



Appeal Decision

Site visit made on 4 February 2025

by **Nick Davies BSc(Hons) BTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 03 March 2025

Appeal Ref: APP/V1260/W/24/3346813

101 Longfleet Road, Poole 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/23/01393/F.
 - The development proposed is change of use from small (C4) House of Multiple Occupation to large 8-bedroom (8-person) (Sui-generis) House of Multiple Occupation.
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Decision

1. The appeal is allowed and planning permission is granted for change of use from small (C4) House of Multiple Occupation to large 8-bedroom (8-person) (Sui-generis) House of Multiple Occupation at 101 Longfleet Road, Poole BH15 2HP in accordance with the terms of the application, Ref APP/23/01393/F, and the plans submitted with it, subject to the following condition:
 - 1) The development hereby permitted shall be carried out in accordance with drawing nos: 21838/01A - Site and Location Plans; 21838/02A - Proposed Ground, First, Second Floor Plans; 21838/03 - Elevations; 21838/03 - Cycle Store Proposed Plans, Elevations.

Application for costs

2. An application for costs was made by Mr and Mrs Beynon against Bournemouth Christchurch and Poole Council. This application is the subject of a separate Decision.

Preliminary Matters

3. The building was already in use as an 8-person House in Multiple Occupation (HMO) prior to the submission of the application, and was still occupied as such at the time of my visit. I am therefore dealing with the appeal retrospectively.
4. During the appeal, the appellant submitted a Unilateral Undertaking dated 3 November 2024 (the UU) 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 development on the Dorset Heathlands Special Protection Area, the Dorset Heaths Special Area of Conservation, and the Poole Harbour Special Protection Area. The Council was given the opportunity to comment on the UU.

Main Issues

5. The main issues are:
 - a) Whether the proposal preserves or enhances the character or appearance of the Heckford Park Conservation Area (the CA);
 - b) Whether the proposal would provide suitable living conditions for future occupants; and,
 - c) The impact of the development on the Dorset Heathlands Special Protection Area (the DHSPA), the Dorset Heaths Special Area of Conservation (the DHSAC), and the Poole Harbour Special Protection Area (the PHSPA).

Reasons

Character or appearance of the CA

6. The appeal site lies in the CA. It is one of a row of semi-detached houses, all with decorative gables above full height bay windows. Each pair of houses is mirrored, so that they have centrally paired entrance doors. Some of these are arched, some have decorative render surrounds, and others have ornate glazed porches. Most of the properties still have front gardens that are enclosed by low walls. The significance of this part of the CA lies in the consistent form, symmetry and high-quality architecture of the buildings, and the resultant distinctive rhythm to the street scene.
7. The appeal property shares many of these characteristic features. It has a full height bay window with decorative barge boards to the gable, and an arched entrance door. It retains a landscaped front garden, behind a low brick wall that is topped by decorative iron railings. It therefore makes a positive contribution to the character and appearance of the CA.
8. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA.
9. It is not disputed that the proposal does not involve any changes to the external façade of the building. Indeed, apart from a cycle store in the rear garden, which would be in the position of an existing shed, no external changes are proposed to the appeal site. The Council's reason for refusal refers to the requirement for additional infrastructure, which would result in a cramped frontage. However, it is not clear from the Council's evidence what infrastructure would be required, or how it would be harmful to the CA. There would likely be a need for additional refuse storage to serve the additional occupants, but I saw that the bins were currently stored to the rear of the building behind a closed gate, so were not visible from the frontage. There was ample space in this area for any additional bins that may be required.
10. The submitted plans do not show any alterations to the frontage and, in view of the above, I see no reason why the landscaped front garden would change in any way as a result of the proposal. I note that the relevant part of the Officer's delegated report concludes that the proposed continued use of the building as an HMO with

associated domestic paraphernalia would not cause adverse harm to the setting of the CA.

