

1.0 APPLICATION NUMBER: [2/2019/0904/REM](#)

SITE ADDRESS: Vale Cottage, Marnhull, DT10 1JN

PROPOSAL: Erect 2 No. dwellings (Reserved matters application to determine scale, layout, appearance and landscaping following grant of Outline Planning Permission 2/2018/1406/OUT).

APPLICANT: RB Snook Building Ltd.

Case Officer: Christopher Poad

Ward Member(s): Cllr Graham Carr-Jones

2.0 Summary of Recommendation: GRANT, subject to conditions.

3.0 Reason for the recommendation:

- Para 14 of the National Planning Policy Framework (NPPF) sets out that permission should be granted for sustainable development unless specific policies in the NPPF indicate otherwise
- The location is considered to be sustainable and the proposal is acceptable in its design and general visual impact on the character of the site and locality.
- There is not considered to be any significant harm to neighbouring residential amenity.
- There would be no harm to protected trees and appropriate landscaping would be secured by means of condition.
- 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 application site is within the settlement boundary for the village which is one of the 18 villages identified in Policy 2 for further growth. The principle of development for the erection of 2 No. dwellings has been established following previous Outline application 2/2018/1406/OUT having been granted.
Scale, design, impact on character and appearance	Introduction of 1 No. 2 storey dwelling and 1 No. 1 ½ storey dwelling would not be uncharacteristic of the area

	given the mix of housing within the locality. Neighbouring properties sit centrally within their respective curtilages with the principal elevation fronting Ham Lane. The layout of the two dwellings reflects this grain of development. Additionally, the dwellings would be finished in natural materials that would be in-keeping with the local vernacular.
Impact on amenity	The design of the two dwellings has been carefully considered to minimise the impact on neighbour amenity and to safeguard the amenity for future occupiers.
Trees and Landscaping	The proposed development would be of an acceptable distance from nearby trees to not have a significant adverse impact on their health or growth.
Economic benefits	The development would result in the erection of two dwellings within the settlement of Marnhull built by a local construction company.
Access and Parking	The scheme would allow for adequate parking availability serving each dwelling. Access was determined under previous application 2/2018/1406/OUT.

5.0 DESCRIPTION OF SITE

5.1 The site lies within the settlement boundary of Marnhull. To the north of the application site runs Ham Lane. Beyond Ham Lane is a cul-de-sac of single storey dwellings known as Woodlands Mead. To the east of the application site is Vale Cottage. Vale Cottage is a two storey dwelling that sits at an elevated position within the street scene. Vale Cottage is situated to the south-west of the Ham Lane and Burton Street junction. To the west of the application site is neighbouring residential property Hazletts. Hazletts is a single storey dwelling that is set back from Hams Lane. To the south of the application site is a parcel of agricultural land which gradually slopes down to the south.

6.0 DESCRIPTION OF DEVELOPMENT:

6.1 The proposed development seeks permission to erect 2 detached dwellings in the, once, curtilage of Vale Cottage.

7.0 RELEVANT PLANNING HISTORY:

Application: 2/2018/1406/OUT

Proposal: Develop land by the erection of 2 No. dwellings (outline application to determine access).

Decision: Approve

Decision Date: 03.01.2019

8.0 LIST OF CONSTRAINTS:

- Protected Trees

9.0 CONSULTATIONS

(All consultee responses can be viewed in full on the website)

Wessex Water – *No objection.*

Dorset Council Highway Authority – *No objection, subject to a condition regarding the construction of the turning and parking area.*

Tree and Landscape Officer – *The mature willow is deemed visually important in views from the public footpath situated to the south of the site. Consequently, it is the council's view that the identified Willow (T1) should be taken fully into account in the proposals. Details of the proposed tree protective fencing should be submitted. If soft landscaping is proposed (as per in accordance with the approved Biodiversity Mitigation and Enhancement Plan) landscaping maintenance details for the first 5 years should be provided.*

Marnhull Parish Council – Objections received on the grounds of;

- Impact on Neighbour Amenity (Loss of Light, Overbearing)
- Impact on the Character and Appearance of the Area

Representations received:

3 letters of representation were received, of which 1 offered comments which neither supported nor objected to the proposal, 2 objected to the proposal and 0 supported the proposal.

