

Application Number:	P/HOU/2023/04785
Webpage:	Planning application: P/HOU/2023/04785 - dorsetforyou.com (dorsetcouncil.gov.uk)
Site address:	3 Pump Cottages West Road Bridport Dorset DT6 6AE
Proposal:	Retain and alter ancillary building
Applicant name:	Mr P & Mrs S Page & Ainley
Case Officer:	Robert Parr
Ward Member(s):	Cllr Bolwell; Cllr Clayton; Cllr Williams

1.0 In accordance with the Council's scheme of delegation this application is brought to committee for determination as Dorset Council owns land at the application site.

2.0 Summary of recommendation:

Grant subject to conditions.

3.0 Reason for the recommendation:

- No harm to character and appearance or amenity.
- No highway concerns identified.
- No adverse impact on European Protected Site.
- There are no material considerations that would warrant refusal of this application.

4.0 Key planning issues

Issue	Conclusion
Principle of development	<p>Site is outside the defined development boundary but Local Plan Policy SUS2 does allow for extensions to existing buildings and therefore the principle of development may be acceptable subject to other policies in the adopted local plan.</p> <p>Outside the defined development boundary Local Plan Policy HOUS6 allows for an extension to the original dwelling house and so subject to further assessment the principle of development of an ancillary building to the original dwelling is accepted under Policy HOUS6.</p>

Design	The design would be in keeping with the character and natural beauty of the Dorset AONB.
Highway Safety	No significant adverse impact on highway or traffic movement.
Wildlife and Habitat	Within 5km of Chesil Beach and the Fleet European Protected Site. Proposals are not considered to have a significant adverse effect on the integrity of the designated site.
Amenity	Acceptable impact.
Response to Other Issues Raised	Other issues raised have been satisfactorily addressed.

5.0 Description of Site

- 5.1 The application site is located approximately 1.3km west of Bridport and north of West Road (A35). No.1 Pump Cottages fronts the A35, and No.3 Pump Cottages sits behind and to the north, forming a corner plot. The existing dwellings are located in an elevated position with the land to the north falling away into the valley. The application site is made up of No.3 Pump Cottages, a communal track, part of which is Dorset Council owned land, the track leads to the other properties in the group, a gravel parking area, and the existing garden of No.3 Pump Cottages. The existing cottages form part of a small enclave of buildings, which back on to open countryside. Within the garden of No.3 Pump Cottages is an existing building, which has been erected and subsequently altered without having the benefit of planning permission. This building is located on the east side of the garden which is separated from the main dwelling by the communal track and parking area.
- 5.2 The application site is outside the Defined Development Boundary, is within the Dorset Area of Outstanding Natural Beauty, is not in a Conservation Area, is not a Listed Building and is in an area recorded as having a low probability of flooding.

6.0 Description of Development

- 6.1 The proposal is to retain the existing building and then use the building as ancillary accommodation in association with No.3 Pump Cottages.
- 6.2 The proposed retained building would have a broadly rectangular planform and pitched roof with gable ends. The retained building is located on sloping ground, which falls away to the north and at the northern end of the building are French doors and windows and access is provided by a pedestrian door retained on the west elevation of the building. Attached to the northern end of the building would be a retained decking area with access steps and glazed balustrade. The retained external wall

materials would be timber cladding with a natural finish, with a Living Green shallow pitched roof above.

7.0 Relevant Planning History & Background

7.1 Members have previously considered this application at the Western and Southern Area Planning Committee on 14 November 2023 (see decision below for information). However, following that decision the applicant carried out alterations to reduce the size of the building and create a new balcony with steps and balustrade. Given the changes to the original proposal the previous need for a Section 106 agreement has fallen away and members are now asked to consider the amended design, the only difference being the decking area with access steps and glazed balustrade, compared to the scheme considered in November. The committee report of 14th November 2023 is at Appendix 1.

Western and Southern Area Planning Committee on 14 November 2023
Decision: That authority be delegated to the Head of Planning and the Service Manager for Development Management and Enforcement to grant planning permission subject to the completion of a S106 agreement to require that the works to alter the building in accordance with the approved plans are carried out within six months of the date of the planning permission and subject to the planning conditions set out in the appendix to these minutes.

