



Eastern Area Planning Committee

Date: Wednesday, 4 December 2019

Time: 10.00 am

Venue: Quarterjack Room, Allendale Centre, Hanham Road, Wimborne BH21 1AS

Membership: (Quorum 6)

Toni Coombs (Chairman), Shane Bartlett (Vice-Chairman), Alex Brenton, Cherry Brooks, Robin Cook, Mike Dyer, Beryl Ezzard, Barry Goringe, David Morgan, David Tooke, Bill Trite and John Worth

Chief Executive: Matt Prosser, South Walks House, South Walks Road, Dorchester, Dorset DT1 1UZ (Sat Nav DT1 1EE)

For more information about this agenda please telephone Democratic Services on 01305 251010 or David Northover on 01305 224175 - david.northover@dorsetcouncil.gov.uk



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AGENDA

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1 APOLOGIES

To receive any apologies for absence

2 DECLARATIONS OF INTEREST

To receive any declarations of interest

3 MINUTES

5 - 12

To confirm the minutes of the meeting held on 30 October 2019.

4 PUBLIC PARTICIPATION

Members of the public wishing to speak to the Committee on a planning application should notify the Democratic Services Officer listed on the front of this agenda. This must be done no later than two clear working days before the meeting. Please refer to the [Guide to Public Speaking at Planning Committee](#).

PLANNING APPLICATIONS

5 6/2019/0553 - REMOVAL OF CONDITION TO ALLOW UNRESTRICTED OCCUPATION OF THE DWELLINGS AT FORMER WEST LULWORTH PRIMARY SCHOOL, SCHOOL LANE, WEST LULWORTH

13 - 28

To consider a report by the Head of Planning

6 6/2019/0337 - ERECTION OF SINGLE STOREY REAR EXTENSION AT MISTY COTTAGE, WORTH MATRAVERS

29 - 46

To consider a report by the Head of Planning

7 6/2019/0458 - ERECTION OF A SINGLE STOREY EXTENSION AND ENLARGEMENT OF THE WINDOW ON THE FIRST FLOOR SOUTH EAST ELEVATION AT 5 BRUSHWOOD DRIVE, UPTON

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To consider a report by the Head of Planning

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| 8 | 6/2019/0564 - CONSTRUCTION OF SINGLE STOREY LEAN TO EXTENSION TO PROVIDE AN OUTDOOR CLASSROOM AT WINFRITH NEWBURGH C OF E PRIMARY SCHOOL, SCHOOL LANE, WINFRITH NEWBURGH | 59 - 66 |
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To consider a report by the Head of Planning

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| 9 | 3/19/0985/FUL - PROPOSED SINGLE STOREY EXTENSION TO UNIT 3 TO FORM BEDROOM AND EN-SUITE AT MISTY MEADOW, 147 RINGWOOD ROAD, LONGHAM, FERNDOWN | 67 - 78 |
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To consider a report by the Head of Planning.

TRAFFIC MATTER

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| 10 | PROPOSED ZEBRA CROSSING - DORCHESTER ROAD, UPTON | 79 - 90 |
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To consider a report by the Executive Director of Place.

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| 11 | PLANNING APPEAL DECISIONS | 91 - 106 |
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To receive and consider a list of planning appeal decisions.

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| 12 | URGENT ITEMS |
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To consider any items of business which the Chairman has had prior notification and considers to be urgent pursuant to section 100B (4) b) of the Local Government Act 1972

The reason for the urgency shall be recorded in the minutes.

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DORSET COUNCIL - EASTERN AREA PLANNING COMMITTEE

MINUTES OF MEETING HELD ON WEDNESDAY 30 OCTOBER 2019

Present: Cllrs Toni Coombs (Chairman), Shane Bartlett (Vice-Chairman), Alex Brenton, Cherry Brooks, Robin Cook, Mike Dyer, Beryl Ezzard, Barry Goringe, David Morgan, Bill Trite and John Worth

Apologies: Cllrs David Tooke

Local Ward Members: For Lytchett Matravers and Upton – Councillors Bill Pipe and Andrew Starr

Officers present (for all or part of the meeting):

Lara Altree (Legal Services Manager), Anna Lee (Planning Policy Manager), Ellie Lee (Planning Officer), Lexi Dones (Senior Planning Officer), Colin Graham (Engineer) and David Northover (Senior Democratic Services Officer).

Public speaking – all in respect of minute 39.

Robin SeQueira, on behalf of St Dunstan's Church

June Richards, Lytchett Minster and Upton Town Council

Scott Masker, for applicant

35. Apologies

An apology for absence was received from Councillor David Tooke.

36. Declarations of Interest

No declarations of disclosable pecuniary interests were made at the meeting.

37. Minutes

The minutes of the meeting held on 25 September 2019 were confirmed and signed.

38. Public Participation

Representations by the public to the Committee on individual planning applications are detailed below. There were no questions, petitions or deputations received on other items on this occasion.

39. 6/2019/0401 - Development at 4 Poole Road, Upton

The Committee considered an outline planning application - 6/2019/0401 – for a new development at 4 Poole Road, Upton to be able to demolish the

existing building there and erect a detached apartment block, comprising 9 flats, with details of access being explained in the application but with all other matters reserved.

With the aid of a visual presentation officers explained what the main proposals and planning issues of the development were; how these were to be progressed; and what the benefits of the development entailed; in helping to meet housing needs in that part of Dorset and make best use of an otherwise vacant site. Plans and photographs provided an illustration of the location, dimensions and design of the development, with the presentation also confirming what the highways, traffic management and access arrangements being proposed would be; how the housing would look and its setting; showed the development's relationship with the characteristics of the surrounding town development and landscape; other residential development and civic amenities in Upton and its setting within the town. Moreover, the building was currently unused and the site was therefore vacant.

All other aspects of the planning permission would be assessed in full as part of any following reserved matters application but, in officer's assessment, the:-

- Scale, design and impact on the character and appearance of the area
- Impact upon neighbouring properties
- Drainage issues
- Impact on trees and hedgerows

all appeared to be acceptable in planning terms, subject to appropriate conditions as necessary. The location was considered to be sustainable as it was within the designated settlement boundary and in the officer's assessment, there were no material considerations which could warrant refusal of this application. On the basis that all significant planning matters had been appropriately or adequately addressed. Based on the reasoning for the material considerations, officers were recommending approval subject to conditions.

Of significance was what assessment had been made to meet the developments parking needs, being based on the Bournemouth, Poole and Dorset Residential Car Parking Study (published in 2011), in identifying Upton as in a suburban location of Purbeck and, on the assessments made in that regard, parking provision was considered to be of limited justification. Moreover, the application had been submitted with a transport assessment that detailed the varied public transport options available to future occupiers, including regular buses and well established walking and cycling routes, so reinforcing the justification that prescribed parking allocation was not warranted. Furthermore, the Highways Authority had no objection to the application on road safety grounds and considered there were no relevant policies which would warrant refusal of this application.

However, on this particular issue, Lytchett Minster and Upton Town Council had objected regarding the failure to provide any onsite parking, particularly in view of the extant local parking problems in the immediate area and town centre generally. This view was reinforced by the receipt of 11 objections from

neighbouring residents. As the comments from the Town Council were contrary to officer's recommendation, Dorset Councillors had requested that the application be referred to this Committee for determination. Upon careful consideration of all representations received and the planning merits of the application, officer's accorded with that view.

Public speaking

Robin SeQueira was speaking on behalf of St Dunstan's Church and was of the view that allocated parking was a necessity given that in practice households require their own transport as a means to go about their daily lives and given the infrequency of alternative public transport options. This part of Upton was congested as it was and being on a main road did not allow much on street parking. His primary concern was that those residents would see the opportunity to use the readily available church car park in meeting their needs and would cause an inconvenience to those who wished to legitimately use this. He could see no reason why the applicant could not identify some space to accommodate the needs of their occupiers. On that basis he considered the application should be refused.

June Richards reinforced the stance of her Town Council made much the same points in that there was a need to be realistic that those occupying the flats would have access to a car and therefore need a place to park. The absence of this would only lead to further congestion in an area which already suffered to that extent. Moreover, she could foresee that road safety could be compromised by any increase in competition for road space.

Scott Masker - for the applicant - promoted the virtues of the development in meeting an identified housing need in that the site was vacant and sustainable and that the proposals had been deemed to be acceptable by planning officers and that there were no material considerations that could merit the application's refusal. Given that the Council had declared a climate emergency, what was being proposed would wholly accord with that stance. With the conditions to be imposed he saw no reason why the application should not be permitted.

As one of the local members, Bill Pipe spoke on behalf of those of his residents who had submitted objections considering that whilst it was admirable to assume more would be made of public transport and environmental considerations, in practice there would be a need for some dedicated parking provision to meet the needs of occupiers. He considered that area to be somewhat overdeveloped in any event and anything further would only serve to exacerbate the problems already experienced. Any parking which was suggested could take place in laybys was unacceptable as any limited parking would be lost and the church were not obliged to accommodate any overspill parking not associated with its business. On that basis, he considered the application should be refused.

