

## **Bourton**



**Application Type:** Full Application

**Application No:** 2/2018/0952/FUL

**Applicant:** Mr Neil Demmar

**Case Officer:** Ms Katrina Trevett

**Recommendation Summary:** Approve

**Location:** East View Farm, New Road, Bourton, Gillingham, Dorset, SP8 5BQ

**Proposal:** Erect 1 No. dwelling, form vehicular access.

**Reason for Committee Decision:**

At the request of the Ward Members in consultation with the Head of Service

**Planning Policies:**

**Local Plan:**

Policy 1 - Sustainable Devt.  
Policy 2 - C Spatial Strategy  
Policy 4 - The Natural Env.  
Policy 6 - Housing Distribution  
Policy 20 - The Countryside  
Policy 23 - Parking  
Policy 24 - Design  
Policy 25 - Amenity

**Planning policy and guidance:**

**The Bourton Neighbourhood Plan**

The Bourton Neighbourhood Plan has been made and therefore the policies contained within it, where applicable, should be afforded full weight.

The most relevant polices in relation to this application are Policy 2, Settlement Pattern and Character, Policy 3, Building Design and Form, and Policy 4, Traffic and Parking.

**The National Planning Policy Framework (NPPF) 2018**

The NPPF has been updated with a revised version published on 23 July, 2018.

Paragraph 11 of the of the NPPF advises of the 'Presumption in favour of sustainable development'.

Section 5 'delivering a sufficient supply of homes' outlines the governments objective in respect of land supply. A sub-section 'Rural housing' at paragraphs 75 -77 reflects the requirement for development in rural areas.

Section 11 'Making effective use of land'

Section 15 'Achieving well designed 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 124 - 132 advise that:

The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

It is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes.

Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

Further advice contained in the following sections of the NPPF is of relevance:  
Section 14 - Climate change - and where applicable - flooding and coastal change.  
Section 15- Natural Environment

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, 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.

### **Bourton Village Design Statement**

Advice contained within the Bourton VDS and in particular Section 7.

#### **Description of Site:**

East View Farm is situated within the centre of Bourton village, on the south side of the former A303 backing on to the top corner of Badgers Close; a cul-de-sac of modern build dwellings.

The application site is within the garden of East View Farmhouse and seeks to develop the land by the erection of a single two storey dwelling. Access into East View Farm will be modified so that the proposed dwelling will be accessed from there; no access will be gained from Badgers Close.

The site is within the Bourton Settlement Boundary and Blackmore Vale Landscape Character Area.

**Constraints:**

Agricultural Land Grade - Grade: GRADE 3  
Parish Name - : Bourton CP  
Settlement Boundary - Name: Bourton  
Ward Name - Ward Name: Motcombe & Bourton Ward

**Consultations:**

**Transport Development Management - DCC**

Consulted on the 30 November 2018, their comments dated 10 December 2018 are as follows: COUNTY HIGHWAY AUTHORITY RECOMMENDATION

2/2018/0952/FUL - East View Farm, New Road, Bourton

I refer to the above planning application received on 20 August 2018.

The County Highway Authority has NO OBJECTION, subject to the following condition(s):

Turning and parking construction

Before the development hereby approved is occupied or utilised the turning and parking shown on Drawing Number 1440/1A must have been constructed. Thereafter, these areas, must be permanently maintained, kept free from obstruction and available for the purposes specified.

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

**Bourton PC**

Consulted on the 30 November 2018, their comments dated 19 December 2018 are as follows: With reference to planning application 2/2018/0502/FUL East View Farm, Bourton, Bourton Parish Council objects to this application and would like to reiterate the comments made in my email dated 30th April 2018.

**Wessex Water**

Consulted on the 29 October 2018 There was no response from this consultee at the time of report preparation.

**Head Of Building Control NDDC**

Consulted on the 24 January 2019, their comments dated 22 January 2019 are as follows:

See Plot 6 - Ground appears to be sandy silty clay and on plot 6's records it is stated the ground is not shrinkable therefore proximity of tree is unlikely to be an issue.