Application No.	Proposal	Decision	Decision Date
P/PAP/2023/00314	Proposed ancillary building	Response Given	02/08/2023
P/FUL/2022/04755	Retention of annex/holiday let	Withdrawn	01/02/2023
WD/D/14/001889	Erection of double storey side extension to 3 Pump Cottages. Removal of external store owned by Highway and construction of porch extension with pitched tiled roof.	Granted	14/10/2014

8.0 List of Constraints

- Dorset Council Land (a section of the shared access track on the east of the application site)
- Bridport Area Neighbourhood Plan, Adopted: 05/05/2020
- Dorset Area of Outstanding Natural Beauty: (duty to seek to further the purposes of conserving and enhancing the natural beauty of the area of outstanding natural beauty - National Parks and Access to the Countryside Act of 1949 & Countryside and Rights of Way Act, 2000)
- Special Area of Conservation (SAC) (5km buffer): Chesil & The Fleet

9.0 Consultations

Two rounds of consultation have been carried out in regard to this application. The first round of consultation was presented to members at the Western and Southern Area Planning Committee on 14 November 2023. Following submission of amended plans a second round of consultation has been carried out and the responses are summarised below.

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

Consultees

1. **Symondsburry Parish Council:** Object.

Planning Comment: The submission is a little confusing as it has the same planning reference number that was commented on in September 2023 but with a change in the drawn information adding areas previously agreed as being removed which was understood to be confirmed by committee. The new proposals have added back the area of decking and glass balustrade which was understood to have been removed completely. This adds back the issue of loss of amenity and privacy to the neighbours as well as still creating overshadowing. It is clear this is more than just a garden structure and will most likely be offered as Airbnb accommodations in the future. It was noted that the applicants are attempting to sell the property and it is considered that this new amendment is connected. The following Neighbourhood Plan and Local Plan conditions apply: Neighbourhood Plan; L1, L2, D1, D8, D10. Local Plan: INT1, ENV1, ENV10, ENV12, ENV13, ENV16

Consideration: The Committee carefully considered the planning submission. They all felt disappointed that the applicants had amended the reduced proposals by increasing the decking area and thus the scale of the building, which was a key element in the loss of privacy and amenity, recreating an overbearing structure. The committee reiterated their concern over the height of the building constructed without consent, which has led to the overshadowing of the neighbouring property and making the building more prominent. The Committee felt that the current proposal was a retrograde step and not acceptable in its current form suggesting that the building be reduced in height to that of the original timber shed, that all facilities internally (shower and toilet) be removed and that the decking and glass balustrade be removed.

Conclusion: The Committee could not support the application.

2. **Highway Authority:** No response received.

3. **National Highways:** Recommendation and comments submitted on 12 September 2023 remain appropriate, noting that use of the building remains ancillary to the main dwelling. On 12 September 2023 National Highways offered no objection to the development as proposed.

4. **Dorset Council Assets & Property:** No response received.

5. **Dorset Wildlife Trust:** No response received.

Representations received.

A total of two objections were received and in summary raise the following issues:

Comments of Objection	
Principle	- Concern over potential continued use as holiday let/Air BnB rather than ancillary accommodation.
Scale	- The decking and steps further increase the scale of the building to more than is reasonable for the neighbourhood or a garden building.
Residential Amenity	- Loss of privacy due through overlooking. - Loss of light.
Other Issues	- Consider ancillary building no longer required as property is for sale. - Consider a building that is ancillary to the main house has no need for toilet, sink, shower, etc.

10.0 Relevant Policies

West Dorset Weymouth and Portland Local Plan 2015

10.1 So far as this application is concerned the following policies of the Local Plan are considered to be relevant:

- INT1 - Presumption in favour of Sustainable Development
- ENV1 - Landscape, seascape & sites of other geological interest
- ENV2 - Wildlife and habitats
- ENV10 - The landscape and townscape setting
- ENV 12 - The design and positioning of buildings
- ENV 16 - Amenity
- SUS2 - Distribution of development
- COM7 - Creating a safe and efficient transport network.
- HOUS6 - Other residential development outside defined development boundary

Neighbourhood Plans

10.2 Bridport Area Neighbourhood Plan 2020-2036 (made 05/05/2020)

- POLICY AM2 Managing Vehicular Traffic
- POLICY L1 green Corridors, Footpaths, Surrounding Hills & Skylines
- POLICY D1 Harmonising with the Site
- POLICY D8 Contributing to the local character.

Other Material Considerations

10.3 Supplementary Planning Documents/Guidance

Dorset AONB Landscape Character Assessment

Dorset AONB Management Plan 2019-2024

WDDC Design & Sustainable Development Planning Guidelines (2009)
Landscape Character Assessment February 2009 (West Dorset)

National Planning Policy Framework (2023)

10.4 So far as this application is concerned the following sections and paragraphs are considered relevant;

Paragraph 11 sets out the presumption in favour of sustainable development. Development plan proposals that accord with the development plan should be approved without delay.