The Committee were then provided with the opportunity to ask questions of the officer's presentation and from invited speakers, with officer's providing clarification in respect of the points raised. Officers confirmed that whilst the issues of parking were of relevance, members were being asked to purely consider the application in front of them. Officers also confirmed that rather

than being unable to provide for parking, the applicant had chosen not to. Clarification was provided by the highways officer that whilst parking was emotive and the concern of those objecting were understandable, from a highway's safety perspective, there was no material reason why the application should not be approved.

Another of the local members, Councillor Alex Brenton, expressed her concern at the absence of parking for the occupants of the flats as they would undoubtedly have access to a vehicle and need somewhere to park. Given the absence of any alternative public transport provision, they would have limited means of going about their daily lives. For that reason therefore, she felt that she was unable to support the application as it stood.

Whilst Members recognised what the development was designed to achieve, the concern of the two local members who had spoken, was reinforced by the Committee at the absence of the provision of dedicated parking provision as, in practice, occupiers would generally have access to a vehicle to meet their needs and a space to park was essential. Moreover, any visitors or goods deliveries would likewise have little opportunity to park safely and conveniently. As there was limited public transport options available and congestion was regularly experienced on what was a busy thoroughfare, having no opportunity for dedicated parking as part of the development was considered impractical and would not be a realistic prospect. For that reason, most members came to the view that without that necessary provision, they could not give their support to this application. Had provision been made by the applicant for some means of electric charging to offset the absence of parking, then this may have made the application more acceptable to them.

However, the Vice-Chairman took a different view in that, whilst being frustrated with the parking situation and what the NPPF stipulated as reasons for refusal, the essence of the application was acceptable in planning terms as set out in the Committee report and, on that basis, should be approved. Any parking consideration could be addressed later under Reserved Matters.

Having had the opportunity to discuss the merits of the application, having understood what was being proposed and the reasoning for this; having taken into account the officer's report, what they had heard at the meeting from the case officer, legal advisor and those invited speakers, particularly the views of the Town Council, the Committee were satisfied in their understanding of what all of this entailed. On being put to the vote the Committee considered that, notwithstanding the assessments made by officers, they could not agree to what was being recommended on the basis that the inadequate and insufficient parking provision being proposed would be detrimental to all that was necessary and was not in accordance with the Bournemouth, Poole and Dorset Residential Car Parking Strategy, in being contrary to Policy IAT of the Purbeck Local Plan Part 1 and, accordingly, the planning application should be refused.

Resolved

That planning application 6/2019/0401 – for a new development at 4 Poole Road, Upton - be refused on the grounds that the proposed development, by

virtue of the lack of adequate parking provision in line with the Bournemouth, Poole and Dorset Residential Car Parking Strategy, would be contrary to Policy IAT of the Purbeck Local Plan Part 1.

Reason for Decision

That the proposed development, by virtue of the lack of adequate parking provision in line with the Bournemouth, Poole and Dorset Residential Car Parking Strategy, would be contrary to Policy IAT of the Purbeck Local Plan Part 1.

40. 3/19/1463/FUL - Development at West Parley First School, Glenmoor Road, West Parley/Ferndown

Consideration was given to application 3/19/1463/FUL for the development at West Parley First School, Glenmoor Road, West Parley near Ferndown of the proposed provision of a new, detached single storey classroom with covered decking area. The Committee were informed of the need for the facility: designed to have sufficient capacity to meet what was required from a first school and to provide the capability of delivering a full educational curriculum which satisfied modern standards and expectations. The classroom was to be constructed of timber and comprise an entrance lobby, a classroom, two offices, a kitchen area and two toilets, of which one was for disabled users, with all being fully accessible. The raised, covered deck would provide an outside learning space.

With the aid of a visual presentation officers explained what the main proposals and planning issues of the development entailed; how these were to be achieved; and particularly, the reasoning for the new facility, which was being proposed as a means of benefitting what the school had to offer.

Plans and photographs provided an illustration of the location, dimensions design and appearance of the classroom; how the enhancements would look and their setting; showed the development's relationship with the characteristics of the other school buildings; and where the school was situated within the town.

The Committee were informed of what consultation had taken place and what responses had been received. No formal objections had been received to this with, in particular, West Parley Parish Council raising no objection to the proposal and the local Ward member for West Parley, Councillor Andrew Parry, supporting it.

Officers considered that the proposal would be of public benefit by creating an additional classroom to meet needs given that:-

- there was not considered to be any significant harm to neighbouring residential amenity.
- there were no adverse landscape impacts.
- there would be no additional traffic movements generated by the development.
- there were no material considerations which could warrant refusal of this application.

As the formal consultation process had not generated any adverse responses or objections, the Committee were now being asked to approve this in accordance with the officer's recommendation and on the grounds that as it was a Council application a committee decision was required for openness and transparency purposes.

The Committee were then provided with the opportunity to ask questions of

The officer's presentation, with officer's providing clarification in respect of the points raised.

Whilst being somewhat rudimentary and functional, the Committee could see the benefits this additional space would bring and the reason it was being proposed. Members considered this type of classroom to be robust and a practical solution in meeting need. However they asked that, if at practicable, any aesthetic enhancement could be made and that, in particular, it should be of an environmentally satisfactory standard, with solar panels being incorporated in the design and build so as to harness what readily available renewable energy was there to use all means necessary in meeting the challenges of climate change and in upholding the Council's stance on this. Officers agreed that an Informative Note could be added to the grant of any permission on the basis of "It is recommended that the applicant considers the opportunities for the installation of solar panels". Members also considered this could be fed into the Council's Executive Advisory Panel on Climate Change.

Some members asked why the classroom was freestanding rather than being attached to the rest of the school. Officers reminded members that this was the scheme they were being asked to approve together with its associated characteristics that on that basis the applicant was proposing the layout to be as prescribed.

Having had the opportunity to discuss the merits of the application, having understood what was being proposed and the reasoning for this; having taken into account the officer's report and what they had heard at the meeting, the Committee were satisfied in their understanding of what the proposal was designed to address and, on that basis – and on being put to the vote – the Committee considered that the application should be approved, subject to the conditions set out in the officer's report

Resolved

That planning application 3/19/1463/FUL for the development at West Parley First School, Glenmoor Road, West Parley near Ferndown be agreed, subject to the conditions set out in paragraph 12 of the officer's report and to include the following Informative Note:-

"It is recommended that the applicant considers the opportunities for the installation of solar panels".

Reasons for Decision

As set out in paragraph 8.16 of the officer's report and to meet the needs of the Children's Services Directorate.

41. Planning Appeal Decisions

Members considered a written report setting out details of planning appeal decisions made and the reasoning for this and took the opportunity to ask what questions they had.

42. Urgent items

There were no items of urgent business.

Duration of meeting: 10.00 am - 12.00 pm

Chairman

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1.0 **Application Number:** 6/2019/0553

Webpage: <https://planningsearch.purbeck-dc.gov.uk/Planning/Display/6/2019/0553>

Site address: Former West Lulworth C Of E Primary School, School Lane, West Lulworth, BH20 5SA

Proposal: Removal of condition 13 of Planning permission 6/2018/0653 (Change of use of existing buildings, conversion of existing school building, demolition of extensions and erection of 1 1/2 storey extension to form 3 dwelling houses and erection of 6 dwelling houses with associated parking and landscaping) to allow unrestricted occupation of the dwellings

Applicant name: Willton Homes Ltd

Case Officer: Peter Walters

Ward Member(s): Councillor Laura Miller & Councillor Peter Wharf

The application is being presented to the Planning Committee as the Service Manager for Development Management and Enforcement considers that it is appropriate for the Committee to determine the application, following the briefing note given at the Eastern Area Planning Committee.

2.0 **Summary of recommendation:**

GRANT, subject to conditions

3.0 **Reason for the recommendation:** as set out in paragraph 16 at end of report.

- A number of recent comparable appeal decisions decided at the time of determining the respective appeals that only limited weight could be given to Policy H14 of the emerging Purbeck Local Plan in order include the condition.

