therefore satisfied that no party has been prejudiced by the delay.
3. The Council can currently demonstrate a housing land supply of 2.1 years. The effect of this is two-fold. Firstly, it renders the relevant housing policies as out-of-date and, secondly, it engages the 'tilted' balance in paragraph 11d) of the National Planning Policy Framework (NPPF). This shifts the planning balance in favour of a grant of consent. Only if the adverse impacts would significantly and demonstrably outweigh the benefits, should permission be refused.

Main Issues

4. The main issues are the effect of the development on, firstly, the character and appearance of the area, and secondly, the living conditions of neighbouring occupiers with particular regards to overshadowing.

Reasons

Character and appearance

5. The appeal site contains two blocks of 2-storey flats which are well screened from Poole Road by mature trees. Vehicular access is from Princess Road from where

the buildings are more prominent. The character of the area is predominantly residential with a wide range of building styles present. There are no listed buildings or conservation areas in the vicinity. While the surrounding area has a leafy character, I would be hard pushed to describe it as particularly sensitive in architectural or streetscape terms.

6. The appeal scheme would introduce two additional floors to the existing two-storey buildings to provide 20 one-bedroom flats. The extensions would reflect the architectural style of the lower floors including the distinctive fenestration and white render finish. Consequently, there would be no harm to the “art-deco” style of the current buildings.
7. As demonstrated by the street-scene drawings, buildings of similar scale to the proposed development currently exist on either side of the appeal site. The development would sit below the roofline of these buildings and therefore it is difficult to understand how the Council came to the view that the scale, mass, bulk and height of the appeal scheme would be excessive. The proposed development would thus accord with Poole Local Plan (PLP) Policies PP27, PP28 and NPPF paragraph 125, insofar as they seek that development that “*reflects*”, “*is consistent*” and “*in keeping with*” neighbouring buildings.

Living conditions

8. There is no doubt that the proposed extensions would be visible from some westward facing units within the four-storey block of flats to the east (Eaglehurst). To that extent there would be some change in outlook for occupiers of these units. However, this is a built-up area where a degree of encroachment into views and outlook is to be expected.
9. As noted above, the appeal scheme would not exceed the height of Eaglehurst or its other neighbour (Lindum Court). As shown on the street-scene drawing, there would be no encroachment of the widely accepted ‘45-degree angle’ drawn from the neighbouring windows of the top floor of Eaglehurst. On that basis alone, it is difficult to see how there could be an unacceptable impact on neighbouring occupiers.
10. The Council have not referenced any local separation distances that would be breached if I were to allow the appeal. Eaglehurst is positioned broadside to the appeal site and therefore the development would be sited side-on to its westward facing balconies and windows. As the Council’s Officer Report correctly notes, the orientation of Eaglehurst to the appeal buildings is such that increased overshadowing would be limited to the latter part of the day and would not be significant or unacceptable in planning terms. I therefore conclude that the development would not unacceptably harm the living conditions of neighbouring occupiers. It would thereby accord with PLP Policy PP27.

Other Matters

11. Cognisant that the proposed flats would only be accessible via several flights of stairs, I do not consider it necessary or reasonable to require compliance with Requirement M4(2) ‘accessible and adaptable dwellings’ of the Building Regulations, notwithstanding the requirements of PLP Policy PP12. This was the conclusion reached in the Officer’s Report and no arguments have been advanced in the Council’s Appeal Statement that would lead me to a different conclusion.

12. The Council's fourth reason for refusal relates to a lack of suitable amenity space for future occupiers. While Policy PP27(d) requires a satisfactory level of external and internal amenity space, it does not stipulate any minimum standards. In terms of outdoor space there is an area between the buildings that is currently hard surfaced and a shaded area under the trees adjacent to Poole Road. These would provide future residents with somewhere to sit out in the summer. While I acknowledge the quantum and layout of the space is not ideal, it is not dissimilar to what one would find in most urban flatted developments. On that basis, I am not persuaded that it would be reasonable to withhold planning permission on this basis particularly since there are areas of off-site open space nearby.
13. The location of the bin stores are logically shown on the layout plan adjacent to Princess Road. This is consistent with the existing arrangements and in accordance with the Council's own bin storage and collection standards guidance. The Council's stance in relation to this matter is thus patently unreasonable.
14. The appeal site is described as being in close proximity to the New Forest, Dorset Heathlands and Poole Harbour Special Protection Areas (SPAs). As is standard for all residential developments within the zone of influence, the Appellant has submitted a Unilateral Undertaking (UU) which would secure the necessary financial contributions to mitigate the impact of development on the SPAs. I am therefore satisfied that adverse effects upon the integrity, either alone or in combination, of European and internationally important sites would be avoided. Accordingly, there would be no conflict with PLP Policies PP32 and PP39.
15. The Council has confirmed that the affordable housing obligation contained in the UU is acceptable and as a result, there would be no conflict with PLP Policy PP11.

Conditions

16. I have imposed time limit and plans conditions to provide certainty. Materials and landscaping conditions are necessary to ensure the satisfactory appearance of the development. I have imposed a condition in relation to cycle parking to ensure future residents have genuine access to sustainable forms of travel. I have also imposed a condition requiring the submission and approval of a Construction Management Plan to protect the amenity of neighbouring residents

Conclusion

17. The proposed development would deliver a host of benefits, the weightiest being the delivery of 20 additional units in an area of acute need. I have not identified any harms that would outweigh these benefits. The development clearly accords with the Development Plan taken as a whole and the NPPF and should have been approved without delay. For these reasons the appeal should be allowed.

D M Young

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with drawing nos: 01.A, 02.C, 08.B, 09.B, 10.B, 11.B, 12.B, 13.B, 14.B and 15.B.
- 3) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the buildings hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 4) No development shall take place until a scheme for the landscaping of the site has 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.
- 5) Notwithstanding the details shown on the approved plans, prior to first occupation secure and covered cycle parking facilities shall be provided in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. The approved parking spaces shall thereafter be retained.
- 6) No development or site works shall take place on site until a Construction Management Plan (CMP) has been submitted to and approved in writing by the Local Planning Authority. The CMP shall include, but not be limited to, the following:
 - i. Methods to be used and the measures to be undertaken to control the emission of dust, noise and vibration arising from construction works;
 - ii. Details of a community liaison contact for the duration of all works associated with the development, and
 - iii. Details of construction hours.