

Reference No: P/HOU/2020/00139
Proposal: Erect rear single storey extension and form pitched roof over existing single storey extension.
Address: 54 West Street Fontmell Magna SP7 0PF
Recommendation: Grant planning Permission, subject to conditions
Case Officer: Jennie Roberts
Ward Members: Cllr Somper

1.0 This application has been brought to Committee in the interests of transparency, as the applicant works for Dorset Council

2.0 Summary of recommendation:
GRANT subject to conditions

3.0 Reason for the recommendation:

- The proposal is considered acceptable in its design and will enhance the character and appearance of the Conservation Area
- 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 Key planning issues

Issue	Conclusion
Design and conservation area	The design of the proposed development is considered to enhance the character and appearance of the Conservation Area.
Residential amenity	The proposed development will not overlook, nor be overbearing upon, the neighbouring property.
Highway Impact	There are no adverse highway impacts.

5.0 Description of Site

The site is located inside the Settlement Boundary of Fontmell Magna and is within a Conservation Area. It is occupied by one half of a pair of characterful semi-detached dwellings, which are constructed of brick with flint banding, under a tiled roof. There is an existing, flat-roofed, brick-built single storey extension to the rear. The site is adjacent to the carpark of St Andrew's C of E Primary School and is separated from it by a stone wall.

6.0 Description of Development

Initially, this application sought planning permission for the erection of a further, modest, rear single storey extension with a pitched roof and the formation of an off-road parking space to the front.

Following discussions with the applicant, the application was amended, to exclude the parking space. In addition, the plans were amended to include a pitched roof over both the existing and proposed single storey rear extensions.

The proposed extension will be constructed of brick and the pitched roof over both extensions would be clay tiled. It would measure c.3.6m high x c.4.2m wide (c.4.9 to include the roof overhang) x c.5m long.

7.0 Relevant Planning History

Application No.	Application Description	Decision	Date of decision
2/2007/1226	Erect first floor extension over existing ground floor extension	A	09/01/2008

8.0 List of Constraints

Within settlement limit

Within the Fontmell Magna Conservation Area (statutory duty to preserve or enhance the significance of heritage assets under the Planning (Listed Buildings & Conservation Areas) Act 1990)

9.0 Consultations

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

Consultees

1. Highway Authority:

The Highway Authority objected to the proposed parking space, which has since been removed from the proposal.

2. Fontmell Magna Parish Council:

Objects:

Comments on original plans:

- *considered proposal may not comply with Policy FM7 of the Fontmell Magna Neighbourhood Plan in terms of materials, roof and parking space*
- *considered proposal may not comply with Policy FM9 of the Fontmell Magna Neighbourhood Plan in terms of it being large in relation to the original building, there being a narrow space between the end of the proposed extension and the east wall, there being a narrow space between the extension and the conservatory of the neighbour. Additionally, the original part of the building is brick-built with flint banding, while the proposed extension does not have any flint banding*

Comments on amended plans:

- *Revised elevations have responded to some of the criticism of the original elevations and the roof line may now comply with policy FM7 of the Fontmell Magna Neighbourhood Plan.*
- *Proposal may still not comply with Policy FM9 of the neighbourhood plan.*

Representations received

Two neighbours have objected, for the following reasons (officer response in brackets):

- This is a Conservation Area and the extension seems long and out of proportion with the existing building (*this will be assessed under 'design and conservation area', below*)
- Different rooflines do not give a coherent look and will make the property look unbalanced (*this will be assessed under 'design and conservation area', below*)
- Parking space inappropriate, partly on highway land and telegraph pole may affect access (*this element of the proposal has been withdrawn and is no longer relevant*)
- Excavation works have begun on site and might undermine footings to neighbour's conservatory (*work has currently ceased on the site and the possible undermining of footings is not a material planning consideration*)
- Proposed plans show extension is 30cms away from boundary, which is a breach of Party Walls Act and will mean neighbour cannot maintain his building (*this is a private civil matter, not a material planning consideration*)
- Applicant wishes to remove a boundary wall which neighbour built (*this is a private civil matter, not a material planning consideration*)
- Extra bedroom could be better achieved by building above the existing extension (*only the current proposal can be assessed under this planning application*)
- Submitted plans lack detail, showing no detail of door or window finish, no access statement to show how the work would be carried out and no detail of the roof construction, which appears to be closer than 300mm from neighbour's building (*this is a householder planning application on a non-listed building and therefore such in depth detail is not required. Materials can be conditioned as part of any planning permission*).
- Plans do not show the elevations of neighbour's dwelling or conservatory, or how the proposed extension will impact on these (*amended plans have been submitted, which show just this. The proposed extension will project c1.2m beyond the neighbour's conservatory*).
- The necessary excavation for the footings might undermine neighbour's conservatory footings and patio (*this is not a material planning consideration and would be a Building Regulations matter*).
- Retaining wall would need to be built which is not shown on the application (*This can be conditioned as part of any planning permission*)
- Roofline will result in the extension being higher than neighbour's conservatory and would take morning light from his building (*this will be assessed under 'residential amenity' below*)

Total - Objections	Total - No Objections	Total - Comments
2	0	0

Petitions Objecting	Petitions Supporting
0	0
0 Signatures	0 Signatures

10.0 Relevant Policies

North Dorset Local Plan

Policy 1 - Sustainable development

Policy 5 – The historic environment

Policy 24 - Design

Policy 25 – Amenity

Fontmell Magna Neighbourhood Plan ‘made’ 10 September 2018

FM7 – The Conservation Area and locally important features:

- Layouts and building designs to have regard to neighbouring buildings, settings and the built and natural environment, in conjunction with the Conservation Area Appraisal

FM9 – Building design

- Proposals should respect rural character of area, re: scale, form, materials and layout and should have regard to Table 3 in the preamble to this policy

National Planning Policy Framework 2019

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

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

Paragraph 38 states 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.