4.0 **Key planning issues**

Issue	Conclusion of 6/2018/0553	Effect of changes
Principle	Acceptable – within the settlement boundary of West Lulworth.	No change
Scale, design and impact on the character and appearance of the area and the Dorset AONB	Acceptable – AONB team are satisfied with the proposal.	No change
Impact on the living conditions of the occupants of neighbouring properties	Acceptable – there will be no demonstrable harm to neighbours.	No change

Is the imposition of condition 13 of planning permission 6/2018/0653, based on Policy H14 of the emerging Purbeck Local Plan premature?	Considered appropriate at the time based on advice given at the January 2019 Purbeck District Council Planning Committee.	Based on the appeal decisions in relation to application 6/2018/0459 and particularly application 6/2018/0556 limited weight can be given to Policy H14 of the emerging Purbeck Local Plan to apply this condition as the Plan is still at examination stage.
Access and parking	Acceptable – subject to appropriate conditions.	No change
Biodiversity	Acceptable – subject to the implementation of the biodiversity mitigation plan.	No change
Flood Risk & Drainage	Acceptable – subject to conditions	No change
Land Contamination	Acceptable – subject to planning conditions.	No change
Impact upon protected trees	Acceptable – subject to a more detailed arboricultural method statement being provided before construction. This is dealt with by a planning condition.	No change

5.0 Description of Site

The site comprises the former Primary School in West Lulworth and is situated on the southern side of School Lane. The site is roughly a triangle shape, reaching a narrow point on the western side of the site. The site was in use as a Primary School until it was replaced by the new Primary School approximately 80m to the east of the site. The former school buildings are largely still present on site. The site is still within the ownership of Dorset Council and Certificate B has been served on the Council.

To the north, west and east of the site are residential areas, predominantly of mid-20th Century construction. The properties to the north are terraces, raised

above the height of the road. To the west and east of the site the mixture of properties varies, but are predominantly detached or semi-detached. The area is characterised by two-storey buildings.

To the south of the site is open countryside, rising to Bindon Hill. The site is within the Dorset Area of Outstanding Natural Beauty (AONB).

6.0 Description of Development

Planning permission was granted for the erection of six two storey dwellinghouses, and the conversion of the existing school buildings into another three dwellinghouses by the Eastern Planning Committee of Dorset Council in July 2019. Following Officer recommendation, a condition requiring the homes to be occupied as a principal residence were included (condition 13 of planning permission 6/2018/0653).

The applicant is seeking to remove condition 13 of planning permission 6/2018/0653, which would allow the properties to be occupied either as a principal residence or a second home.

7.0 Relevant Planning History

There is a considerable planning history related to the former school that is not relevant to this application. Planning permission was granted in 2019 for the change of use of the existing buildings, conversion of the existing school building, demolition of the extensions and erection of a 1.5 storey extension to form 3 dwelling houses and the erection of 6 dwelling houses with associated parking and landscaping (6/2018/0653).

8.0 List of Constraints

Within settlement limit

Area of Outstanding Natural Beauty : (statutory protection in order to conserve and enhance the natural beauty of their landscapes - National Parks and Access to the Countryside Act of 1949; Countryside and Rights of Way Act, 2000)

Tree Preservation Order – Ash tree to south east of the site

9.0 Consultations

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

None

Consultees

- **West Lulworth Parish Council**
No comments received

Representations received

2 objections have been received raising the following concerns:

- Holiday homes will increase the traffic use
- Second home ownership is a significant issue in West Lulworth, impacting the ability for young families to find accommodation, and local social groups and the church.
- The condition passes the test set out in Paragraph 55 of the National Planning Policy Framework (NPPF) in that it is necessary, due to the surfeit of holiday and second homes, it is relevant to planning, it is enforceable and precise and reasonable.

10.0 Relevant Policies

Purbeck Local Plan Part 1:

Policy LD: General Location of Development

Policy LHH: Landscape, Historic Environment and Heritage

Policy D: Design

Policy IAT: Improving Infrastructure and Transport

Policy BIO: Biodiversity and Geodiversity

Policy FR: Flood Risk

Emerging Purbeck Local Plan:

Policy H14 – Second Homes

NPPF:

Chapter 4: Decision-making

- Paragraphs 47 & 48 – Determining applications
- Paragraphs 54 & 55 – Planning conditions and obligations

Chapter 9: Promoting sustainable transport

- Paragraphs 108, 109 & 110 – Considering development proposals

Chapter 12: Achieving well-designed places

- Paragraphs 124, 127 & 130 - Achieving well-designed places

Chapter 14: Meeting the challenge of climate change, flooding and coastal change

- Paragraphs 155 & 163 – Planning and Flood Risk

Chapter 15: Conserving and enhancing the natural environment

- Paragraphs 170, 172 & 173 - Conserving and enhancing the natural environment
- Paragraph 175 – Habitats and biodiversity

Other material considerations

Dorset AONB Management Plan 2019-2024

Dorset AONB Landscape Character Assessment & Management Guidance 2008.

Purbeck District design guide supplementary planning document adopted January 2014.

Bournemouth, Poole and Dorset residential car parking study May 2011.

Dorset biodiversity appraisal and mitigation plan.

Strategic Flood Risk Assessment 2018.

British Standard 5837:2012 Trees in relation to design, demolition and construction – recommendations.

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.

Footpath links are proposed from the car park to the street, negating the need for residents with mobility needs or buggies to walk in the road.

13.0 Financial benefits

What	Amount / value
Material Considerations	
None	
Non Material Considerations	
CIL	£108,487
Council Tax	*£16,919
Business Rates	Loss of £3,560
New Home Bonus	£10,530 paid for 6 years

*based on average Council Tax of band C

14.0 Climate Implications

This application is for the removal of a condition restricting occupancy of the homes as principal residences. This would mean that the houses could be purchased as second homes which would have implications for climate change, resulting in increased travel.

15.0 Planning Assessment

Principle

Approved as part of the assessment of application 6/2018/0653. The current proposal to remove the particular planning condition relating to the occupation of the homes does not alter this assessment.

Scale, design and impact on the character and appearance of the area and the Dorset AONB

Approved as part of the assessment of application 6/2018/0653. The current proposal to remove the particular planning condition relating to the occupation of the homes does not alter this assessment.

Impact on the living conditions of the occupants of neighbouring properties

Approved as part of the assessment of application 6/2018/0653. The current proposal to remove the particular planning condition relating to the occupation of the homes does not alter this assessment.

Is the imposition of condition 13 of planning permission 6/2018/0653, based on Policy H14 of the emerging Purbeck Local Plan premature?

The applicant has applied to remove condition 13 of the planning permission 6/2018/0653. Condition 13 states:

“The properties shall only be occupied by a person as his or her only or principal home. The occupier shall supply to the Council (within 14 working days of the Council’s request to do so) such information as the Council may reasonably require in order to determine compliance with this condition.”

The condition is derived from Policy H14 of the emerging Purbeck Local Plan. Policy H14 of the emerging Purbeck Local Plan states:

“Proposals for all new housing in the AONB will only be supported where there is a restriction in perpetuity to ensure that such homes are occupied only as a principal residence. This policy includes changes of use to residential and replacement homes. This policy also applies to homes permitted on small sites as set out in Policy H8 and on rural exception sites as set out in Policy H12.

The restriction will be imposed through a planning condition attached to the planning permission or by a planning obligation. The condition or obligation will require that any new housing to which this policy applies is occupied as a principal residence.

Occupiers of such homes will be required to keep evidence that they are meeting the condition or obligation, and produce that evidence should the Council request proof of compliance. Proof of principal residence will be by verifiable evidence which could include, but is not limited to, occupiers being registered on the local electoral register and being registered with a local general practitioner.”

In support of this policy, a background evidence paper has been prepared. The evidence paper indicated that there is a significant number of unoccupied homes in the plan area, with a trend towards greater numbers of unoccupied homes in the southern part of the plan area.

The emerging Purbeck Local Plan is at an increasingly advanced stage, currently awaiting the outcome of the public examination. In January 2019, at the former Purbeck District Council Planning Committee, the Council’s solicitor advised that the emerging Local Plan was at an advanced stage of preparation (at this point publicity had ended and consultation responses had been received, although the examination had not yet begun). He also noted that while a number of responses had been received, many of which were objections, most of the objections

centred around the policy being restricted to the Dorset Area of Outstanding Natural Beauty (AONB) and not covering the entirety of Purbeck.

For these reasons, the solicitor advised Councillors at the January Planning Committee that they could decide to give weight to the emerging policy and apply it to decisions. The Planning Committee decided to give weight to the policy and applied it to planning decisions made at that Committee meeting. Officers noted the decision of the Planning Committee and subsequently also started applying the policy to delegated planning applications.

On the basis of the decision by the Councillors, officers recommended that this planning application is approved by the Planning Committee, subject to the imposition of a condition based on Policy H14. The application was considered by the Dorset Council Eastern Area Planning Committee and approved, subject to conditions, on Wednesday 3rd July 2019.

As previously mentioned, officers have also applied Policy H14 to delegated planning applications. In February 2019, planning permission was granted for the erection of three flats at 251 High Street, Swanage (planning permission 6/2018/0556) and included the second homes condition.

The imposition of this condition on the approved plans was challenged at appeal. As part of the appeal submission, the Council submitted to the Planning Inspectorate the supporting background evidence paper, as well as a copy of the representations that had been received in relation to that policy.

