

1.0 Application Number: [WD/D/19/001397](#)
Site address: SUNNYSIDE COTTAGE, HIGHGATE LANE, WEST KNIGHTON,
DORCHESTER, DT2 8PE
Proposal: Erection of double garage with annexe accommodation
Applicant name: Mr D McKenzie
Case officer: Steven Banks
Ward Member: Cllr Tarr

Taking account of representations made during the Scheme of Delegation consultation with Members, the Head of Service considers that under the provisions of Dorset Council's constitution this application should be determined by the Area Planning Committee.

2.0 Summary of Recommendation: GRANT subject to conditions

3.0 Reason for the recommendation:

- The principle of the proposed development in the proposed location is acceptable.
- The siting, scale and form of the proposed building would maintain a strong sense of place by reflecting and respecting the areas defining characteristics and would also conserve the setting of the listed building and the character of the conservation area.
- The proposal would create and protect a good standard of amenity for the occupants of the existing and proposed buildings and their surrounding areas.
- The parking and movement of associated vehicles would not harm highway safety.
- The proposal would not have an adverse effect on the integrity of the Dorset Heaths International Designation due to its location within an existing residential curtilage.
- The proposal would not result in an unacceptable risk to ground water due to its residential nature which is unlikely to produce pollutants.
- The proposal, because of its residential nature, would not have an adverse impact on the integrity of the Poole Harbour wildlife site.

4.0 Table of key planning issues

Issue	Conclusion
Principle of development	The principle of carrying out the proposed development in the proposed location is acceptable
Impact on Heritage Assets	The siting, scale and form of the proposed building would be acceptable as regards its impact on character and appearance of the area and would also preserve the conservation area and not

	harm the setting of the listed building..
Amenity	The proposal would create and protect a good standard of amenity for the occupants of the existing and proposed buildings.
Highway safety and efficiency	The parking and movement of associated vehicles would not harm highway safety.
Dorset Heaths International Designation	The proposal would not have an adverse effect on the integrity of the Dorset Heaths International Designation due to its location within an existing residential curtilage.
Groundwater Source Protection Area	The proposal would not result in an unacceptable risk to ground water due to its residential nature which is unlikely to produce pollutants.
Pool Harbour Nutrient Catchment Area	The proposal, because of its residential nature, would not have an adverse impact on the integrity of the Poole Harbour wildlife site.

5.0 Description of Site

5.1 The application site accommodates a grade II listed building, falls within the West Knighton Defined Development Boundary and the Broadmayne and West Knighton Conservation Area and forms part of an area which is characterised by residential development.

6.0 Description of Development

6.1 In this application it is proposed to construct a double garage with residential annexe accommodation within the residential curtilage of Sunnyside Cottage.

7.0 Relevant Planning History

Application No.	Application Description	Decision	Date of decision
1/E/02/000598	Construct new vehicular access and parking/turning area	A	22 July 2002
1/E/02/000599	Erect double garage	W	28 May 2002

1/E/02/000629	Demolition and rebuilding of roadside wall to provide vehicular access	A	22 July 2002
1/E/02/000630	Erect garage	W	28 May 2002
1/E/02/001853	Erect garage.	A	14 February 2003
1/E/02/001954	Erect garage	A	14 February 2003
1/E/88/000576	Renewal of PA 1/E/83/229 to site caravan for agricultural worker	R	18 August 1988
1/E/89/000833	Demolish agricultural building, erect double garage and make alterations to convert barn to dwelling	W	20 January 1992
1/E/89/000834	Erect 7 houses, make alterations to convert farm buildings to 3 houses, erect 2 garages and construct estate road	W	20 January 1992
1/E/91/000050	Demolish extension to thatched barn	A	25 March 1991

8.0 List of Constraints

- Broadmayne and West Knighton Conservation Area
- West Knighton Defined Development Boundary
- Dorset Heath Designation Buffer
- Lower Magiston Groundwater Source Protection Area
- Poole Harbour Nutrient Catchment Area
- Setting of a Listed Building

9.0 Consultations

9.1 Parish Council /Town Council

9.2 Object.

"Knightsford Parish Council has considered the revised plans submitted which reduce the overall length of the building and also nominally reduce the height.

The view of the Parish Council remains that the proposed new building is inappropriate in a Conservation Area and in such close proximity the ancient core of

West Knighton; Sunnyside Cottage is in the midst of 11 Grade II listed buildings located on Highgate Lane and also St Peter's Church, a Grade I listed building.