11. For the above reasons, I conclude that the proposal preserves the character and appearance of the CA. It therefore accords with Policies PP27 and PP30 of the Poole Local Plan 2018 (the Local Plan) which, taken together, require a good standard of design that preserves or enhances Poole's heritage assets. The Council included Policy PP28 in its reason for refusal, but this policy refers to flatted development and plot severances, so is not relevant to the appeal.

Living conditions for future occupants

12. There is no dispute between the parties that the bedrooms numbered 1 – 6 on the submitted plans provide suitable living conditions for occupants. Bedrooms 7 and 8 are located in the roofspace of the building, which results in reduced headroom in parts of the accommodation. The Council contends that the rooms do not meet the requirements of the Technical housing standards – nationally described space standard¹ (the NDSS), because the minimum floor to ceiling heights are not 2.3m for at least 75% of their Gross Internal Area. However, at 14.2 sq m and 11.3 sq m respectively, the two rooms comfortably exceed the 7.5 sq m required by the NDSS for a single bedroom, so the limited headroom in part of the accommodation is less consequential.
13. In any event, the NDSS makes it clear that its requirements for bedrooms, storage and internal areas are relevant only in determining compliance with this standard in new dwellings and have no other statutory meaning or use. The proposal before me is for the enlargement of an existing HMO, rather than a new dwelling. Furthermore, my attention has not been drawn to any development plan policies that require compliance with the NDSS. Consequently, whilst they are a material consideration, the NDSS space standards are not determinative in this case.
14. The appellant has drawn my attention to the Council's Amenity Standards for Houses in Multiple Occupation (the Amenity Standards), which were published in May 2023. I appreciate that these relate to the licensing regime, rather than being a planning policy document. Nevertheless, the evidence indicates that the Council's emerging Local Plan proposes a policy relating to HMOs, which will require compliance with the Amenity Standards. Whilst this emerging Plan has not yet reached a stage where it carries significant weight, the proposed policy indicates that the Council considers the guidance in the Amenity Standards to be relevant in planning decisions relating to HMOs.
15. Where an HMO is let as a shared house type HMO, the Amenity Standards require a one-person bedroom to have a floor area of at least 6.51 sq m. In calculating this area, any part of the room with a ceiling height of less than 1.5m is excluded, and of the remaining area, at least half should have a 2.1m ceiling height. Both rooms would comfortably exceed the floor space requirements, and, on the evidence before me, would also meet the ceiling height requirement for 50% of the floor area. The rooms would, therefore meet the floorspace requirements set out in the Amenity Standards.
16. Each of the rooms is lit by two rooflights. I have not been provided with measurements of their size, but it would appear from the submitted drawings that

¹ Department for Communities and Local Government - March 2015

the glazed area is in the region of 10% of the floor area of the rooms, as recommended in the Amenity Standards. Being to the north of the building, Room 8 receives little direct sunlight, but the rooflights provide unobstructed daylight to both rooms throughout the day, so there is no reason why occupants should be over-reliant on artificial lighting. The drawings show that the rooflights have a cill height of about 1.5 metres, so occupants are able to easily open them and to look out of them, so that the accommodation is not overly enclosed or claustrophobic. I am mindful that the rooms occupy the roofspace, but there is no evidence to suggest that there is insufficient insulation, such that occupants should be any more reliant on artificial heating than the occupants of any of the other rooms.

17. Overall, therefore, the two bedrooms meet the requirements of the Amenity Standards, and provide a reasonable standard of accommodation for residents. There would be some conflict with the ceiling height requirements of the NDSS, but these are of limited applicability, and are less consequential where, as in this case, the overall floorspace easily exceeds the required minimum. Occupants of the rooms also have access to the lounge/dining area, which surpasses the minimum floorspace specified in the Amenity Standards, and is well-lit and comfortably furnished. Additionally, there is a large kitchen, which is suitably laid out to allow all occupants to store, prepare and cook food. The kitchen gives level access to the private rear external amenity space. Overall, I saw that the shared accommodation was spacious, and decorated and maintained to a high standard throughout, so that residents would not be reliant on their individual bedrooms as their main habitable area.
18. For the above reasons, I conclude that the accommodation, considered as a whole, provides suitable living conditions for all occupants. The development therefore accords with Policy PP27 of the Local Plan, which seeks to ensure that proposals provide satisfactory external and internal amenity space for both new and any existing occupiers. The Council included Policies PP28 and PP37 in its reason for refusal, but these policies refer to flatted development, plot severances and the construction of new homes and commercial developments, so they are not relevant to this appeal.