The Planning Inspector noted that in accordance with Paragraph 48 of the National Planning Policy Framework, weight can be given to relevant policies in an emerging plan depending on the stage of preparation of the plan, the number of unresolved objections that there are and how consistent the policy is with the NPPF. The Inspector acknowledged that the plan is at an advanced stage of preparation, and that the principle of managing the occupancy of homes in the District was in accordance with paragraph 8 of the NPPF as a social objective of sustainable development.

However, the Inspector noted the number of objections that had been received. As previously mentioned, the majority of these objections concern the policy not being considered to cover a wide enough area. The Inspector acknowledged that this is the case. Nonetheless, he concluded that due to the number of unresolved complaints this “significantly” reduces the weight that can be applied to the policy in determining planning applications, in accordance with paragraph 48 of the NPPF.

As a result, in October 2019, the appeal was allowed, and the condition has been removed from the planning permission.

In other appeal decisions relating to the construction of new dwellinghouses, Planning Inspectors have also considered whether it is appropriate to apply a

condition restricting the occupancy of second homes. When allowing appeals at both 11 Bell Street, Swanage (6/2018/0459) and 61 Rabling Road, Swanage (6/2019/0019), both Inspectors have concluded that Policy H14 of the emerging Purbeck Local Plan cannot be given significant weight at this stage.

Taking account of the appeal decisions above, it is clear that the opinion of a number of Inspectors is that policy H14 cannot be given significant weight, due to the number of outstanding objections.

These appeal decisions are all recent (the appeal for 251 High Street was issued on 2nd October 2019, the appeal for 61 Rabling Road issued on 25th September 2019 and 11 Bell Street on 19th August 2019). At present, the Council is awaiting the initial feedback with regards to the public examination of the emerging Purbeck Local Plan. Officers do not consider that the process has moved forward to materially change the amount of weight that should be given to Policy H14, that could result in a conclusion contrary to the appeal decisions.

Officers note that the Inspectors have not determined that no weight can be given to the policy and therefore it is appropriate to consider whether any other material planning considerations would result in the justification of the application of the appeal. This site is located in a different settlement to the appeal decisions, which were all in Swanage. It is noted that research was done to assess the impact of Second Home ownership.

However, it is noted that the policy is to be applied across the AONB within the plan area. No separate evidence is in place to justify that the issue in West Lulworth is different to that in other parts of the AONB. Therefore, officers do not consider that there is a material difference between this application, and the appeal decisions. Therefore it is considered that there is no material difference that would justify the imposition of the condition on this application.

Access and parking

Approved as part of the assessment of application 6/2018/0653. The current proposal to remove the particular planning condition relating to the occupation of the homes does not alter this assessment.

Biodiversity

Approved as part of the assessment of application 6/2018/0653. The current proposal to remove the particular planning condition relating to the occupation of the homes does not alter this assessment.

Flood Risk & Drainage

Approved as part of the assessment of application 6/2018/0653. The current proposal to remove the particular planning condition relating to the occupation of the homes does not alter this assessment.

Land Contamination

Approved as part of the assessment of application 6/2018/0653. The current proposal to remove the particular planning condition relating to the occupation of the homes does not alter this assessment.

Impact upon protected trees

Approved as part of the assessment of application 6/2018/0653. The current proposal to remove the particular planning condition relating to the occupation of the homes does not alter this assessment.

16.0 Conclusion

In light of a number of recent appeal decisions that have determined that only limited weight can be given to Policy H14, it is considered that planning permission should be granted for the removal of condition 13 of this planning permission. As this application is effectively a new grant of planning permission, all other previous conditions and informative notes are reapplied.

17.0 Recommendation

Grant, subject to the following conditions.

1. The development permitted must be carried out in accordance with the following approved plans: 5841-WLA-ZZ-XX-DR-A-0010 Rev C, 5841-WLA-ZZ-XX-DR-A-0009 Rev B, 5841-WLA-ZZ-XX-DR-A-0011 Rev A, 5841-WLA-C1-XX-DR-A-0102 Rev B, 5841-WLA-C1-00-DR-A-0100 Rev B, 5841-WLA-C1-01-DR-A-0101 Rev B, 5841-WLA-H2-ZZ-DR-A-0201 Rev B, 5841-WLA-H2-00-DR-A-0200 Rev A, 5841-WLA-H1-ZZ-DR-A-0303 Rev B, 5841-WLA-H1-00-DR-A-0300 Rev A, 5841-WLA-H1-01-DR-A-0301 Rev A & 5841-WLA-H1-02-DR-A-0302 Rev B
Reason: For the avoidance of doubt and in the interests of proper planning.
2. Before the development is occupied the visibility splay areas as shown on Drawing Number 5841-WLA-ZZ-XX-DR-A-0010 Rev C must be cleared/ excavated to a level not exceeding 0.60 metres above the relative level of the adjacent carriageway. The splay areas must thereafter be maintained and kept free from all obstructions.
Reason: To ensure that a vehicle can see or be seen when exiting the access.
3. Before the development is occupied the turning and parking shown on the submitted plans 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.

4. The manufacturers name, product name and colour of all external facing and roofing materials must be submitted to and approved in writing by the Council before they are used on the proposal. The development must then be implemented using the approved materials.

Reason: To ensure satisfactory appearance of the development and in order to ensure that the materials used do not have a detrimental impact upon the Dorset AONB.

5. The new dwellings must not be occupied until the Council has approved a scheme of landscaping. This needs to include
 - i. A survey plan, showing existing cables, pipes and ducts above and below ground, existing levels, and all existing trees, shrubs and hedges on the land, plus details of any to be retained together with measures for their protection during the course of development
 - ii. A landscape proposals plan showing proposed levels, and details of hard landscape (cables, pipes and ducts above and below ground, surfacing/paving, surface water drainage, walls, fences and other structures, lighting, CCTV etc.) and soft landscape (trees, shrubs, herbaceous plants and grassed areas);
 - iii. Planting plans which must show the species of trees, shrubs and herbaceous plants to be planted and where they will be planted, the size that the trees/shrubs/plants will be on planting, and the number that will be planted;
 - iv. Information, which complies with BS 7370 Part 1 1991 and Part 4 1993 Grounds Maintenance, regarding how the planting will be maintained for the first five years following planting. This should include detail of watering, weed control and pruning.

Reason: These details are required to be agreed prior to the start of any work on the site, in order to protect existing trees, hedges and biodiversity which may exist on the site. Also to ensure the satisfactory landscaping of the site, and to enhance the biodiversity, visual amenity and character of the area.

6. The drainage scheme outlined in the document Flood Risk Assessment & Drainage Strategy ref VD19044 prepared April 2019 must be implemented. It must be maintained and managed in accordance with the agreed details.

Reason: In order to alleviate the possible risk of flooding to this site and adjoining catchment land.

7. The finished floor level of the new houses must be set above the surrounding ground levels and above the adjacent levels in School Lane as detailed in the Flood Risk Assessment VD19044 prepared April 2019. Precise details of the height must be agreed in writing by the Council prior to the construction of the houses and then implemented at the agreed height.

Reason: To reduce the risk of the properties being the subject of flooding.

8. All works impacting on the retained trees during the demolition/development must be carried out as specified in the approved Arboricultural Method Statement.

Reason: To prevent trees on site being damaged during construction works.

9. Before any ground work starts, the developer must submit for the written approval of the Council:
- i) A 'desk study' report documenting the former uses of the site.
 - ii) A site investigation report detailing ground conditions, a 'conceptual model' of all potential pollutant linkages, and incorporating risk assessment.
 - iii) A detailed scheme for remedial works and measures to be taken to avoid risk from contaminants / or gases when the site is developed.
 - iv) A detailed phasing scheme for the development and remedial works.
- The remediation scheme, as agreed in writing by the Council, must be fully implemented before the development is first occupied. Any variation to the scheme must be agreed in writing with the Council in advance of works beginning.

Within one calendar month of completion, the developer must provide written confirmation that all works were completed in accordance with the agreed details.

Reason: Starting the works before investigation and mitigation is carried out may result in the release/disturbance of contaminated material which may present a risk to public health. It is also required to ensure any issues relating to the possible contamination of the land are adequately dealt with.

10. Where remediation is necessary as identified under condition 10, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared and approved in writing by the Council. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Reason: To ensure that any contamination present on the site is adequately and appropriately dealt with.

11. In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing immediately to the Council. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 10 and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of Condition 11 which is subject to the approval of the Council.

Reason: In order to safeguard residents of the new houses if unexpected contamination is discovered.

12. Before development commences a Construction Management Plan (CMP) must be submitted to and approved in writing by the Council. The CMP must include:

- the parking of vehicles of site operatives and visitors
- loading and unloading of plant and materials
- storage of plant and materials used in constructing the development
- delivery, demolition and construction working hours

The approved Construction Management Plan must be adhered to throughout the construction period for the development.

