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## Appeal Decision

Site visit made on 15 April 2025

by **O Marigold BSc DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 9 May 2025

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### Appeal Ref: APP/V1260/W/24/3351422

### 95 Longfleet Road, Poole, Dorset BH15 2HP

- 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 and Mrs Beynon against the decision of Bournemouth Christchurch and Poole Council.
  - The application Ref is APP/24/00684/F.
  - The development proposed is change of use from a small (C4) house of multiple occupation (HMO) to a large 8-bed, 8-person (Sui-Generis) HMO with alterations to the roof to provide roof lights.
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### Decision

1. The appeal is allowed and planning permission is granted for change of use from a small (C4) house of multiple occupation (HMO) to a large 8-bed, 8-person (Sui-Generis) HMO with alterations to the roof to provide roof lights at 95 Longfleet Road, Poole, Dorset BH15 2HP in accordance with the terms of the application, Ref APP/24/00684/F, subject to the following conditions:
  - 1) The development shall begin no later than three years from the date of this decision.
  - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 17\_148/11, 12B, 13, 14.
  - 3) The development hereby approved shall not be occupied until secure cycle parking has been provided in accordance with a scheme that shall first have been submitted to and approved in writing by the Local Planning Authority, and thereafter retained in perpetuity.
  - 4) During construction of the development hereby approved, no site machinery or plant shall be operated, no process shall be carried out and no construction-related deliveries received or dispatched from the site except between the hours of 0800 and 1800 Mondays to Fridays, 0800 and 1300 Saturdays and at no time on Sundays, Bank Holidays or Public Holidays.

### Preliminary Matters

2. Since the appeal was made, a revised National Planning Policy Framework (the Framework) has been published. The main parties have had the opportunity to comment on this. I have determined the appeal on the basis of the current planning policy position.
3. During the appeal, the appellants submitted a Unilateral Undertaking (UU) dated 13 January 2025 made in pursuance of section 106 of the Town and Country Planning Act 1990. It contains obligations that secure financial contributions towards mitigation of the impact of the proposal on the Dorset Heathlands Special

Protection Area (SPA), the Dorset Heaths Special Area of Conservation (SAC), and the Poole Harbour SPA. I will consider this under other matters below.

### **Main Issue**

4. The main issue is whether the proposal would provide acceptable living conditions for its future occupiers, with regard to its internal space.

### **Reasons**

5. The appeal site consists of what was historically a dwelling, which has been converted into a small HMO containing six bedrooms. The proposal seeks to convert the existing space in the roof to provide an additional two bedrooms (rooms 7 and 8), to make a large HMO.
6. The sloping nature of the roof means that there are areas of limited headroom. The Council estimates that around a fifth of each room would be lower than 1.5 metres in height and so usable only for storage. It also calculates that around half of the floorspace of rooms 7 and 8 would be of two metres or more in height, with only a third being at or above 2.3 metres high. This would be below the requirement of the Nationally Described Space Standard (NDSS), for a minimum floor-to-ceiling height of 2.3 metres over at least 75% of the Gross Internal Area.
7. However, the NDSS states that it only applies to new dwellings (Use Class C3) and has no other statutory meaning or use. The proposal is not for a new dwelling, but instead seeks a change of use to a *suis generis* HMO. Consequently, the NDSS space standards are not determinative in this instance.
8. Although relating principally to licencing, the Council has produced Amenity Standards<sup>1</sup>. These require HMO single-person bedrooms in shared accommodation, as here, to have a floorspace of at least 6.51sqm (excluding that below 1.5 metres high). There is no dispute that each proposed room would exceed this size.
9. The Amenity Standards also require at least half of the area over 1.5 metres high to have at least a 2.1 metre ceiling height. This figure is not available to me in respect of the proposal. However, on the basis of the floorspace figures provided by the appellants, and the Council's room height estimates, the area of each room with a height of 2.3 metres or more would exceed half of 6.51sqm. This is suggestive of sufficient space of adequate height within both rooms.
10. The rooms appear to have been used as living accommodation historically, with both having light and outlook from established dormer windows. Furthermore, the occupiers of each of the rooms would have access to a large-sized communal lounge, kitchen and diner, as well as to a private garden. Taking all the above factors into account, the proposal would provide a reasonable standard of accommodation for its occupiers, and would not be unduly unhealthy or cramped.
11. For these reasons, it would provide acceptable living conditions for its future occupiers, with regard to its internal space. It would therefore comply with Policy PP27 of the Poole Local Plan, adopted November 2018, which requires satisfactory internal amenity space for new occupiers. It would similarly accord