It is considered that the construction of the revised building will still constitute a significant alteration of the 'street scene' in this Conservation Area."

"Even in this revised form there continue to be a variety of implications in relation to the proposed development which are re-iterated below, namely:

- increase in traffic on a narrow country lane,*
- noise from occupants causing a nuisance to neighbours,*
- loss of privacy,*
- highway safety, as previously indicated this is a very narrow lane and egress from the driveway is difficult due to the poor visibility*

The Parish Council continues to have grave concerns that the ultimate intention, is to construct a building which, with little effort, could be converted into separate self-contained accommodation, for the purpose of letting to tenants or as Holiday Lets.

The height of other garages in the immediate vicinity is considerably less than that proposed at Sunnyside; they are single story and in the case of Wayside Barn, there is restricted headroom in both the roof space accommodation and the garage itself.

Positioning of the proposed new build impacts on the privacy of the occupants of 1 Gabriel Cottages who will be overlooked by the first floor rear window and Wayside Barn which would be overlooked by the Velux windows.

The 'annex' will appear considerably higher than its 1.5 storeys due to the slope of the land. It is believed that the building approved in application 1/E/02/ 000599, a single storey garage, is more appropriate to the site and would be approximately the same size and height of the garage to Tytam which stands immediately adjacent."

9.3 DC Conservation

9.4 No objection.

"This part of the conservation area has already been compromised. New development both immediately to the North and across the road has already made significant changes to the historic village character.

In this context I cannot defend the site and must agree that any harm caused is less than substantial and certainly not any greater than harm caused by recent adjacent development.

Similarly as for the conservation area, impact on the setting of the listed building is of a minor nature with other recent development as harmful (if not more so) as the proposal here.

The submitted Option 3 layout is considered to cause less than substantial harm to the setting of both the Conservation Area and the listed building; and as such wider benefits may well outweigh this loss. However this assumes that the proposed design will be of high

quality using quality materials and so be considered an enhancement to the setting of both the Conservation Area and the listed building."

9.5 DC Highway Authority

9.6 No objection subject to the imposition of a condition relating to access, parking and turning area construction, on any permission.

9.7 DC Environmental Health

9.8 No comment.

9.9 All full consultee responses and representations can be viewed on www.dorsetforyou.com

10.0 REPRESENTATIONS:

10.1 Three statements of objection to the planning application have been received since the receipt of amended plans

10.2 The objections relate to:

- Character and appearance
- Materials
- Scale
- Overlooking
- Overbearing
- Vehicular movements

10.3 Four statements of objection to the planning application were received before the receipt of amended plans.

10.4 The objections relate to:

- Scale
- Vehicular movements
- Character of the area
- Overbearing
- Overlooking
- Overshadowing
- Noise
- Property value
- The future use of the annexe

11. RELEVANT PLANNING POLICIES:

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

- INT1. Presumption In Favour Of Sustainable Development
- ENV1. Landscape, Seascape And Sites Of Geological Interest
- ENV2. Wildlife and Habitats
- ENV4. Heritage Assets

- ENV9. Pollution and Contaminated Land
- ENV10. The Landscape And Townscape Setting
- ENV11. The Pattern of Streets and Spaces
- ENV12. The Design And Positioning Of Buildings
- ENV16. Amenity
- SUS2 Distribution Of Development
- COM7. Creating a Safe and Efficient Transport Network
- COM9. Parking standards in New Development

11.2 National Planning Policy Framework (NPPF) 2019

- 2. Achieving Sustainable Development
- 12. Achieving well designed places
- 16. Conserving and enhancing the historic environment

11.3 Decision taking:

Para 38 of the NPPF identifies that 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.

11.4 **OTHER MATERIAL PLANNING CONSIDERATIONS:**

11.5 Osmington, West Knighton, West Stafford and Owermoigne Conservation Area Appraisal

11.6 West Dorset Landscape Character Assessment 2009

12.0 **HUMAN RIGHTS**

- 12.1 6.1 Article 6 - Right to a fair trial.
- 12.2 Article 8 - Right to respect for private and family life and home.
- 12.3 The first protocol of Article 1 Protection of property

- 12.4 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.

13.0 **PUBLIC SECTOR EQUALITIES DUTY :**

- 13.1 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.

13.2 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.