Reason: To minimise the likely impact of construction traffic on the surrounding highway network.

13. Informative Note - Dorset Council Highways.

The vehicle crossing serving this proposal (that is, the area of highway land between the nearside carriageway edge and the site's road boundary) must be constructed to the specification of the Highway Authority in order to comply with Section 184 of the Highways Act 1980. The applicant should contact Dorset Highways by telephone at Dorset Direct (01305 221000), by email at dorsetdirect@dorsetcouncil.gov.uk, or in writing at Dorset Highways, Dorset Council, County Hall, Dorchester, DT1 1XJ, before the commencement of any works on or adjacent to the public highway.

14. Informative Note - Community Infrastructure Levy. This permission is subject to the Community Infrastructure Levy (CIL) introduced by the Town and Country Planning Act 2008. A CIL liability notice has been issued with this planning permission that requires a financial payment. Full details are explained in the notice.

15. Informative Note - Matching Plans. Please check that any plans approved under the building regulations match the plans approved in this planning permission. Do not start work until revisions are secured to either of the two approvals to ensure that the development has the required planning permission.

16. Informative Note - Superfast broadband

Please give some thought to how your new development will be ready to connect to superfast broadband for use by the occupants. Find out more about BT Openreach and the Home Builders Federation cost sharing approach via this website link <http://www.newdevelopmentsopenreach.co.uk/> BT Openreach and Virgin Media also have the following guides: <http://www.newdevelopments-openreach.co.uk/developers-and-architects/developershandbook.aspx>

https://keepup.virginmedia.com/Content/networkExpansion/doc/New_Build_Developers_Guide.pdf

Dorset Council has also produced information for developers about providing fibre broadband in new housing developments at:

<https://www.dorsetcouncil.gov.uk/business-consumers-licences/superfast-dorset/about-superfastdorset/guidance-for-property-developers.aspx>

17. Informative Note - Wessex Water. The point of connection to existing public sewage must be agreed with Wessex Water Services Ltd.
18. Statement of positive and proactive working: In accordance with paragraph 38 of the National Planning Policy Framework, the Council takes a positive and creative approach to development proposals focused on solutions. 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.

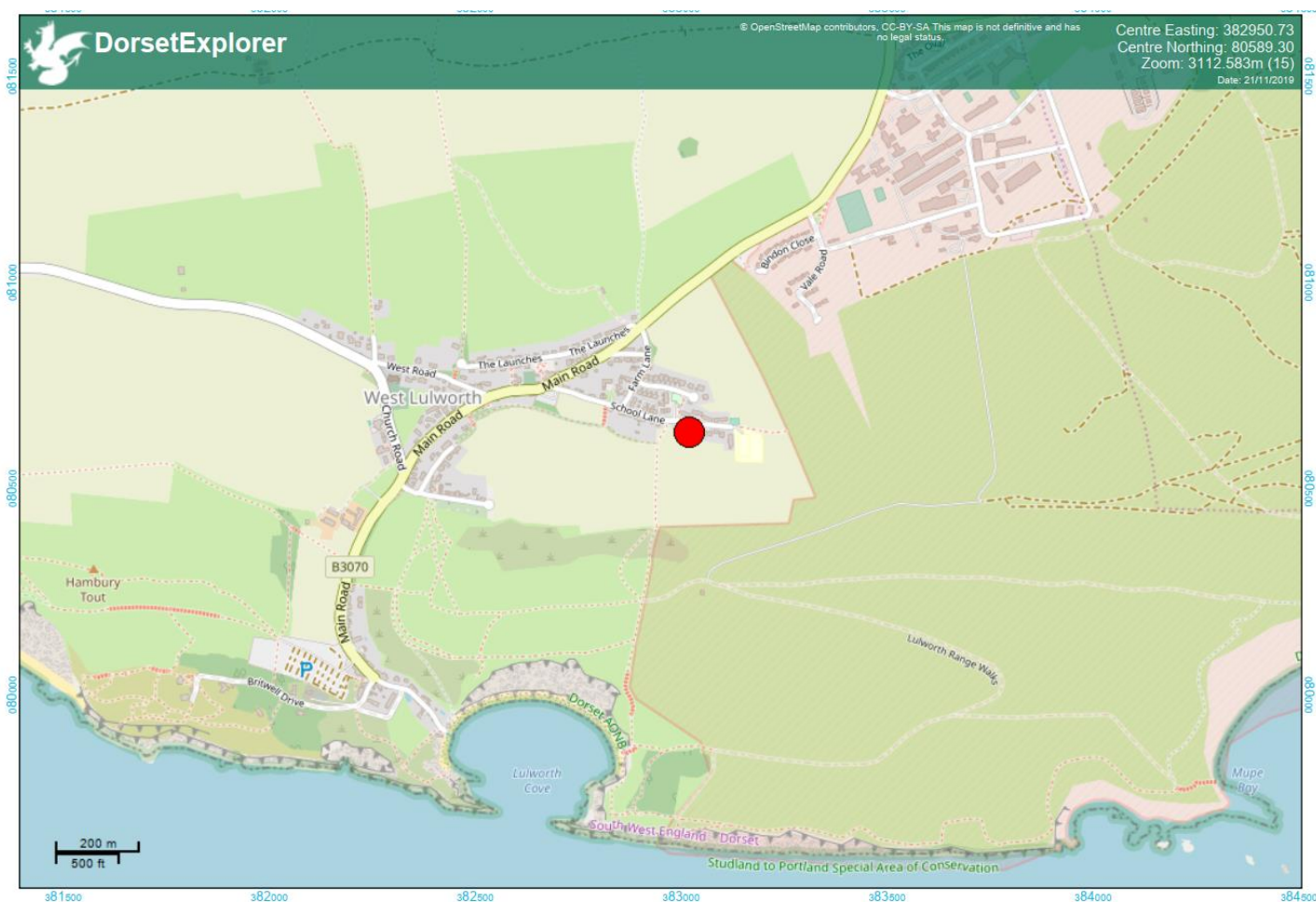
For this application: pre-application advice was provided; the applicant/agent was updated of any issues after the initial site visit; the opportunity to submit amendments to the scheme/address issues was given which were found to be acceptable.

Approximate location of site on map

Application Reference: 6/2019/0553

Address: Former West Lulworth C Of E Primary School, School Lane, West Lulworth, BH20 5SA

Application: Removal of condition 13 of Planning permission 6/2018/0653 (Change of use of existing buildings, conversion of existing school building, demolition of extensions and erection of 1 1/2 storey extension to form 3 dwelling houses and erection of 6 dwelling houses with associated parking and landscaping) to allow unrestricted occupation of the dwellings



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1.0 Application Number: 6/2019/0337

Webpage:

<https://planningsearch.purbeck-dc.gov.uk/Planning/Display/6/2019/0337>

Site address: Misty Cottage, Worth Matravers, BH19 3LQ

Proposal: Planning permission is sought to erect a single storey rear extension

Applicant name: Mr J Whiteoak & Mr B Wilson

Case Officer: Simon Burditt (Planning Officer)

Ward Member(s): Councillor Cherry Brooks

Comments received from Worth Matravers Parish Council are contrary to the officer recommendation and Dorset Councillors have requested that the application is referred to planning committee. The nominated officer has given careful consideration to all representations received and the planning merits of the application concluding that the application should be presented to the planning committee.

2.0 Summary of recommendation:

GRANT subject to conditions.

3.0 Reason for the recommendation: as set out in paragraph 16 at end of the report.

- The proposal is acceptable in terms of size, scale, design and general visual impact.
- There is not considered to be any significant harm to neighbouring residential amenity or privacy.
- The proposal would preserve the appearance of the Worth Matravers Conservation Area and not harm the setting of nearby listed buildings.
- There are no material planning considerations which would warrant refusal of this application.

4.0 Key planning issues

Issue	Conclusion
Principle of development	Acceptable, the site is located within the Worth Matravers settlement policy boundary.
Size, scale, design, impact on the character and appearance of the area and the wider Dorset Area of Outstanding Natural Beauty	The proposed single storey rear extension is acceptable in terms of size, scale and design in respect of the property, the Worth Matravers

	Conservation Area and the wider Dorset Area of Outstanding Natural Beauty.
The impact of the proposals on the significance of the heritage asset, the Worth Matravers Conservation Area, the features of special architectural or historical interest and the preservation of the conservation area	The size, scale and design of the proposed single storey rear extension to the house is acceptable in terms of the preservation of the character and appearance of the Worth Matravers Conservation Area.
Impact upon the setting of nearby Grade II Listed Buildings	The size, scale and design of the proposed single storey rear extension to the house is acceptable in terms of the setting of nearby listed buildings.
Impact on the living conditions of the occupants of neighbouring properties	The proposed single storey rear extension would not result in any harmful loss of amenity due to a reduction in light or loss of privacy for any nearby properties or neighbours.