Relevant NPPF sections include:

- Section 4. Decision taking: 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...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.
- Section 11 'Making effective use of land'
- Section 12 'Achieving well designed and beautiful places' indicates that all development to be of a high quality in design, and the relationship and visual impact of it to be compatible with the surroundings. In particular, and amongst other things, Paragraphs 131 – 141 advise that:

The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development.

Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design.
- Section 15 'Conserving and Enhancing the Natural Environment'- In Areas of Outstanding Natural Beauty great weight should be given to conserving and enhancing the landscape and scenic beauty (para 182). Decisions in Heritage Coast areas should be consistent with the special character of the area and the importance of its conservation (para 184). Paragraphs 185-188 set out how biodiversity is to be protected and encourage net gains for biodiversity.

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. The building would be used ancillary to 3 Pump Cottages and would not therefore be for any public use. Whilst the building is on sloping ground there is a door to access which involves only one step up into the building. There would be level access from the inside of the building to the decking.

13.0 Financial benefits

13.1 There would be no direct financial benefits to Dorset Council as a result of this proposal.

14.0 Environmental Implications

14.1 Natural England have advised that development which results in an increase in population within 5km of the Chesil Beach and the Fleet European site may contribute to an unacceptable increase in recreational pressures on the features of the designated area. Therefore, in accordance with habitat regulations the proposal has been screened to consider the potential impact of the development on the protected sites. The application is for an ancillary building to No.3 Pump Cottage and would therefore not create an additional residential unit or holiday accommodation. As such, there are no likely significant effects associated with this proposal on the European protected sites. As the screening process concluded that the application would have no likely significant effect on the European protected sites, the requirement for an appropriate assessment has not been triggered as set out in the Habitat Regulations.

14.2 No other potential wildlife or habitat impacts were identified with the proposal and as such the scheme is considered to be acceptable when assessed against Local Plan Policy ENV2.

15.0 Planning Assessment

Principle of development

15.1 Outside the defined development boundary Local Plan Policy SUS2 sets out that development will be strictly controlled, but it does allow for extensions to existing buildings in line with their current lawful use subject to the detailed considerations of other policies in the adopted local plan.

15.2 Local Plan Policy HOUS6 allows for the extension of an existing lawful dwelling house outside the Defined Development Boundary subject to the extension being subordinate in scale and proportions to the original dwelling house and not harming the character of the locality or its landscape setting. Therefore, as the development is considered to be an extension to the original dwelling house, for ancillary use, subject to further assessment against the limitations set out in Local Plan Policy HOUS6, the principle of development is accepted under Policy HOUS6.

Design

15.3 The proposed building has a broadly rectangular planform and by virtue of the materials, shape and form it can be characterised as a timber chalet. The external materials of the walls are considered in keeping with the site by virtue of the timber cladding which will tone down in colour over time and gradually blend with its rural setting. Furthermore, the Green Roof is considered acceptable as this also helps to blend the building into the existing landscape.

15.4 Local Plan Policy ENV1 sets out that development should be located and designed so that it does not detract from, and where reasonable enhances the local landscape character. Furthermore, Bridport Area Neighbourhood Plan Policy D8 sets out that new developments should enhance the local character and Neighbourhood Plan Policy L1 sets out that proposals must preserve and enhance the natural beauty of the Dorset AONB by:

- a. Being located on sites that do not adversely affect the wider landscape setting;
- b. Being designed in such a way as to positively exploit the site features using form, scale materials and an architectural approach appropriate to the site context.

Neighbourhood Plan Policy L1 also sets out that proposals that do not preserve and enhance the AONB will be refused.

15.5 It is considered the development would not harm the character and natural beauty of the Dorset AONB by virtue of the reduced scale of the building, the materials proposed and is therefore in accordance with Local Plan Policy ENV1, ENV10 and Neighbourhood Plan Policies L1, D1 and D8.

15.6 As the application site is outside the defined development boundary (DDB) and the provision of an ancillary building is considered to be an extension of the existing dwelling-house, Local Plan Policy HOUS6 is applicable. Policy HOUS6 sets out that the extension of an existing lawful dwelling-house outside the DDB will be permitted provided it is subordinate in scale and proportion to the original dwelling and does not harm the character of the locality or its landscape setting. The proposed development by virtue of its scale and proportions is considered to be subordinate to the original dwelling house. Furthermore, as set out in the preceding paragraph the proposed building is not considered to harm the character of the landscape setting. Therefore, the proposed development is considered to be in accordance with Policy HOUS6.