14.0 Financial benefits

14.1 Material considerations

14.2 In terms of the economic benefits of the proposal, the construction phase will provide employment.

15.0 Climate Change Implications

15.1 The proposal is considered to be in accordance with the Policies of the adopted Local Plan as regards ancillary residential accommodation given that the proposal is within the West Knighton Defined Development Boundary and as such comprises what is regarded as Sustainable Development. The proposal would also have to meet modern Building Regulations standards as regards construction.

16.0 PLANNING ASSESSMENT:

16.1 The principle of development

16.2 In this application it is proposed to construct an annexe.

16.3 Policy SUS2 identifies locations where ancillary residential development is considered to be sustainable, primarily within defined development boundaries. The proposed development is of an ancillary residential nature and falls within the West Knighton defined development boundary. The principle of a garage and annex, in the proposed location, is therefore acceptable..

16.4 The impact that the proposal would have on the character and appearance of the area and the setting of the Conservation Area and nearby listed buildings

16.5 Paragraph 8 of the NPPF identifies that the protection and enhancement of the natural, built and historic environment forms part of the environmental objective of achieving sustainable development. Paragraph 124 identifies that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. It is further identified that good design is a key aspect of sustainable development. Paragraph 127 of the NPPF identifies that development should: Add to the overall quality of the area; be visually attractive; be sympathetic to local character and history, including the surrounding built environment and landscape setting; and establish or maintain a strong sense of place.

16.6 It is identified in policy ENV1 that development should not detract from and, where reasonable, should enhance the local landscape character. Policy ENV4 requires

development to conserve and where appropriate enhance the significance of heritage assets. It is expressed in policy ENV10 that development proposals should contribute positively to the maintenance and enhancement of local identity and distinctiveness. Policy ENV12 requires development to respect the character of the surrounding area.

- 16.7 Section 72 of the Planning (Listed Building and Conservation areas) Act 1990 states that in the exercise, with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area and section 66 of the same Act states that the local planning authority, in considering whether to grant planning permission for development which affects a listed building or its setting, shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 16.8 In relation to the design and conservation policy requirements the proposed development draws its inspiration from the historic core of the settlement and Sunnyside Cottage. The design of the roof of the proposed building and the form of the proposed building would complement its context.
- 16.9 The main host dwelling has been constructed out of red brick under thatch. Roof materials in the area include slates, thatch, red clay tiles and red concrete tiles. Wall materials in the area include timber cladding, red brick, render and stone. The plans show the materials of the garage/annexe to be red brick under plain clay tiles. The use of these materials would relate positively to those which can be found in the surrounding area and would be acceptable. In order to ensure that the materials of the proposed garage/annexe would reflect the details of those used in the surrounding area, and to help the proposal to contribute positively to the character of the area, it is recommended that a condition, requiring the approval of detailed samples of materials, should be imposed on any permission.
- 16.10 The proposed building, in terms of its height would be subservient to Sunnyside Cottage. In terms of its width and depth, the proposed structure would be subservient to the combined terrace consisting of Sunnyside Cottage, Wayside Cottage and Wayside Barn. The listed buildings known as Sunnyside Cottage and Wayside Cottage used to be one dwelling. When viewed from the street the proposed garage/annexe would read as subservient to the combined units of Sunnyside Cottage and Wayside Cottage. Therefore, the proposed building would not be considered to be out of scale with the scale of surrounding buildings when considered together, and would contribute to the overall quality of the area. It is considered that there would no harm to the setting of the host dwelling which is listed building and that as a result the siting, scale and form of the proposed building is considered to be in accordance with paragraphs 8, 124 and 127 of the NPPF, policies ENV1, ENV10, ENV4 and ENV12 of the Local Plan, section 72 of the Planning (Listed Building and Conservation areas) Act 1990 and section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 because it would

maintain a strong sense of place by reflecting and respecting the areas defining characteristics and would also conserve the setting of the listed building and the character of the conservation area.

16.11 AMENITY

16.12 Paragraph 127 of the NPPF sets out that developments should provide a high standard of amenity for existing and future users. Policy ENV16 of the Local Plan also considers neighbour amenity impacts.

16.14 The proposed structure, by reason of its form and its separation distance from nearby buildings is considered to have no unduly harmful impact on neighbouring residential amenity and would not bring about an unsatisfactory outlook from within existing buildings nor establish a harmful overbearing effect on neighbouring existing living space. The proposed structure, by reason of the positioning of its openings, would not create a situation where the occupancy of the proposed building would result in a reduction of the privacy to the internal private living and main private garden living areas of existing buildings to an unacceptable level. The proposal would protect the existing good standard of amenity for the occupants of nearby buildings and their surrounding areas. A sufficient area of private garden space to meet the reasonable needs of the occupiers of the planning unit would be maintained.