5.0 Description of Site

The site is located in the middle of Worth Matravers, within the Worth Matravers settlement policy boundary, the Worth Matravers Conservation Area and the Dorset Area of Outstanding Natural Beauty. The property includes a detached house that dates from the 1960s and has walls constructed of Purbeck Stone. Along the west (side) elevation of the house there is a single storey extension that projects beyond the rear wall of the house by approximately 4.4m. To the front of the house there is an area of hard surfacing for the parking of vehicles. Immediately to the rear of the house there is a patio area and a substantially sized garden beyond. Along the east (side) elevation of the rear garden there is some established planting. In terms of land levels, Misty Cottage is set on a plot that is higher than Rose Cottage to the east, a property that includes a Grade II Listed Building with a single storey extension on the west (side) elevation, to the east of the boundary with the application site.

Misty Cottage is set amongst a collection of dwellings of various ages, to the west of the Mill Pond within the centre of the village.

6.0 Description of Development

Planning permission is sought to construct a single storey extension on the rear elevation of the house.

7.0 Relevant Planning History

310954 - In August 1965 planning permission was granted for the construction of the house.

313274 - In May 1968 planning permission was granted for the construction of a vehicular access.

6/1984/0024 - In March 1984 planning permission was granted for the construction of a single storey extension on the rear of the single storey element on the west (side) elevation of the house.

6/1986/0563 - In October 1986 planning permission was granted for the construction of a single storey extension in the form of a porch on the front of the single storey element on the west (side) elevation.

6/1989/1090 - In January 1990 planning permission was granted for the construction of a porch positioned centrally on the front elevation of the house.

8.0 List of Constraints

The site is within the Worth Matravers settlement policy boundary.

The site is within the parish of Worth Matravers.

The site is within the Worth Matravers Conservation Area. There is a statutory duty to preserve or enhance the significance of heritage assets under the Planning (Listed Buildings and Conservation Areas) Act 1990.

The site is within the Dorset Area of Outstanding Natural Beauty. There is a statutory protection in order to conserve and enhance the natural beauty of such landscapes under the National Parks and Access to the Countryside Act of 1949 and the Countryside and Rights of Way Act of 2000.

Adjacent to the site is a Grade II Listed Building, Rose Cottage, also nearby is Cobblers Cottage another Grade II Listed Building. There is a statutory duty to preserve or enhance the significance of heritage assets under the Planning (Listed Buildings and Conservation Areas) Act 1990.

9.0 Consultations

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

- **Design and Conservation Officer**

The proposals have been reviewed carefully and in relation to the Worth Matravers Conservation Area Appraisal (adopted September 2009).

Despite the extensive views of the rear gardens of this group of properties, it is considered that the proposed rear extension does not harm this aspect any more than the existing extension.

The proposed rear extension is not contrary to guidance and not considered to be of poor design, indeed contrasting modern design is often the preferred

choice for heritage locations. The sensitive use of the palette of materials is how the sympathetic blend is achieved.

On this basis there is no objection to the proposed rear extension.

On further clarification, the Design and Conservation Officer has confirmed that the proposed rear extension does not harm the setting of either the Worth Matravers Conservation Area or adjacent listed building. He also confirms that the proposals would be an enhancement.

- **Worth Matravers Parish Council**

The Parish Council object to the proposals.

The historic and positive characteristics of the village are described and it is then confirmed that the proposals are not in accordance with the Worth Matravers Conservation Area Appraisal, further that they do not improve or enhance the conservation area or the setting of the two adjacent listed buildings.

Concerns are raised regarding the size and design of the proposed single storey rear extension in terms of the surroundings, impact upon nearby properties, views from Worth Green and the impact upon the Worth Matravers Conservation Area. Concern is raised in respect of light pollution from the rooflights within the proposed extension.

Representations received

Many objections have been received from neighbours and nearby residents with some commenting more than once.

Issue
<p>Some comments have been received from the occupants of Rose Cottage, plus several sets of comments from a planning agent and a barrister on their behalf.</p> <p>Reference is made to Rose Cottage being more than 1.6 metres lower than Misty Cottage, therefore the extension would be approximately 5.0 metres above their garden, on the boundary and with a floor to roof window, albeit frosted, sited over the patio, garden and main access to Rose Cottage.</p> <p>It is stated that the proposed extension would result in a property that is out of keeping with neighbouring properties, the central position that the property occupies and the character of the Worth Matravers Conservation Area.</p> <p>Confirmation is given that the “..overbearing and harmful impact of this proposal on the character and setting of both these listed cottages needs to be taken into consideration, especially given the elevated position that it would</p>

command”.

Regarding the centre of the village and the Worth Matravers Conservation Area, concern is expressed that the proposed extension would change the view from the duck pond and that the proposed rooflights and sedum roof are out of keeping with the historic surroundings. Reference is also made to the proposed rooflights causing light pollution, to the bedrooms of Rose Cottage and the entire centre of the village from the elevated position.

The comments from the agent, SETPLAN, make the point that conservation areas and listed buildings are designated heritage assets and detail how they consider the proposed single storey extension varies from a single storey rear extension that may be constructed as ‘permitted development’, without the need for planning permission.

It is stated that because Misty Cottage adjoins Rose Cottage that it “forms a physical and visual part of the listed buildings setting”. It is also stated that “The modernistic forms, detailing and materials of the rear extension are not sympathetic to the character and appearance of the existing dwelling or of the conservation area, forming a discordant element in the conservation area harmful to the setting of the adjoining listed building”.

The comments from the barrister make reference to the legal requirements under the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving the setting of a listed building, the preservation or enhancement of the character and appearance of the conservation area and requirements of the National Planning Policy Framework.

Mention is made that the proposals would be within the setting of the listed building (Rose Cottage) and that the comments of the Council’s Design and Conservation Officer accept or discount the harm, that in implicitly accepting the harm there is no consideration given to public benefits and that with the proposals being within the setting of the listed building no consideration has been given to public benefits.

It is stated that the application is not accompanied by a planning or heritage statement to deal with the impact of the proposal in terms of the conservation area or nearby listed buildings.

Finally it is suggested that another officer or external consultant be invited to consider the proposals on behalf of the Council “to avoid an appearance, or the reality, of pre-determination”.

Some comments have been received from an occupant of Cobblers Cottage, the property positioned slightly further to the east of the site.

Concerns are raised in respect of the size of the proposed extension, that it would be up to the boundary with Rose Cottage and dominate this eighteenth century building. Reference is made to the extension being higher than is necessary. Reference is made to Misty Cottage being overlooked from the village green and that the size and elevation of the proposed extension is such that it is adverse to the preservation and enhancement of the village. In the second letter reference is made to the opaque window being out of keeping, that the rooflights will result in light pollution and that due to the impact upon the setting of the listed building it would be contrary to Planning Policy Statement 6.

Two sets of comments have been received from the occupants of Orchard Cottage in Worth Matravers. Confirmation is given that they have no objection in principle to an extension, but consider that the extension is too large and will have an impact upon the neighbours and the view from the pond.

Some comments have been received from an occupant of Post Office Cottage. They confirm that such an extension may be acceptable elsewhere, however it would be out of place within the village and conservation area, further new plans should be submitted for what will be in view from the very public areas of the village.

Comments from an occupant of Pond View state that the proposals are out of character and unsympathetic to the surrounding dwellings, contravening the conservation area.

Two sets of comments have been received from an occupant of Wynderly. It is stated that the extension is quite large, would overlook the property next door and be visible from the village green. It is suggested that the extension could be set at a lower level and the planting replaced along the east side to mitigate some of the impact.

Some comments have been received from the occupants of number 1 London Row. Concern is expressed in respect of the impact upon the character of the area, plus the potential for overlooking of the rear gardens of the properties in London Row from the extension and terrace.

The occupants of Cressy confirm their objection to the size of the proposed extension within the conservation area.

Two sets of comments have been received from an occupant of The Croft in Winspit Road. It is stated that the existing extension to Misty Cottage is detailed as a negative element within the Worth Matravers Conservation Area Appraisal and that the proposed extension would have a major impact upon Rose Cottage and be unsympathetic to the neighbourhood and the principles of the Worth Matravers Conservation Area.

Two sets of comments have been received from some occupants of Cornerways, Winspit Road. It is stated that any extension is likely to be visible from the green and therefore needs to be in keeping with the surroundings, but that this extension would be large, out of character with the surrounding buildings and “damage the historic cottage feel of the heart of this beautiful village”. Within the second set of comments reference is made to the proposals being contrary to the Worth Matravers Conservation Area Appraisal.

Two sets of comments have been received from some people in Rudgwick (Horsham). The first comments refer to the size, scale, design and choice of materials and the negative impact the proposals would have upon the nearby dwellings, the village green and the conservation area. In the second comments concern is expressed regarding light pollution from the proposed rooflights within the conservation area.