BC only ask for increased foundation depths in proximity of trees where the ground is shrinkable clay so presumably due to the silt / sand content the foundations did not need to be increased in depth.

## **Motcombe And Bourton Ward**

Consulted on the 10 August 2018, their comments dated 24 August 2018 are as follows:

1. Building on this site as proposed would constitute over-development. East View Farm has a modest sized garden - building on it as per the application would be inappropriate within a village setting.
2. The proposed dwelling would appear to be over-bearing in relation to the other properties within Badgers Close.
3. The proposed dwelling would overlook the garden of 7 Badgers Close resulting in significant loss of privacy for the owner.
4. The proposed dwelling would overlook 2 Badgers Close with loss of privacy for the owner.

It is requested that this application should either be refused under delegated authority or, failing that, be brought before NDDC's Planning Committee for consideration.

## **Tree Officer North - NDDC**

Consulted on the 29 November 2018, their comments dated 14 January 2019 are as follows:

I have viewed the proposal and carried out a site visit. The proposal is located to the south of East View Farm and in close proximity to no 6 Badgers Close. There is one tree within the curtilage of the subject site which is shown to be removed. This tree, a beech is in very poor condition due to having been completely crown topped in a poor Arboricultural manner. The tree is not protected by virtue of being located within a Conservation Area nor is protected by an individual TPO and it has now been rendered in such a condition that it is not of a quality to warrant statutory protection.

This tree is located at approximately 4 metres from no 6 Badgers Close and I note that there is concerns that the removal of this tree may cause heave to this property. Fortunately Beech is a moderate water demanding tree and therefore the fluctuations in soil will be less than a high water demand (for example Willow, Poplar or Oak). Likewise the properties in Badgers Close appear modern and I would therefore hope that the foundations have been constructed to a suitable depth in accordance with The NHBC Chapter 4.2 Building near trees guidance.

I have also checked on the UK Soil Observatory Mapping system and this confirmed that the soil type in this area appears to be loam / silty loam and mildly acidic and not predominantly heavy clay which has a tendency to be shrinkable. (Loam soil is composed mostly of sand and silt, with a smaller amount of clay. Its mineral composition is approximately 40-40-20% concentration of sand-silt-clay, respectively however these proportions can vary, and result in different types of loam soils: sandy loam, silty loam, clay loam, sandy clay loam, silty clay loam, and loam). However within quite small areas soil conditions can vary significantly and as I have not taken a soil sample I cannot hand on heart confirm that the soil is not shrinkable clay.

Loam is the only soil that is not predominantly either sand, silt, or clay. Loam soils generally contain more nutrients, moisture, and organic matter than sandy soils, have better drainage and percolation of water and air than silt and clay-rich soils. The different types of loam soils each have slightly different characteristics, with some draining liquids more efficiently than others.

Sadly due to the state of the tree I am unable to object to its removal and although not a specialist on foundations I am more confident that these newer properties on Badgers Close should have been built with suitable foundations when considering the tree's location, vicinity to buildings and soil type. It may be worth going to Building Control to see what records they hold on the Building Regs for Badgers Close.

### **Transport Development Management - DCC**

Consulted on the 10 August 2018, their comments dated 3 September 2018 are as follows: No objection subject to conditions.

### **Representations:**

17 letters of representation were received, of which 0 offered comments which neither supported nor objected to the proposal, 17 objected to the proposal and 0 supported the proposal.

The concerns raised include:

- Design
- Planning history of Badgers Close and the application site
- Effect on the Appearance of Area
- Height
- Heritage
- Impact on Light
- Drainage
- Landscape
- Noise/Disturbance
- Overlooking/Loss of Privacy
- Trees - uprooting to the neighbouring dwelling included
- Impact from further parking and access/highway danger
- Levels and finishing height

### **Relevant Planning History:**

Application: 2/2018/0502/FUL  
Proposal: Erect 1 No. dwelling, form vehicular access.  
Decision: Withdrawn  
Decision Date: 03.05.2018

## **Planning Appraisal:**

### **Principle of development**

Having regard to its position within the Bourton settlement boundary, any proposals for residential development are supported by Policy 2 of the North Dorset Local Plan Part 1, in principle, subject to other material planning considerations.

