

1.0 Application Number: WP/19/00228/FUL
Application Site: THE JOINERY, CHISWELL, PORTLAND, DT5 1AW
Proposal: Erect first floor balcony
Applicant: Mr & Mrs Wilson
Case Officer: Christopher Lee
Ward Member(S): Cllr R Hughes, Cllr P Kimber, Cllr S Cocking
Recommendation Summary: Approve with conditions

2.0 Summary of Recommendation: GRANT subject to conditions

3.0 Reason for the recommendation:

- The proposal is acceptable in its design and general visual impact.
- The proposal is considered to be acceptable in terms of its impact on the character of the Conservation Area and setting of nearby listed buildings.
- There is not considered to be any significant harm to neighbouring residential amenity.
- There are no material considerations which would warrant refusal of this application

4.0 Table of key planning issues

Issue	Conclusion
Principle of development	The site is within the DDB and therefore the principle for a balcony to a residential property is considered acceptable.
Scale, design, impact on character and appearance	The proposed balcony would be modest in size and reflective of the materials used on the host building. The area sees various instances of balconies of a similar scale and design and as such the character of the area is preserved.
Impact on amenity	The proposed balcony (with privacy screen) is considered not to represent a significant impact on the amenity of occupiers of neighbouring properties in relation to overlooking or loss of privacy.
Impact on heritage assets	The proposed balcony would be a modest addition that reflects the character of the Conservation Area and as such there is considered to be no resulting adverse impact on heritage assets.
Economic benefits	There could be short term minor

	economic benefits as a result of the proposals in terms of employment of local builders and contractors.
--	--

5.0 Report Body Text

Description of Site

The Joinery is a building comprising a joinery workshop on the ground floor and a 2 bedroom flat on the first floor. The historic character of the area is of a light industrial nature, and there have been considerable residential developments and conversions of industrial buildings along the private lane Pebble Lane to which the application site belongs.

Pebble lane is adjacent to the Chesil Beach to the West and therefore views of the balcony would be possible from parts of the beach and the public walkway.

The area sees three listed buildings nearby to The Joinery whose setting would be affected. These being:

- the Grade II listed Ranters Lodge and historic outbuilding The Dead House (along with its boundary wall); formerly a Methodist Chapel dating from the late 18th or early 19th Century (sited some 6-9 metres to the South East of The Joinery)
- the Cove House Inn which is a Grade II listed public house dating from the early 19th century (sited some 40 metres to the South).

The application site lies within the Underhill Conservation Area of Portland.

6.0 Relevant Planning History

Application No.	Application Description	Decision	Date of decision
12/00799/FUL	First floor extension to provide habitable accommodation	Approved	19/02/2013
WP/13/00777/VOC	First floor extension to provide habitable accommodation without compliance with conditions 2 (remove drawings DH/DC/RW-01A and 02/A and replace with drawings DH/DC/RW-01B and 02/B), 6 and 11 (add wording, 'details to be provided before occupation') of previous planning permission 12/00799/FUL	Approved	28/02/2014

7.0 List of Constraints

- Within defined development boundary for Portland
- Within the Underhill Conservation Area
- Nearby listed buildings

8.0 Consultations

Highways Authority – No objection

Portland Town Council

Offered support for the proposals (subject to the comments of the Conservation Officer) on the grounds that it does not impede on the privacy or the light of neighbouring properties.

Conservation Officer

Objection to the proposals as they represent further domestication of the site's industrial character and appearance. Insufficient justification provided.

All consultee responses can be viewed in full on the website.

Representations received

4 letters of objection have been received relating to:

- Impact on the setting of listed buildings
- Impact on the character of the conservation area
- Impact on privacy of occupiers of nearby properties
- Un-characterful design and materials
- Increased risk of falling debris

One letter from Cllr Kimber requesting that the application be brought before Planning Committee due to the need for the area to be protected.

9.0 Relevant Policies

Adopted West Dorset and Weymouth & Portland Local Plan (2015)

- INT1- Presumption in favour of Sustainable Development
- ENV4 – Heritage Assets
- ENV10 - The landscape and townscape setting
- ENV12 – The design and positioning of buildings

- ENV16 – Amenity
- SUS2 – Distribution of development

National Planning Policy Framework

As far as this application is concerned the following section(s) of the NPPF are considered to be relevant;

- 2. Achieving sustainable development
- 4. Decision-making
- 12. Achieving well-designed places
- 16. Conserving and enhancing the historic environment

Para 38 - Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.

Other material considerations

- Supplementary Planning Guidance 2: Listed Building and Conservation Areas (SPG2)
- Portland Conservation Area Appraisal of Grove, Easton, Reforne, Straits, Wakeham, Underhill and Weston (2014)

10.0 Human rights (standard text)

Article 6 - Right to a fair trial.

Article 8 - Right to respect for private and family life and home.

The first protocol of Article 1 Protection of property

This Recommendation is based on adopted Development Plan policies, the application of which does not prejudice the Human Rights of the applicant or any third party.