Some comments have been received from someone in Yarnton (Kidlington). Concern is expressed regarding the impact of the proposed extension upon neighbouring properties and the surrounding area.

Some comments have been received from an occupant of St Nicholas Court. These confirm that the proposals will have no impact upon their property.

10.0

Relevant Policies

Purbeck Local Plan Part 1:

Policy LD: General location of development

Policy D: Design

Policy LHH: Landscape, historic environment and heritage.

Emerging Purbeck Local Plan

No relevant policies.

National Planning Policy Framework (February 2019)

Chapter 12: Achieving well-designed places

- Paragraph 127 (subsection c) - Achieving well-designed places
“Planning policies and decisions should ensure that developments: ... are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change...”

Chapter 16: Conserving and enhancing the historic environment

- Paragraph 184 - Conserving and enhancing the historic environment

- Paragraphs 190 and 192 (subsection c) – Proposals affecting heritage assets
 “In determining applications, local planning authorities should take account of: ... the desirability of new development making a positive contribution to local character and distinctiveness”.
- Paragraph 193 – Considering potential impacts
 “When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation...”.

Other material considerations

Worth Matravers Conservation Area Appraisal (adopted September 2009)

Purbeck District Design Guide (supplementary planning document, adopted January 2014)

National Planning Practice Guidance

National Design Guide

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 property includes a two storey dwelling and the proposal is a single storey rear extension to form additional accommodation for this dwelling.

13.0 Financial benefits

What	Amount / value
Material Considerations	
None	
Non Material Considerations	
None	

14.0 Climate Implications

The proposal is for a single storey extension on the rear elevation of an existing two storey dwelling. On this basis the proposal is not considered to have any significant climate implications.

15.0 Planning Assessment

Principle of development

The site is located within the Worth Matravers settlement policy boundary and includes an existing two storey dwelling. The proposal is for the construction of a single storey extension on the rear of the house, consequently there is no objection in principle to the proposed extension, subject to the consideration of all other material planning considerations.

Size, scale, design and impact on the character and appearance of the area and the Dorset Area of Outstanding Natural Beauty

The proposed rear extension is a single storey addition that would project beyond the rear wall of the house by approximately 4.4 metres, with a height of approximately 3.3 metres to the top of the flat roof and a height to the top of the rooflights of approximately 4.0 metres. Regarding the existing dwelling, this is a two storey house and the proposed extension is single storey with a roof that although of sedum, would be flat, thus ensuring that the size and scale of the proposed extension is not excessive in relation to the dwelling or the site.

The proposed single storey extension would have walls constructed of Purbeck stone, the same as the existing house and many of the properties nearby, therefore a material that would appear acceptable in terms of the character of the area. Regarding the roof of the proposed extension, this would be of sedum and although a different choice of material, would not appear intrusive in relation to

the site or the character of the area. Similarly although the proposed extension includes a collection of rooflights, these would not appear intrusive in relation to the site or the character of the area.

Within the proposed extension it is intended to include a circular window and some bi-fold doors within the rear (south) elevation and a vertical window within the east (side) elevation. These doors and windows would be constructed of timber and the circular window on the rear elevation would include some detailing around it. With the bi-fold doors and circular window at ground floor level and facing into the rear garden, this design approach would appear acceptable in terms of the property and the character of the area. Similarly the plain vertical timber window within the east (side) elevation would appear acceptable.

The size, scale and design of the proposed single storey rear extension is such that this would not have an impact upon the character of the wider Dorset Area of Outstanding Natural Beauty.

The impact of the proposals on the significance of the heritage asset, the Worth Matravers Conservation Area, the features of special architectural or historical interest and the preservation of the conservation area

The Council has a statutory duty under section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 (as amended) to pay special attention shall be paid to the desirability of preserving or enhancing the character or appearance of conservation areas when considering applications.

Misty Cottage is located within the centre of Worth Matravers, occupying a prominent position within the Worth Matravers Conservation Area and visible from the area of the Mill Pond, located to the East of the site. On this basis although Misty Cottage is comparatively modern compared to many of the nearby dwellings, most of which are listed buildings, the position of the application site is such that this is a sensitive location and careful consideration has been required in terms of the proposals.

There is an existing single storey extension on the western side of the property. This projects beyond the rear wall of the dwelling by approximately 4.4m. This existing extension has a pitched roof and is approximately 3.6m. The proposed extension is to project to the rear by approximately 4.3m and have a flat roof with a height of approximately 3.1m. The proposed extension would therefore be seen against the backdrop of the existing pitched roof extension, when viewed from public viewpoints to the east of the site in the area of the Mill Pond. As such the Design and Conservation Officer does not consider that the proposal would result in any harm to the Conservation Area, indeed it is considered to be an enhancement over and above the existing extension. As officers consider that the proposals would not result in any harm and preserve the character and appearance of the Conservation Area, there is no requirement to assess the level

of harm or whether there are any public benefits as detailed under Paragraph 196 of the National Planning Policy Framework.

Due to topography, the land slopes down towards the South and Pikes Lane, vegetation and existing out buildings there are limited views from Pikes Lane. Similarly the site cannot be seen from the West.

The size and scale of the proposed single storey rear extension in relation to the two storey house and the size of the site is acceptable.

Regarding the design, the proposed extension would have walls constructed of Purbeck stone and in combination with the sedum roof and rooflights over, although of a contrasting modern design, the proposed extension on the rear of this house constructed around the 1960s would appear sufficiently sympathetic within the historic setting of the Worth Matravers Conservation Area. The proposed single storey rear extension would be visible from the Mill Pond, as is the extension on the western side of the property. However the choice of materials is such that in combination with the design the proposed extension would preserve the appearance of the Worth Matravers Conservation Area. Paragraph 127 of the National Planning Policy Framework confirms that "Planning policies and decisions should ensure that developments ... are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change...". This is also confirmed within the Worth Matravers Conservation Appraisal, for this states in respect of conservation area designation "While bringing some added controls the object of designation is not to prohibit change or development but rather to manage its quality and contextual appropriateness".

Regarding the potential for light pollution from the rooflights proposed to be inserted within the roof, the dwelling is a two storey house that includes glazing at ground floor and first floor, as such the inclusion of rooflights within a ground floor extension could not reasonably be discouraged on the basis of light pollution even within an area where there is no street lighting. Consequently there is no justification to secure a change to the proposals on this basis.

In conclusion, officers consider that the proposal is not harmful to the character or appearance of the Worth Matravers Conservation due to the proposed extension.

Therefore officers consider that the proposals comply with Policies LHH of the Purbeck Local Plan Part 1 and the aims and objectives of the National Planning Policy Framework.

Impact upon the setting of nearby Grade II Listed Buildings

The Council has a statutory duty under section 66 (1) (when considering whether or not to grant planning permission) of the Planning (Listed Building and Conservation Areas) Act 1990 (as amended) to have special regard to the desirability of preserving the listed buildings or its setting and any features of special architectural or historic interest which it possesses.

Consideration has been given to the impact of the proposed single storey rear extension upon Rose Cottage and Cobblers Cottage. Rose Cottage and Cobblers Cottage are Grade II Listed Buildings, with Rose Cottage being located adjacent the application site, to the east and due to changes in land levels it is set at a lower level than the site, but within the centre of a village and developed area.

Due to Rose Cottage and Cobblers Cottage being set within a developed area and the nature of the alterations, the proposed single storey rear extension on this two storey dwelling, the Design and Conservation Officer considers that the proposal, would not have a detrimental impact, but preserve the setting of the Grade II Listed Buildings. Therefore officers consider that the proposals comply with Policies LHH of the Purbeck Local Plan Part 1 and the aims and objectives of the National Planning Policy Framework.

Impact on the living conditions of the occupants of neighbouring properties

Misty Cottage is a detached house. However due to the fact that land levels slope downwards from west to east, plus downwards from north to south, the application site is set higher than Rose Cottage, the property to the east. On this basis careful consideration has been required in respect of any impact of the proposed single storey rear extension on the property and occupants of Rose Cottage and other nearby properties. In order that the fullest consideration could be given to amenity and privacy issues for nearby properties, especially Rose Cottage, a visit was undertaken to this property on 28 June 2019.

Of the various properties near to the application site the main property and neighbours for consideration are at Rose Cottage. On the west (side) of Rose Cottage there is a single storey element, including an extension that dates from around the late 1970s. Within the single storey element on the west side there is a window within the west elevation, a window that is positioned at the northern end. The position of the window within this part of Rose Cottage is such that the proposed rear extension for Misty Cottage would not result in any loss of amenity due to a reduction in light or loss of privacy for this neighbouring property.