This site is clearly within the village and will be neighboured by other residential properties.

Policy 2 of the Bourton Neighbourhood Plan seeks to ensure that new development has regard to the spatial characteristics of the locality. It is considered that the proposed infill dwelling is not at odds with the prevailing settlement pattern in this part of the village. Its location is within the Bourton neighbourhood plan boundary.

Policy 3 of the Bourton Neighbourhood Plan, seeks to ensure that all new development reinforces the underlying vernacular or character of its particular context. Furthermore, all new development shall complement the character and appearance of surrounding properties in terms of height, scale and density.

In this case, the use of materials, scale, form and the spatial relationship within the sites context is considered by officers to be acceptable. This is discussed further in the design section below.

### **Planning history**

Planning permission was previously sought to erect a dwelling on this site but subsequently withdrawn given concerns raised over access and the position of the dwelling - application number 2/2018/0502.

This scheme has reworked the proposal, altering the position of the dwelling so its front elevation is angled away from its neighbour to the south and now faces north west with the rear facing south east. This change in position ensures that any concerns over future overlooking are diminished. The front windows will have no view into number 6 Badger Close' garden and the rear windows will overlook its own garden and the blank side wall of number 6.

The access arrangements have also now changed with the demolition of the storage sheds and the formation of a dedicated access driveway next to the original farm access; there will be no access off of Badgers Close and the boundary treatments as is will remain to prevent access in future.

The design of the proposed dwelling has remained the same to ensure continuity with the modern, simple building style of Badgers Close.

Comments have been received regarding the planning history of Badgers Close and how permission was previously refused for this site for overdevelopment. Having searched through the history of the application site & Badgers Close, the garden of East View Farmhouse was not featured within the red line of any application previously considered and therefore, there is no precedent set by planning history. Furthermore, having viewed the 2002 planning refusal for 9 dwellings at Badgers Close, this refusal was based on the site being outside of the settlement boundary at the time and the

orientation of the proposed dwellings being at odds to the street scene & neighbouring amenity. This refusal was not based on overdevelopment.

### **Impact on amenities of the site & surrounding area**

Careful consideration has been given to the various comments that have been received by both neighbours. In relation to Number 6, the closest neighbour to this site, situated to the south the impact on this property is considered as follows:

Design/Height/Overlooking/light loss - Having regard to the position of the new dwelling north of number 6 (2m at its closest point and 3m at its furthest point given the angle of the new house), it is considered that this scheme will not diminish light to the neighbour given daylight patterns. It is acknowledged that a two storey building can have a overbearing impact when developed close to an existing property; this can be exacerbated by changing levels. However, in this case the new position of the dwelling being angled away, the height of the existing boundary treatment to be retained and that only 3m of the dwelling will protrude beyond the rear building line of number 6 means that very little of the new property will be visible from rear windows of number 6 and will have minimal overbearing impact on their rear amenity space.

In regards to changing levels, the applicant has submitted a street scene plan in support of this scheme which details existing floor levels of the two neighbouring properties to this house and the intended finished floor level of the new dwelling. Concerns have been raised over this plan in that accurate land heights have not been shown and the dwelling would appear too small; having discussed the scale of the property with Building Control, they consider it to be reasonably scaled for an average dwelling of this scale.

Furthermore, historic site levels were taken in 2002 (by the agent for the Badgers Close development - impartial to this scheme) when planning permission was previously applied for with the development of Badgers Close. Although these were measured from a different temporary benchmark, they prove that the land height in 2002 was only half a metre difference approximately between the garden of East View Farmhouse and number 6 Badgers Close. Therefore, with the passing years and slight change in heights (changes to garden levels with paving, planting etc.) between the two properties, it is not unreasonable that the height difference shown now is only 1.2m. Albeit this varies slightly with the overall change of topography over this area but not to a considerable degree. Therefore, it is clear that the new house will not tower over the neighbour significantly.

The street scene plan has also been clarified as correct given that in 2002, the height between the floor level of 6 Badgers Close & East View Farmhouse was clarified on plan and the street scene plan now submitted carries this forward the same.