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<sup>1</sup> Amenity Standards for Houses in Multiple Occupation, dated May 2024

with the requirement of the Framework to promote health and well-being, and a high standard of amenity for future users.

### **Other Matters**

12. The site is within an area that could affect the Dorset Heathlands SPA and Ramsar site, which is part of the Dorset Heaths SAC. Its qualifying features include Dartford warblers, nightjars, woodlark, hen harrier, merlin, sand lizards and smooth snakes. The site is close to the Poole Harbour SPA, which includes 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. The conservation objectives for these areas include maintaining or restoring the extent, distribution, structure and function of qualifying natural habitats and species.
13. As identified in the Council's Supplementary Planning Documents, these areas are under significant pressure from an increase in the level of human recreation, a disturbance of bird species, and the build-up of nitrates from wastewater treatment works, all resulting from urban development. The proposal would result in a further increase in human activity within the areas of influence.
14. The SAC, SPAs and Ramsar Site are protected pursuant to the Conservation of Habitats and Species Regulations 2017 as amended (the Habitats Regulations). For the reasons given above, alone and in combination with other development, a likely significant effect on the SAC, SPAs and Ramsar Site cannot be ruled out. Consequently, in accordance with the Habitats Regulations and as competent authority in the context of this appeal, I must undertake an Appropriate Assessment (AA).
15. In respect of the Dorset Heathlands SPA and Ramsar site, mitigation has been developed in the form of Heathland Infrastructure Projects (HIP), and Strategic Access Management and Monitoring (SAMM). The SAMM would be funded through proportionate developer contributions, whilst the HIP would be funded by payments under the Community Infrastructure Levy (CIL). For the Poole Harbour SPA, mitigation similarly requires impacts to be mitigated via Infrastructure Projects via CIL and SAMM through contributions. Both seek to meet the conservation objectives by reducing recreational pressure, and achieving nitrogen neutrality.
16. In this case the UU, together with CIL payments, secures adequate financial contributions towards these mitigation measures. The Council and Natural England have confirmed that the contributions and mitigation would be sufficient. In undertaking the AA, the information before me indicates that the mitigation would reduce the impact of the proposal on the integrity of the SAC, SPAs and Ramsar Site to a de minimis level. As such, it would accord with the Habitats Regulations.
17. The site is within the Poole Conservation Area (CA). There is no dispute between the parties that the proposal would have no adverse effect on the character or appearance of the CA. Having considered the proposal and visited the site and its surroundings, I concur with that view. Accordingly, the character and appearance of the CA would be preserved.

### **Conditions**

18. The Council has provided a list of conditions, which I have assessed and where necessary amended, having regard to the advice in the Planning Practice Guidance. A condition requiring adherence to the approved plans is necessary for certainty. Details of cycle storage are required to promote sustainable transport. In the interests of the living conditions of nearby occupiers, a condition is necessary to restrict building activities to suitable times and days.
19. The Council has suggested a condition requiring biodiversity enhancement measures. The relevant planning policy seeks ecologically sensitive design features. However, as the proposal relates primarily to the use of an existing building, such measures would not be relevant or appropriate. I shall not therefore impose this condition.

### **Conclusion**

20. For the reasons given above, I conclude that the appeal should be allowed.

*O Marigold*

INSPECTOR