

## **Agenda item**

**WD/D/19/003186 - Homestead Farm, Main Street, Bothenhampton, Bridport, DT6 4BJ**

- [Meeting of Dorset Council - Western and Southern Area Planning Committee, Wednesday, 12th August, 2020 10.00 am \(Item 149.\)](#)

Demolition of original farmhouse in Conservation Area. Erection of 1.no. new 4 bed low carbon house (with variation of condition 1 of planning approval WD/D/17/002888 to amend approved plans).

### **Minutes:**

The Committee considered an application for the demolition of an original farmhouse in the Conservation Area and the erection of a new 4 bed low carbon house (with variation of condition 1 of planning approval WD/D/17/002888 to amend approved plans).

The Enforcement Manager presented the Section 73a application that sought to vary the plans list condition for the previously approved planning permission for the site. A number of Non-Material Amendment applications (NMAs) had subsequently been approved, but the latest received in 2019 was refused. This was due to the cumulative changes sought not being accepted as an NMA which left the only option to regularise the building as now built and to be completed in the form of a Section 73a application.

Members were shown a site location plan, showing a red line dividing the built form and garden/ allotment areas and terraced properties on the north side accessed by a higher footpath level to the road; the site location in relation to the village centre and nearby listed buildings, Conservation Area (CA) and DDB; an aerial photo of the land before development and former farmhouse buildings along Main Street sloping downwards and Village Hall; google views before redevelopment of the farmhouse at right angles to other buildings down the slope of the land and access footway to the properties along Main Street.

Members were also shown various plans of the "Y" shape development and lower level garage accessed via Main Street and the garden area / private allotment with an access off Duck Street.

A number of photos were shown of the development including the structure as built, the garage set at a lower level off Main Street; the Main Street and Duck Street accesses and the general vicinity of the development.

He confirmed that no Highways objection had been made in relation to the slope of the driveway leading to the garage.

Slides were shown of the as built and as approved floor plans which showed a similar building in terms of its footprint and accommodation, however, the building had been "tweaked" on the various levels and was now further towards Main Street showing how it had not been built in accordance with the approved

plans. Comparisons were also shown of the as approved and as built elevations showing the differences in height of various elements of the building.

The key planning points were highlighted including:-

- Principle of development
- Design
- CA / AONB
- Neighbouring amenity
- Highways
- Community Infrastructure Levy (CIL)

A number of written representations objecting to the application and one in support by the Agent were received and are attached to these minutes. Some of these were read out at the meeting by the Administration Assistant in accordance with the revised Public Speaking Protocol for Area Planning Committee meetings.

Cllr David Bolwell - Dorset Council - Bridport, addressed the Committee stating that many changes had been made to the original plans approved by West Dorset District Council, which had already been reduced in size further to comments by the Conservation Officer. A survey paid for by residents revealed that the positioning and heights of the development were wrong and the heights contained in paragraph 6.17 of the report were different to those submitted in the NMAs. Approximately 10 metres of hedgerow along Duck Street had also been removed. The fallback position was that this development was not built to the original specification and both residents and the Parish Council had lost faith in the planning system. The development had been littered with non-compliance issues and he asked the Committee to refuse the application based on mass, height, ENV16 and Bridport Neighbourhood Plan D1 and D8.

Cllr Nick Ireland stated that he had visited the site the previous evening and was mostly concerned with the huge discrepancy in the heights and that moving the wings further up the slope had served to increase the impact in terms of height.

The Enforcement Manager advised that the height discrepancy in the report relied on hand drawn plans provided by applicant and the reasons for the discrepancy in heights was set out in paragraph 6.19 of the report.

The Solicitor advised that members should consider the building "as built" and whether its height had a planning impact which was unacceptable, and provide reasons.

Cllr Kelvin Clayton read an extract from the original design and impact statement and queried the absence of green roofing in the development. He said that the plans for the original wings were downslope and barely visible and that he had

stood in the same spot where the wings now obliterated the views. He therefore considered that the application went against a number of material considerations. He asked whether there was any independent verification between surveys provided by the applicant and residents and referred to the lack of comment by the Conservation Officer and Historic England in the report.