11.0 Public Sector Equalities Duty (standard text)

As set out in the Equalities Act 2010, all public bodies, in discharging their functions must have “due regard” to this duty. There are 3 main aims:-

- Removing or minimising disadvantages suffered by people due to their protected characteristics
- Taking steps to meet the needs of people with certain protected characteristics where these are different from the needs of other people

- Encouraging people with certain protected characteristics to participate in public life or in other activities where participation is disproportionately low. Whilst there is no absolute requirement to fully remove any disadvantage the Duty is to have “regard to” and remove OR minimise disadvantage and in considering the merits of this planning application the planning authority has taken into consideration the requirements of the PSED.

12.0 Financial benefits

There could be short term minor economic benefits as a result of the proposals in terms of employment of local builders and contractors.

13.0 Planning Assessment

Principle of Development

The site is within the Defined Development Boundary for Portland and therefore the principle for a balcony to a residential property is considered acceptable.

Design/Visual Amenity & Impact on the Character of the Conservation Area

Whilst historically industrial in nature, the area around Pebble Lane has been altered considerably over the years with residential developments and conversions having taken place. Therefore, whilst the area maintains suggestions of its industrial history the visual character of the area is considered to have been altered to a large degree to a more domestic feel. Whilst the Conservation Officer’s comments in this regard are noted, The Joinery building itself has been subject to a change in its character, and the upper floor extension and South facing window (to which the proposal relates) are deemed to be domestic in character whilst the building retains its industrial origins on the ground floor. In this regard the proposed installation of a balcony and access doors to the South facing upper floor window is not considered to represent an un-characterful development in relation to the host building. The area sees multiple instances of such balcony elements of varying designs and scales, and the proposed glass and metal balustrade construction is not considered to represent an adverse impact on the character of the conservation area due to the mixed vernacular of development in the area. It should be noted that the materials would match those found on the Western side of the building, which serve an upper floor terrace area.

Therefore the proposals are deemed to preserve the character of the Conservation Area. This conclusion has been reached having regard to: (1) section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 that requires special regard to be paid to the desirability of preserving or enhancing the character or appearance of a conservation area; and (2) Local Plan policy.

Neighbouring Amenity

The proposed balcony would occupy an elevated position and therefore would allow some views South East into and around the private amenity space of Ranters Lodge (to the Western side of that property), its side window on the West elevation, and at a greater distance windows on the North elevation of the Dead House. Views could also be possible to the East towards the rear gardens and windows of 55 and 57 Chiswell, albeit at a distance of around 20 metres. To mitigate these concerns the drawings were amended during the application's course to include a privacy screen on the East elevation of the balcony which is considered to alleviate the most direct of these views. As such the proposed balcony is considered not to represent a significantly adverse impact on the privacy of occupiers of neighbouring properties.

Impact on the Setting of Listed Buildings

The proposed balcony would be a modest development using materials that are acceptable in terms of their relationship to the visual amenity of the area. Therefore, in relation to the setting of the nearby listed buildings whilst the development would be visible within their setting there is not considered to be any resulting adverse impact. As such the setting of the nearby listed buildings is considered to be preserved. This conclusion has been reached having regard to: (1) section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 that requires special regard to be paid to the desirability of preserving or enhancing the setting of Listed Buildings; and (2) Local Plan policy.

14.0 Conclusion

The proposed development is modest and considered to be acceptable in terms of its impact on heritage assets and neighbour amenity. It complies with national and local planning policy and is recommended for approval.

15.0 Recommendation

Grant subject to the following conditions (and their reasons):

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date of this permission.

Reason: This condition is required to be imposed by Section 91 of the Town and Country Planning Act 1990 (as amended)

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

Floor Plans - Drawing Number 19/1/01-2 received on 12/03/2019

Location & Block Plan - Drawing Number 19/1/01-1 received on 12/03/2019

Elevations - Drawing Number 19/1/01-3B (Amended) received on 09/07/2019

Proposed Section AA - Drawing Number 19/1/01-4B received on 09/07/2019

Reason: For the avoidance of doubt and in the interests of proper planning.

3. The balcony hereby approved shall not be brought into use unless and until the obscure glazed privacy screen to the East elevation, as detailed on the approved drawings, has been erected. The screen shall be obscured to a minimum of level three obscurity, and shall be permanently retained at a height of 1.7 above the floor level of the balcony.

Reason: In the interest of protecting neighbouring amenity and the privacy of occupiers of adjoining premises.

4. The new doors (to the balcony) hereby approved shall be of timber construction and shall be finished in a colour to match the existing windows of the property.

Reason: To ensure a satisfactory visual appearance of the development and to preserve the character of the conservation area.

5. The balustrading of the balcony hereby approved shall be constructed of smoked glass and stainless steel posts to match the existing balcony on the Western elevation of the property.

Reason: To ensure a satisfactory visual appearance of the development and to preserve the character of the conservation area.

Informatives

1. National Planning Policy Framework Statement

In accordance with paragraph 38 of the NPPF the council, as local planning authority, takes a positive approach to development proposals and is focused on providing sustainable development. The council works with applicants/agents in a positive and proactive manner by:

- offering a pre-application advice service, and
- as appropriate updating applications/agents of any issues that may arise in the processing of their application and where possible suggesting solutions.

In this case:

The applicant/agent was updated of any issues and provided with the opportunity to address issues identified by the case officer.