15.7 The scale of the development at this site has been identified as a potential issue by the Parish Council and in third party responses. It is considered that the scale and proportion of the building does not overpower and relates positively to the existing dwelling. Furthermore, the building's scale, mass and position are considered to reflect the purpose for which the building is proposed, and the design of the building is

considered to be acceptable and in accordance with Local Plan Policy ENV12. The dimensions of the building now being considered, are as previously considered by the committee in November 2023, the only change being the decking and balustrade.

Highway Safety

- 15.8 Access and egress to the site from the highway has been considered by National Highways and they raise no objection to the development. Furthermore, it is considered that any increased movement of traffic resulting from an ancillary building is relatively minor, not significant and the cumulative impacts are unlikely to significantly alter the safety of the site. The development is therefore considered acceptable when assessed against Local Plan Policy COM7 and Neighbourhood Plan AM2.

Wildlife and Habitat

- 15.9 As the application site is within 5km of the Chesil Beach & the Fleet European protected site, the potential impacts on the protected site have been considered and are also covered in the Environmental Implications section of this report. It is considered that the development is acceptable when assessed against Local Plan Policy ENV2.

Amenity

- 15.10 Respondents have raised concerns that the development will have an adverse impact on amenity as a result of loss of privacy, overshadowing and being overbearing. It should be noted that the only change between the scheme now being considered and that which was considered in November 2023 is the decking and balustrade.
- 15.11 In regard to loss of privacy it is considered that the existing gardens are predominantly adjacent to the communal access track and due to the sloping nature of the garden land and the elevated position of the dwellings, there is currently an accepted degree of overlooking to the neighbouring gardens. Furthermore, there is already openness to existing boundaries and a degree of intervisibility between gardens and as such it is considered that the development would not have a significant adverse impact on privacy.
- 15.12 By virtue of the height, scale, location and orientation of the proposed development it is not considered that the development would have a significant adverse overshadowing impact in relation to the adjoining land and greenhouse and as such there would be no adverse impacts arising from loss of light.
- 15.13 Whilst the existing building has been located in close proximity to the boundary with the adjoining garden and due to the falling ground contours, the building sits in an elevated position well above the boundary fence, it is considered that the reduced size building as existing does not have a significant overbearing impact on the neighbouring garden. As such, the proposal is considered to comply with policies ENV12 and ENV16 of the West Dorset, Weymouth & Portland Local Plan (2015).

Response to Other Issues Raised

- 15.14A respondent considers that as the property is for sale that the ancillary building is no longer required. The issue of ownership of the application site is not a material consideration for the planning decision and therefore is not considered to be a planning matter requiring further consideration.

15.15 A respondent considers that a building that is ancillary to the main house has no need for toilet, sink and shower. It is considered that the inclusion of these facilities in a building intended to be used as ancillary to the main dwelling is not unreasonable and the use of the building would be controlled by planning condition.

15.16 The use of the building as an Air BnB holiday accommodation has been raised as an issue in the responses received. The application under consideration is for the building to be used as ancillary accommodation and this does not include the use as a separate unit to be let for holiday accommodation. However, it is considered that had the retention of the building in this location been for use as a separate unit for holiday accommodation it would be likely to create an intensification of use that would not be in keeping with the site. Therefore, it is considered reasonable and necessary that the use of the proposed building should be restricted by a planning condition.

16.0 Conclusion

16.1 The development has been assessed against the policies of the West Dorset, Weymouth & Portland Local Plan 2015, the Bridport Neighbourhood Plan 2020-2036, the policies of the NPPF (2023) and other material considerations. It has been concluded that the development would not result in any harm that would justify refusal in the public interest. The recommendation has been taken in compliance with the requirement of the NPPF to foster the delivery of sustainable development in a positive and proactive manner.

17.0 Recommendation

Grant subject to the following conditions:

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

- Block/Roof & Location Plan – Dwg No. 22/067/10
- Proposed Floor Plan and Elevations – Dwg No. 22/067/12 Rev: B

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

2. The development permitted shall not be occupied or used at any time other than for purposes ancillary to the use of the residential dwelling known currently as No. 3 Pump Cottages.

Reason: The development is in an area where a separate dwelling would be contrary to the adopted local plan.

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 applicants/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.
- The applicant was provided with pre-application advice.