Within the letter of representations received which objected to the proposed development, objections were made on the grounds of;

- Biodiversity (Landscape, Trees)
- Effect on appearance of the Area (Design, Height, Overdevelopment)
- Highway Impacts (Impact on Access, Parking, Road Safety)
- Residential Amenity (Noise/Disturbance, Overlooking/Loss of Privacy)

10.0 RELEVANT POLICIES

10.1 Local Plan –

- Policy 1 – Sustainable Development
- Policy 2 – Core Spatial Strategy
- Policy 6 – Housing Distribution
- Policy 7 – Delivering Homes
- Policy 20 – The Countryside
- Policy 23 – Parking
- Policy 24 – Design
- Policy 25 – Amenity

10.2 National Planning Policy Framework

- Section 2 – Achieving sustainable development
- Section 4 – Decision-making
- Section 5 – Delivering a sufficient supply of homes
 - Paragraph 78 – *To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby.*
- Section 12 – Achieving well-designed places
 - *Planning policies and decisions should ensure that developments:*
 - *a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
 - *b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
 - *c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*
 - *d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;*

- *e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and*
- *f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users⁴⁶; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.*

11.0 Human rights

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.

12.0 PUBLIC SECTOR EQUALITIES DUTY

12.1 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.

12.2 The proposed development would result in the erection of 2 detached dwellings. Access from Ham Lane into each site would be via a gentle upwards slope. The approach to both front doors would be level.

13.0 FINANCIAL BENEFITS:

13.1 The proposed development would result in the erection of 2 open-market dwellings that would be subject to Council Tax. The proposed development would also provide work for local contractors and suppliers within the construction phase. Equally, there may be some longer term benefits by supporting local services in Marnhull.

14.0 CLIMATE IMPLICATIONS:

- 14.1** The proposed development would result in erection of 2 detached dwellings within the settlement boundary of Marnhull; a village identified by Policy 2 of the North Dorset Local Plan as a sustainable location for further growth.

15.0 PLANNING ASSESSMENT:

- Principle of development
- Design
- Amenity
- Access and parking
- Biodiversity
- Trees and Landscaping

Principle of development

The application site is within the settlement boundary for the village which is 1 of the 18 villages identified in Policy 2 for further growth. The site is located within walking distance of local shops and services and, therefore, the dwellings are considered to be in a sustainable location.

The principle of development of 2 No. dwellings has been established following previous Outline application 2/2018/1406/OUT having been granted. The outline application was submitted to develop land by the erection of two dwellings and determine the access only. The matters regarding appearance, landscaping, layout and scale were reserved and are to be considered under this reserved matters application.

Design

At the time of the outline application no detailed drawings were submitted illustrating the design of the proposed dwellings. However, it was understood that one dwelling would be two storey in form, the other one and a half storey in form. Following an initial site visit it was noted that residential development within the locality comprised of a range of housing types including both single storey and two storey dwellings. Therefore, a view was taken that the introduction of a two storey and one and half storey dwelling would not be uncharacteristic of the area. Having had regard to the drawings submitted under the current application, the proposed development would result in the erection of two detached properties; 1 No. two storey dwelling and 1 No. one and a half storey dwelling.

The western-most dwelling (referred to hereafter in as 'Plot 1') would be one and a half storey in height. This dwelling would reflect a character similar to that of a cottage with its modest proportions and use of local materials.

The eastern-most dwelling (referred to hereafter in as 'Plot 2') would be two storey in height. This dwelling would have a more suburban character with a projecting gable end to the front elevation.

Whilst the character and design of each dwelling would differ, both dwellings are to be finished in similar external facing materials resulting in a sense of cohesion. The external facing walls to the principal elevations of both dwellings were initially stated to be finished in Purbeck tumbled walling stone, random coursed. The side and rear elevations would be finished in brickwork; Plot 1 with Terca Winchester Stock Brick and Plot 2 with Wienerberger Old Heritage Brick. The roof of Plot 1 would be finished in a slate tile roof covering with Imery Rustic Red plain clay tiles to the roof of Plot 2. Whilst the use of stone to the front elevations is supported and would be characteristic of the area there was concern over the use of Purbeck stone rather than the local Marnhull Stone. Amended drawings have since been provided proposing Marnhull Stone to the principal elevation of both dwellings. Whilst the principle of the proposed materials are considered to be acceptable, samples of the materials to be used in the external finish of the roof and the walls shall be made available on site and agreed in writing - this shall be secured by means of a condition to ensure the finish of both dwellings are of a high standard.