There will be a small hallway light window at first floor on the south elevation of the new property; this will look towards the neighbours blank north wall but will be over a staircase and views out of it will not be easily achieved in any case.

The existing boundary treatments are to remain as is.

It would be unreasonable and unenforceable to attach a condition relating to existing treatment. Therefore, consideration of harm of the removal of the boundary treatment has to be considered. This is considered under highway safety further in the report.

The Council cannot base the consideration of this application on the previous history at the site. Planning law dictates that this scheme has to be considered on its own merits. It is considered necessary in this case to condition the finished floor levels of the new dwelling and that they shall be as shown on the street scene plan submitted.

### **Trees**

The trees officer has supplied comments following concerns raised by neighbours in regards to the uprooting of the existing Beech Tree and the impact this will have on the nearest neighbouring property. The comments received confirm that in their view, the proposed works will not result in detriment to the neighbour given the type of ground at site; this has been further confirmed with building control who did not request specific foundations for the neighbours house because of the ground conditions being not shrinkable and therefore, no concern over the proximity of the existing tree at the time.

### **Design**

The overall scale and proportions of the dwelling are considered acceptable. The simple, modest style reflects other properties within the village whilst not being overly small and restrictive; the plot size reflects others in the locality and is of similar scale to number 6 Badgers Close, its neighbour.

In the wider landscape, the new property will be relatively discreet given its north east facing frontage down a private driveway and rear elevation placed between two existing dwellings. The rear elevation will be viewed in context with the other residential properties surrounding it although the boundary treatment will act as a visual cue to separate its inclusion from Badgers Close.

### **Impact on highway safety**

The Highways Authority has no concerns over this scheme. They had no concerns with the previously withdrawn scheme.

It would be unreasonable for the Council to control the east boundary of the site as it is existing. However, a condition will be added to the recommendation on this scheme that vehicular access to the new property will only be gained by the new access as shown on the proposed site plan. This will ensure that if any access arrangements were to change in future, then planning permission would be required.

### **Conclusion:**

The proposal of a single dwelling here with new access is considered acceptable and a suitable compromise in place of the previously withdrawn scheme.

The new positioning overcomes previous overlooking issues in relation to number 6 Badgers Close . The site is relatively discreet in that it is positioned between two dwellings and does not stand alone, isolated. The development of the plot and resulting garden area for the former farmhouse will not be greatly viewed by the wider public given the surrounding boundary treatment.

The distance (9.5m) between the new dwelling and the neighbours directly opposite at numbers 1 & 2 Badgers Close is acceptable and considered standard in development design; therefore, objections relating to overlooking are not sustained. It is noted that

the distance is further than East View Farmhouse that is closer and currently looks towards these properties.

There is no material reason to refuse this scheme. Applications cannot be refused based on speculation of development; the scheme complies with development plan policies and is recommended for approval subject to conditions that will ensure that neighbouring amenity is safeguarded.

The scheme will make a modest addition to the Districts Housing land supply which currently stands at 3.3years of the 5 year target.

**Recommendation:** Approve

**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 shall hereby proceed in accordance with the approved plans:  
1440/1A - Site & Location Plan  
1440/1/2 - Proposed floor plans & elevations

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

3. No development shall be commenced above damp proof course until details and samples of all external facing materials for the walls and roof shall have been submitted to, and approved in writing by, the Local Planning Authority. Thereafter, unless otherwise agreed in writing by the Local Planning Authority the development shall proceed in strict accordance with such materials as have been agreed.

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

4. Before the development hereby approved is occupied or utilised the turning and parking shown on Drawing Number 1440/1A must have been constructed. Thereafter, these areas, must be permanently maintained, kept free from obstruction and available for the purposes specified.

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

5. Vehicular access to the new dwelling hereby approved shall be gained from the new access driveway as shown on plan 1440/1A (Site Plan) only.

Reason: In the interests of highway safety and neighbouring amenity.

6. The finished floor level of the new dwelling hereby approved shall be as shown on the site sections plan 1440/1/3.

Reason: In the interests of neighbouring amenity and visual amenity of the street scene.

### **Human Rights:**

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.