16.15 The proposal is therefore considered to be in accordance with paragraph 127 of the NPPF and policy ENV16 of the Local Plan because the development would create and protect a good standard of amenity for the occupants of the existing and proposed buildings and their surrounding areas.

16.16 Highway safety

16.17 Policy COM7 requires development to not harm highway safety and efficiency and policy COM9 requires an adequate level of parking to be provided. Subject to the imposition of a condition relating to access, parking and turning area construction, on any permission, and given that the Highway Authority do not object to the proposal on the grounds that the parking and movements of associated vehicles would harm highway safety and efficiency, the proposal is considered to be in accordance with policy COM7 and COM9 because the parking and movement of associated vehicles would not harm highway safety.

16.18 Dorset Heath Designation Buffer

16.19 Policy ENV2 requires development to not have an adverse effect on the integrity of the Dorset Heaths International Designation. The proposed works would not take place within the Dorset Heaths International Designation but the application site falls within a Dorset Heath 5K Buffer Zone. In this area heathland mitigation is only required for new dwellings. In this instance the residential garage/annexe proposed would be considered to be incidental to the use of the primary dwelling and not a new dwelling within a new planning unit. The proposed garage/annexe is therefore treated as a domestic outbuilding and complies with policy ENV2 because it would

not have an adverse effect on the integrity of the Dorset Heaths International Designation. No mitigation payment through CIL would be required.

16.20 The Groundwater Source Protection Area

16.21 Policy ENV9 states that development which would result in an unacceptable risk to ground water will not be permitted. The proposal falls within a Groundwater Source Protection Area. The proposal complies with policy ENV9 because it would not result in an unacceptable risk to ground water due to its ancillary residential nature which is unlikely to produce pollutants.

16.22 The Pool Harbour Nutrient Catchment Area

16.23 Policy ENV2 requires development to not have an adverse effect on the integrity of the Pool Harbour wildlife site. The proposal falls within an area where development should not result in an increase in nutrient (nitrogen) loading discharge into Poole Harbour. It is considered that the proposal, by reason of its ancillary residential nature, would not result in an increase in nutrient (nitrogen) loading discharge into Poole Harbour. The proposal in this regard is considered acceptable.

16.24 Conclusion

16.25 The principle of carrying out the proposed development is considered acceptable. The proposed development, by reason of its design, size, positioning and materials, would successfully integrate into the surrounding environment and the positioning of openings would result in satisfactory living conditions. Having assessed the proposal against all of the material planning considerations which are relevant to the proposed development it is recommended that the application should be approved subject to the imposition of the suggested conditions below.

17.0 RECOMMENDATION:

17.1 Approval is recommended subject to the following conditions:

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

Location Plan received on 28/05/2019
558.04A received on 13/08/2019
558/03A received on 13/08/2019

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

2. 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).

3. Prior to development above damp proof course level details and samples of all external facing materials for the walls and roofs shall have been submitted to, and approved in writing by, the Local Planning Authority. Thereafter, the development shall proceed in strict accordance with such materials as have been agreed.

REASON: In the interests of the character of the Conservation Area and the special architectural and historic interest of the listed building.

4. Prior to development above damp proof course level detailed sections (scale 1:5) and elevations (scale 1:10) of all windows and doors, in the development shall have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall proceed in strict accordance with such details as have been agreed.

REASON: To ensure a satisfactory visual appearance of the development.

5. Prior to the occupation of the development hereby approved the proposed highway access, parking and turning areas must have been completed in accordance with the details shown on plan 558/03A received 13/08/2019. Thereafter, these areas must be maintained, kept free from obstruction and made available for the access, egress, turning and parking of vehicles in perpetuity.

REASON: To ensure the proper and appropriate development of the site and to ensure that highway safety is not adversely impacted upon.

6. The development hereby permitted shall not be used as a sole or main place of residence and shall only be occupied for purposes as a garage/residential annexe incidental to the enjoyment of the main residence known as Sunnyside Cottage and indicated as being within the red line on the approved plan as a single residential unit.

REASON: The accommodation is not considered suitable for separate use, because of the relationship between it and adjacent dwelling.