Two car ports are also proposed, one for each dwelling, which would be positioned before the principal elevation of both dwellings; in the north-east corner of their respective sites. The structures are to be finished in stained timber feather edged horizontal boarding external facing walls sited on top of a Terca Winchester brick plinth. The roofs of both would be finished in slate tiles laid to 20 degrees with plain clay bonnets. It can be seen that there are a number of instances where there are garages before the principal elevation of properties along Ham Lane and, therefore, their introduction would not be uncharacteristic of the area.

Having had regard to the consultation response from Marnhull Parish Council and the letters of representation received, concerns were raised with regards to the number and scale of dwellings proposed which, in combination, were considered to result in the overdevelopment of the site. The curtilage of Vale Cottage is spacious, in contrast to neighbouring residential properties along the southern edge of Ham Lane which sees dwellings located centrally within their respective curtilages within close proximity to their eastern and western boundaries. Therefore, the proposed subdivision of the site and layout of the dwellings would not be uncharacteristic of the pattern of development within the locality. Nonetheless, whilst the principle of two dwellings of their proposed form was considered to be acceptable, it was considered the dwellings would benefit

from being sited slightly further apart from each other to gain a greater sense of space and circulation between each property. Following discussions between the agent and the case officer, amended drawings were submitted showing dwelling Plot 2 having been reduced in length. As a result of the amendment, it is considered that both dwellings would sit comfortably within their plots and within the wider street scene and would not result in the overdevelopment of the site.

Amenity

To the west of Plot 1 is neighbouring single storey residential dwelling 'Hazletts'. To the eastern elevation of Hazletts it was noted that two openings existed, both of a single casement design. One of these windows were noted to employ obscure glazing suggesting that the opening was to allow for natural daylight to light the room rather than serve as a means of outlook. Furthermore, it was seen that owing to the changes in ground level between the application site and Hazletts, the hedgerow which delineates the shared boundary stands, in part, just under the eaves height of Hazletts. The presence of this hedgerow, therefore, already reduces the level of daylight these rooms receive.

Nonetheless, dwelling 'Plot 1' is considered to be sited of a sufficient distance and of a modest design; being 1 ½ storey, to not significantly compromise the relationship between the two openings across the eastern elevation of Hazletts and the level of daylight they currently receive. Furthermore, the proposed dwelling Plot 1 would be sited of an acceptable distance from Hazletts to not overbear nor significantly overshadow the amenity currently enjoyed by the occupiers of this neighbouring property. There would be an opening to the west elevation of Plot 1 at ground floor which would serve the living room. The opening would be approximately 4 metres from the shared boundary with Hazletts. It is considered that owing to the degree of separation between the opening and Hazletts, as well as the boundary treatment delineating their shared boundary, there would not be a significant loss of privacy as a result of the opening.

To the east of the Plot 2 lies neighbouring residential property 'Vale Cottage'. To the western elevation of Vale Cottage it was noted there are a number of openings which would face the development with the majority being located at ground floor level. The ground floor windows would be screened by the close boarded timber fence which delineates the shared boundary to prevent unacceptable levels of loss of privacy. With regards to the first floor window, owing to the siting and orientation of the dwelling 'Plot 2', the first floor window along the western elevation of Vale Cottage would overlook Plot 2's turning and parking area. This outlook is considered to be acceptable and would not impinge on the amenity of future occupiers of Plot 2. Additionally, Plot 2 is considered to be sited of an acceptable distance from Vale Cottage to not appear overbearing, nor overshadow, openings or private amenity space. No openings are proposed to the east elevation of Plot 2 which would overlook Vale Cottage.

To the north of the application site, across Ham Lane, is cul-de-sac 'Woodlands Mead', the closest property of which is 7 Woodlands Mead. The proposed dwelling would be some 30 metres from 7 Woodlands Mead. With the separation of at least 30 metres across a public highway, it is considered the neighbouring property would continue to receive adequate levels of natural daylight and would not be overshadowed or overborne by the proposed development. With regards to a loss of privacy/overlooking, the degree of separation between the two properties, with an intervening road and carports, would be acceptable to not result in harmful levels of overlooking. It is, therefore, considered the proposal would not have a significant adverse impact on the amenity currently enjoyed by this neighbouring property.