### **Public Sector Equalities Duty (PSED)**

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.

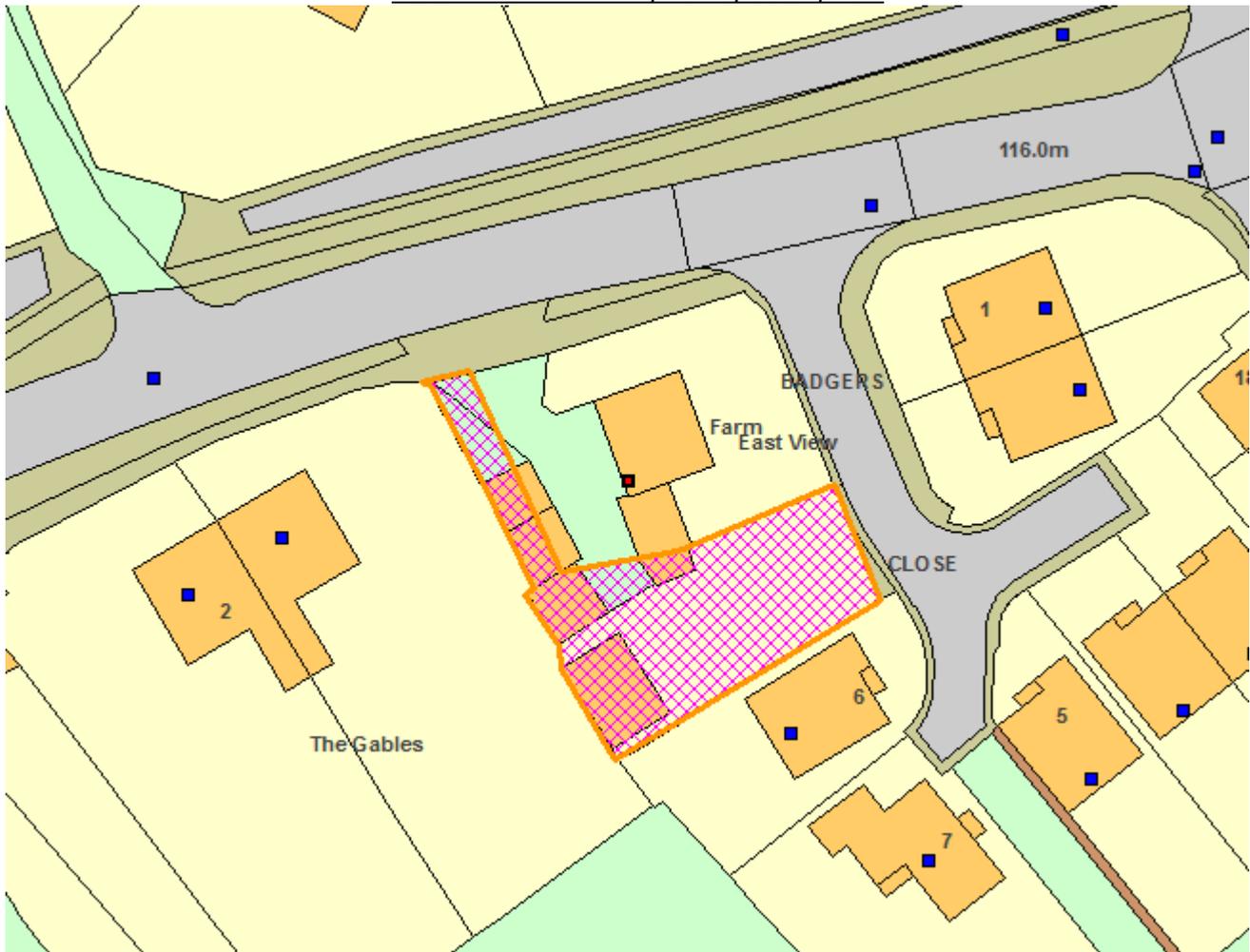
Taking steps to meet the needs of people with certain protected characteristics where these are different from the needs of other people.

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.

### **DECISION:**

LOCATION PLAN 2/2018/0952/FUL



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