Other material considerations

Fontmell Magna Conservation Area Appraisal

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

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 Public Sector Equalities Duty.

13.0 Financial benefits

N/A

14.0 Climate Implications

The site is located within the defined development boundary, in a residential area that is considered to be sustainable. The extension would have a high level of energy efficiency, as it would be built according to modern Building Regulations.

15.0 Planning Assessment

Design and Conservation Area

The dwelling has an existing flat roofed single storey extension to the rear and this application proposes the addition of a further single storey brick-built extension behind it, measuring c.5m in length. Initially, the application proposed the retention of the flat roof and a pitched roof over the new extension, which appeared at odds with the existing flat roof extension. However, following discussions with the applicant, amended plans were received, which see the inclusion of a uniform pitched roof of clay tiles over both the existing and proposed extensions.

Whilst the proposed extension will result in a long, single storey, linear projection from the rear of the original dwellinghouse, the proposed extension will project just c.2m further than the rear of the attached neighbouring property, which has a large two storey extension and a further single storey extension to the rear. Seen in this context, the proposal does not appear out of character with its surroundings. It is considered that the addition of the pitched roof to the existing extension, and the use of quality materials (details to be conditioned as part of any planning permission)

actually serve to enhance the character and appearance of the conservation area in which the site lies. This assessment has been made, having regard to the statutory duty arising under section 71(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character of appearance of the Conservation Area.

Following receipt of the amended plans, the parish council appears to accept that the proposal is in accordance with neighbourhood plan (NP) policy FM7 (Conservation areas and locally important features). However, it maintains its concerns that the proposal may be contrary to NP Policy FM9 (Building design) and continues to object to the development, stating that (officer response in brackets):

- The proposed extension is large in relation to the original building (*this has been assessed above under Design and Conservation Area*)
- The space between the end of the proposed extension and the west wall will be very narrow for meaningful access to the garden (*the space between the proposed extension and the east wall (which is the side rear access is derived from) is c.0.8m at its pinch point, which is sufficient room to wheel bicycles and wheelie bins through*)
- The space between the extension and the timber-clad wall of No. 55 West St, will leave little room for maintenance (*the gap is c.0.3m and in any case, this is a Party Walls Act issue, not a material planning consideration*)

Brick and clay tile are proposed for the extension and this accords with the table in the NP. A condition is proposed to ensure a suitable tone and texture is used. The Parish Council has pointed out that the main two-storey part of the building has brick walls with flint banding and the proposed extension does not. However, the existing extension does not have flint banding and in any case, it is considered that such high-level architectural detailing is not necessary for a modest, diminutive, single-storey, rear extension, much of which will not be visible from public land, due to its positioning behind the school wall and it being set down below the existing ground level.

The preamble to NP Policy FM9 also states that uPVC windows are unlikely to be appropriate in the conservation area. However, the property is already fitted with uPVC windows and the proposed uPVC windows and French doors are therefore considered acceptable. A condition is proposed to ensure that the proposed, small rooflights are of a flush-fitting, conservation-type.

Having regard to the above, officers consider that the design of the proposal respects the character of the area in terms of scale, form, materials and layout. Officers consider that the pitched roof over the existing flat roof extension is an enhancement. Whilst the Parish Council considers that the proposal is too large and contrary to Policy FM9 of the Neighbourhood Plan, officers consider the extension is of a suitable scale and meets these requirements.

Residential amenity

The proposed extension projects c.2m past the end of the neighbour's conservatory, which has no glazing on the elevation facing the application site. Due to the compass

positioning, a small amount of early morning summer sunshine might be lost to the roof and the rear windows of the neighbour's conservatory, but this is not considered to be unduly harmful to the residential amenity of the neighbouring property. Due to its modest size, positioning and single storey nature, it is considered that the proposed single storey extension would neither overlook, nor be unacceptably overbearing upon, the neighbouring property.

Highway Impact

The Highway Authority objected to the proposed parking space and as such, this element of the proposal was removed from the application. As the remainder of the application relates only to the rear extension of the property, there are no highway concerns.

16.0 Conclusion

The proposal will enhance the character and appearance of the Conservation Area and will not cause significant harm to neighbouring residential amenity. There are no material considerations which would warrant refusal of this application.

17.0 Recommendation

Approve subject to the following conditions

1. The development hereby permitted shall be carried out in accordance with the following approved plans:
Proposed ground floor layout - Rev A
Proposed Elevations - Rev B (Amended plan)
Site Plan - Rev B (Amended plan)
Location Plan

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 (including colour photographs) of all external facing materials for the wall(s) and roof(s) shall have been submitted to, and approved in writing by the Local Planning Authority. Thereafter, the development shall proceed in accordance with such materials as have been agreed.

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

4. Prior to the digging of foundations for the proposed development, details of any retaining walls required as part of this proposal, including a timescale for their implementation, shall have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall proceed in strict accordance with the approved details.

Reason: In the interests of amenity

5. All new and replacement roof lights shall be top hung and fitted flush to the roof plane.

Reason: To preserve or enhance the character and appearance of the conservation area.

Informative Notes:

1. Informative: 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.