In terms of the amenity of future occupants, the proposed dwellings have been designed to not overlook nor overbear each other. Whilst there would be a window at first floor to the west elevation of Plot 2 which would face the side elevation of Plot 1, this window would serve a bathroom. It is considered reasonable to condition that this opening is obscure glazed. Additionally, it is acknowledged that there would be an opening at ground floor to the west elevation of Plot 2 and another at ground floor to the east elevation of Plot 1. The windows would be separated by an intervening fence that divides the curtilage of both properties mitigating adverse levels of overlooking and/or inlooking. Furthermore, despite both windows being of a short distance from the proposed boundary fencing, both windows would be secondary windows to larger rooms and, therefore, it is considered both rooms would receive acceptable levels of daylight.

Given the above, the proposed development would not have a significant adverse impact on the living conditions of occupiers of neighbouring residential properties or, equally, future occupiers of the proposed dwellings.

Access and parking

Accesses to serve both dwellings were determined under previous Outline application 2/2018/1406/OUT. Both accesses would lead on to the well maintained public highway 'Ham Lane' with clear visibility to the east and west. It is appreciated that there are a number of vehicles which regularly park along the northern edge of Ham Lane, however, they do not cause an obstruction and there is sufficient room to move freely past. There would be no reason to believe why future occupants would chose to park their vehicles along Ham Lane when there is adequate off-road parking provision for both dwellings within the site.

Additionally, the domestic use of the site is not considered to be overly intensive and vehicular movements would be low as a result.

The area of hardstanding before the principal elevation of both dwellings and serving as the turning and parking areas would be finished in a permeable, Cotswold gravel covering. There would be an apron of hardstanding between the gravelled area and public highway to minimise loose material being dragged out onto the carriageway.

Biodiversity

Having had regard to the previously submitted Ecology Report, as prepared by Lowans Ecology and Associates (dated 09/10/2018) for Outline application 2/2018/1406/OUT, it is considered that, subject to the Biodiversity Mitigation and Enhancement Plan being followed in full, the development would not have an adverse impact on biodiversity. Mitigation measures include cutting back trees and hedgerows between 1st September and 28th February. Enhancement measures include the installation of an Ibstock bat brick or bat tube to the west elevations of both dwellings and the installation of a bird nesting box to the east elevations of both dwellings. With regards to the comments received suggesting the installation of additional swift boxes, the measures contained within the report are considered sufficient to protect and enhance biodiversity. Therefore, it would be considered unreasonable to insist on additional swift bricks or boxes to the north elevation of both buildings. Nevertheless, the applicant shall be made aware of the presence of swifts within the locality by means of an informative.

Trees and Landscaping

During the determination of this application, following a site visit undertaken by a Tree and Landscape Officer, a Tree Protection Order was placed on the mature willow to the south of the application site within the curtilage of Vale Cottage. It is considered the mature Willow is a visually important feature when seen from the public footpath to the south of the site.

Initially, the proposed soakaway serving Plot 1 would be within close proximity to trees that are shown to be retained; however, no arboricultural information was provided to investigate any impacts this may have on their health. It is understood that underground crate like systems often require being placed at a depth where one would find the majority of live root growth/activity. Furthermore, root encroachment and leaf detritus can result in blockages leading to water logging in the affected area. It was advised that an Arboricultural Impact Assessment and Method Statement be submitted to address these concerns.

Following discussions between the case officer and the agent, amended drawings were submitted showing the soakaway located further into the application site of Plot 1, outside of the root protection areas of adjacent trees.

The amended drawings also show new planting to the southern boundary of the application site. New planting is also proposed to the southern boundary of the

land under the ownership of Vale Cottage. Whilst new planting to the southern boundary of Vale Cottage would be welcomed, as this would fall outside of the application site this cannot be controlled by means of a condition.

Following receipt of amended drawing, Proposed Site Plan and Street Elevation, showing the relocation of the soakaway, it is considered that the proposal would not have an adverse impact on protected trees. Furthermore, the new planting proposed within the application site is considered sufficient to safeguard and enhance biodiversity as well as improve visual amenity.