The Enforcement Manager stated that he could not confirm whether the Conservation Officer had visited the site, however, he had done so as the case officer and it was his responsibility to balance the concerns of all representatives with the planning considerations. He confirmed that there was no independent survey and that he had relied on the applicants to provide details in relation to heights.

He emphasised that members needed to look at the building "as built" and assess the resultant planning harm if members felt that the building was too dominating and overbearing.

Cllr Kate Wheller stated that she was incensed by this application and that it was not appropriate for in the centre of a Conservation Area. She drew attention to comments made by the agent and that there were appreciable differences in height and the development was much nearer to Main Street than what was approved. She questioned the lack of accurate plans and how the building was almost completed when it was known that there were significant differences from the approved plans. She considered that this showed a lack of respect and total disregard for the planning process that had not happened accidentally in her view.

Cllr Jean Dunseith agreed with this view and expressed her concern in relation to roof heights on both wings due to the need to accommodate services, that the wings were closer to Main Street and higher when viewed from the road. She felt that the technical considerations in relation to the roof heights should have been resolved before the original permission had been granted and viewed the way in which this development had taken place as being very sloppy.

The Solicitor stated that he understood why members should feel that the development proceeding in this way showed disrespect to the planning system, however, the legislation allowed retrospective permission in respect of such scenarios which legislators envisaged might happen. Any decision to refuse the application on the basis of roof heights would require valid planning reasons.

Other members agreed with the views already expressed and that the height of the building affected the Conservation Area and neighbour amenity, the repositioning of the wing causing a considerable difference to the closeness to homes on Main Street. The Chairman further commented that the building contrasted with the great character and charm of the village and the street scene in the Conservation Area and village hall.

Cllr Kelvin Clayton referred to the 2 main planning issues highlighted in paragraph 16.1 of the report and proposed refusal of the application on the basis of the Neighbourhood Plan HT2; Local Plan ENV10.1 and NPPF 127c. This was seconded by Cllr Kate Wheller.

*The meeting was adjourned from 15.42am to 15.45am in order that officers could draft the wording of the reasons for refusal based on the concerns of the Committee.*

The following reasons for refusal were shared by way of a presentation slide for the benefit of members of the Committee and the public.

1 The proposal is a visually dominating and prominent built form of development, out of character to the area. The site is located within the Conservation Area and where the wider setting of that area is affected such that the proposal does not 'preserve' or 'enhance' that area as is required and set out given the statutory Section 72 test of the Planning (Listed Buildings and Conservation Areas) Act 1990. On that basis it has an adverse impact on the existing Conservation Area character and harms the Conservation Area character and appearance. That harm would be less than substantial but there are no wider public benefits arising from the proposal that would outweigh that harm in the planning balance. As such the proposal would not be in accordance with Policies ENV4, ENV10 or ENV12 of the West Dorset, Weymouth & Portland Local Plan (2015) ; Policies HT2, D1 & D8 of the Bridport Neighbourhood Plan; nor paragraph 127 and section 16 of the National Planning Policy Framework (2019) and in particular para 192 which states:

In determining applications, local planning authorities should take account of: c) the desirability of new development making a positive contribution to local character and distinctiveness.

2 The proposed development by reason of its mass, scale and bulk has an unduly dominating and overbearing impact when viewed from existing neighbouring properties in Main Street and Duck Street. As a result it sits uncomfortably in relation to those neighbouring occupiers and is detrimental to their amenity (outlook). Its mass, scale and bulk is also detrimental to the character and appearance of the area. As such the proposed development would be contrary to Policies ENV10; ENV12 & ENV16 of the West Dorset, Weymouth & Portland Local Plan (2015); Policies D1 & D8 of the Bridport Neighbourhood Plan; and Section 12 of the National Planning Policy Framework (2019) and in particular paragraph 127 which states amongst other things that decisions should ensure that developments provide a high standard of amenity for existing and future users.

The proposer and seconder of the motion to refuse the application confirmed that they were content with the wording of the reasons.

**Decision:** That the application be refused for the reasons outlined in the appendix to these minutes.

**Supporting documents:**

- [Homestead Farm, Bothenhampton, item 149. PDF 578 KB](#)