Impact on the DHSPA, the DHSAC, and the PHSPA

19. The appeal site lies within close proximity to these internationally protected wildlife sites, which are afforded protection under the Conservation of Habitats and Species Regulations 2017 as amended (the Habitats Regulations). Evidence shows that they are under significant pressure from an increase in the level of recreation, disturbance of bird species, and the build-up of nitrates from wastewater treatment works, all as a result of urban development. The proposal would result in a net increase of two bedrooms within their area of influence. In cumulation with the 14,200 new homes identified in the Local Plan up to 2033, it has the potential to impact on the integrity of the protected sites, through increased recreational disturbance and wastewater. In these circumstances, the Habitats Regulations require that an Appropriate Assessment (AA) be carried out, and that permission may only be granted after having ascertained that the development will not affect the integrity of the protected sites. I have carried out my AA on a proportionate basis with regard to the evidence before me.
20. The Dorset Heathlands Planning Framework 2020-2025 Supplementary Planning Document (the DHSPD) sets out that mitigation for the impacts of development will

be delivered through a combination of Heathland Infrastructure Projects (HIPs), and Strategic Access Management and Monitoring (SAMM). The HIPs will generally be funded by the Council using Community Infrastructure Levy (CIL) receipts, whereas SAMM funding will be through individual contributions from all developments that involve an increase in residential accommodation. In the case of Poole Harbour, the mitigation strategy is set out in the Poole Harbour Recreation 2019-2024 Supplementary Planning Document (the PHSPD), which similarly requires recreational impacts to be mitigated via Infrastructure Projects and SAMMS, through a combination of CIL payments and individual contributions from developments. The Nitrogen Reduction in Poole Harbour Supplementary Planning Document sets out the strategy for achieving nitrogen neutrality for development in the catchment.

21. The Council's decision notice indicates that financial contributions in accordance with the DHSPD and PHSPD would overcome the second and third reasons for refusal. The UU has been prepared in consultation with the Council, and requires the appellant to make contributions towards SAMM and nitrogen reduction measures to mitigate any adverse impacts of the development on the protected sites. The evidence indicates that the contributions have been calculated in accordance with the formulae in the Supplementary Planning Documents, and have already been paid to the Council pursuant to the UU. On the evidence before me, the obligations in the UU are necessary to protect the integrity of the protected sites, are directly related to the development, and are fairly and reasonably related in scale and kind to it. Consequently, they meet the tests set out in paragraph 58 of the National Planning Policy Framework.
22. Natural England was consulted, and the evidence before me indicates that the measures set out in the Supplementary Planning Documents provide a strategic approach that ensures that mitigation is being delivered in a timely and locationally appropriate manner. Consequently, the adverse effects identified would be avoided, or reduced to such a level that there would not be a likely significant effect, either alone or in combination. I therefore conclude through my AA that, with the provided mitigation, the proposal would not harm the integrity of the protected sites. It would therefore accord with Policies PP32 and PP39 of the Local Plan which, taken together, seek to secure appropriate funding to ensure that development does not lead to adverse effects upon the integrity of internationally protected sites.

Conditions

23. As the use has already commenced, it is not necessary to impose a condition limiting the period within which the development must be implemented. I have, however, imposed a condition specifying the relevant plans, as this provides certainty. The Council has not suggested that any other conditions should be imposed in the event that I allow the appeal, and I do not consider any to be necessary.

Conclusion

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

Nick Davies

INSPECTOR