16.0 CONCLUSION

The proposed development is considered to comply with the relevant policies of the Local Plan and sections of the National Planning Policy Framework as previously listed.

The proposed development would not have an adverse impact on the amenity currently enjoyed by occupiers of neighbouring residential properties

In terms of tree and landscape considerations, it is considered the Willow tree to the south of the application can be appropriately safeguarded throughout the course of the development. Equally, new planting would be secured by means of a condition to both enhance biodiversity and visual amenity.

The proposed development would not have an adverse impact on highway safety with adequate parking availability provided which would be secured by condition.

17.0 RECOMMENDATION:

GRANT planning permission, subject to conditions.

CONDITIONS:

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 strictly and only in accordance with the following approved drawings and details forming the approved application;
Existing Site Plan - 101 [03/07/2019]
Proposed Site Plan and Street Elevation - 102 **Rev [X]**
Proposed Plot 1 - Floor Plans - 103 Rev A [Received 23/10/2019]
Proposed Plot 1 - Elevations - 104 Rev A [Received 23/10/2019]
Proposed Plot 2 - Floor Plans - 105 Rev D [Received 23/10/2019]

Proposed Plot 2 - Elevations - 106 Rev D [Received 23/10/2019]

Proposed Car Barn Options - 107 [Received 02/08/2019]

Reason: For the avoidance of doubt and to clarify the permission.

3. Notwithstanding the information contained on the submitted drawings, prior to the commencement of works above damp course level samples of the materials to be used in the construction and finish of the walls and roofs of the dwellings hereby approved shall be made available on site for the inspection of the Local Planning Authority. Any such samples shall require approval to be obtained in writing from the Local Planning Authority and the development shall thereafter accord with the approved materials.
Reason: The materials identified in the application details are considered inappropriate, therefore prior approval of materials to be used is necessary in order to safeguard the character of the locality.
4. Prior to the first occupation of either dwelling hereby approved, the first floor window in the west elevation of dwelling 'Plot 2' shall be glazed with obscure glass to a minimum Pilkington privacy level of 4 or equivalent. The window must thereafter be maintained in that condition.
Reason: To safeguard the amenity and privacy of the occupiers of neighbouring residential properties.
5. Prior to the commencement of development above damp course level, a scheme showing the location of all vents, flues and meter boxes to be installed externally shall be agreed in writing by the Local Planning Authority. All must be fitted in accordance with the details of the agreed scheme prior to the occupation of the development.
Reason: To safeguard the character and appearance of the development.
6. Prior to the erection of any fencing, detailed elevation and section drawings of all fencing shall be submitted to and agreed in writing by the Local Planning Authority. The development shall thereafter accord with the approved drawings.
Reason: In the interests of the appearance of the development.
7. The development shall be carried out in strict accordance with the New Planting as shown by approved drawing 'Proposed Site Plan and Street Elevation 102 **Rev [X]**'. Planting shall be carried out before the end of the first available planting season following substantial completion of the development. In the five year period following the substantial completion of the development any trees that are removed without the written consent of the Local Planning Authority or which die or become (in the opinion of the Local Planning Authority) seriously diseased or damaged, shall be replaced as soon as reasonably practical and not later than the end of the first available planting season, with specimens of such size and species and in such positions as may be agreed with the Local Planning Authority. In the event of any disagreement the Local Planning Authority shall conclusively determine when the development has been completed, when site

conditions permit, when planting shall be carried out and what specimens, size and species are appropriate for replacement purposes.

Reason: In the interests of continued visual public amenity.

8. All existing trees and hedges shown on approved plan 'Proposed Site Plan and Street Elevation 102 **Rev [X]**' to be retained, shall be fully safeguarded during the course of site works and building operations in accordance with BS 5837:2012 (Trees in relation to construction - recommendations) or any new Standard that may be in force at the time that development commences. No unauthorised access or placement of goods, fuels or chemicals, soil or other material shall take place within the tree protection zone(s). Any trees or hedges removed without the written consent of the Local Planning Authority, or dying or being severely damaged or becoming seriously diseased before the completion of development or up to 12 months after occupation of the last dwelling shall be replaced with trees or hedging of such size, species in a timescale and in positions as may be approved in writing by the Local Planning Authority.

Reason: To ensure that trees and hedges to be retained are adequately protected from damage to health and stability throughout the construction period and in the interests of amenity.