The proposed single storey rear extension would project beyond the rear of Rose Cottage. However on the basis that the proposed extension is a single storey

addition on the rear of the house, despite the fact that Misty Cottage is set on land that is higher than Rose Cottage, the proposed extension would not result in any harmful loss of amenity due to a reduction in light either for the dwelling due to the position of the glazing within Rose Cottage. Also the proposals would not result in a harmful loss of light to Rose Cottage's garden due to the open nature of the garden. Regarding privacy, the proposed window within the east (side) elevation is intended to be of obscure glass. In order to ensure the continued privacy of the property and neighbours at Rose Cottage, any grant of planning permission would include a condition to ensure the level of obscurity for the side glazing, that this window remains fixed shut and a condition to prevent the insertion of any further windows, doors or openings within the east (side) elevation of the rear extension. Additionally in terms of the existing context it is noted that there is a first floor window within the east (side) elevation of Misty Cottage.

In terms of the impact of the proposed single storey rear extension upon the path to the side and rear garden of Rose Cottage, although the position of the extension would be set at a higher level than Rose Cottage due to the higher ground levels, the size of the extension is such that this would not be over bearing and therefore would not justify a change to the proposals or refusal of the application. Regarding the glazing within the rear (south) elevation of the proposed extension, this would provide views that are predominantly of the rear garden of the application site, with more limited and oblique views of the gardens to either side.

Cobblers Cottage is set further away from the application site and as such the proposed rear extension would not result in any loss of amenity due to a reduction in light or loss of privacy for this property or the occupants. With regard to Orchard Cottage (Braemar) immediately to the west of the application site, the existing extension along the western side of Misty Cottage is such that the proposed extension would adjoin this in such a manner that it would not result in any loss of amenity due to a reduction in light or loss of privacy for this property or the occupants.

With regard to the properties to the south in London Row, although these are set at a lower level than the application site, there is an intervening distance of approximately 22 metres between the proposed single storey rear extension and the rear garden of the closest, number 1 London Row. Additionally there is a road between the rear garden of Misty Cottage and the rear garden of number 1 London Row.

Regarding the potential for light pollution from the rooflights proposed to be inserted within the roof, the dwelling is a two storey house that includes glazing at ground floor and first floor, as such the inclusion of rooflights within a ground

floor extension could not reasonably be discouraged on the basis of light spillage towards a neighbouring property.

16.0 Conclusion

The proposed development is not considered to have a detrimental impact on the character and appearance of the area, the wider views within the Conservation Area, the setting of listed buildings, or the amenity of the neighbouring residents. Therefore the proposal is considered to be acceptable.

17.0 Recommendation

To grant planning permission subject to the conditions as set out below.

1. The development must start within three years of the date of this permission.
Reason: This is a mandatory condition imposed by Section 91 of the Town and Country Planning Act 1990 to encourage development to take place at an early stage.
2. The development permitted must be carried out in accordance with the following approved plans: drawing number 17184.20, drawing number 17184.24, drawing number 17184.25, drawing number 17184.22, drawing number 17184.23, drawing number 17184.26, drawing number 17184.27 and drawing number 17184.21 submitted as part of the application, plus drawing number 17184.31 A, drawing number 17184.28 B and drawing number 17184.32 A received on 22 August 2019, plus drawing number 17184.30 B, drawing number 17184.29 A and drawing number 17184.33 B received on 29 August 2019.
Reason: For the avoidance of doubt and in the interests of proper planning.
3. Before the single storey rear extension is brought into use, the glazing within the east (side) elevation must be glazed with obscure glass to a minimum Pilkington privacy level 3, or equivalent as agreed in writing with the Council and permanently fixed shut. This window / glazed element must be permanently maintained in that condition.
Reason: To safeguard the amenity and privacy of the occupiers of adjoining residential property.
4. No further windows, doors or openings will be constructed or inserted within the east (side) elevation of the single storey rear extension.
Reason: To safeguard the amenity and privacy of the occupiers of adjoining residential property.
5. Informative Note - Matching Plans.
Please check that any plans approved under the building regulations match the plans approved in this planning permission. Do not start work until revisions are secured to either of the two approvals to ensure that the development has the required planning permission.

6. Statement of positive and proactive working:
In accordance with paragraph 38 of the National Planning Policy Framework, the Council takes a positive and creative approach to development proposals focused on solutions. 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.

For this application: the applicant / agent was updated of any issues after the initial site visit; the opportunity to submit amendments to the scheme / address issues was given which were found to be acceptable.

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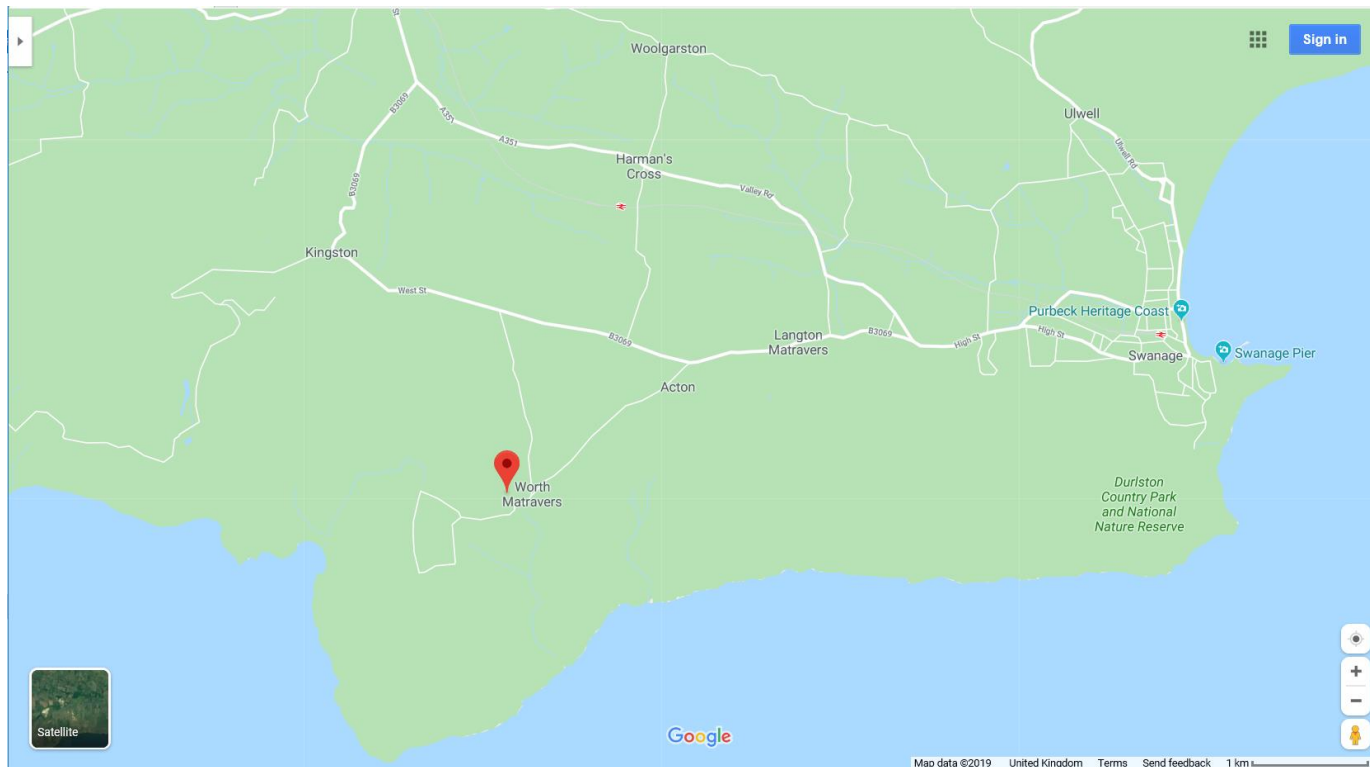
Approximate location of site on map



Application Reference: 6/2019/0337.

Address: Misty Cottage, Worth Matravers, BH19 3LQ.

Application: Erect a single storey rear extension.



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1.0 Application Number: 6/2019/0458

Webpage: <https://planningsearch.purbeck-dc.gov.uk/Planning/Display/6/2019/0458>

Site address: 5 Brushwood Drive Upton BH16 5DS

Proposal: Erect a single storey extension and enlarge the window on the first floor south east elevation.

Applicant name: Mr & Mrs Hiljemark

Case Officer: John Hartigan

Ward Member(s): Councillor Alex Brenton, Councillor Bill Pipe and Councillor Andrew Starr

Comments received from the Town Council are contrary to officer recommendation and Dorset Councillors have requested that the application is referred to planning committee. The nominated officer has given careful consideration to all representations received and the planning merits of the application concluding that the application should be presented to the planning committee.

2.0 Summary of recommendation:

Officers are recommending approval subject to conditions set out in the report.

3.0 Reason for the recommendation: as set out in paragraph 16 at end of report

- The principle of development is acceptable within the defined settlement boundary.
- The proposals are acceptable in terms of design and scale and impact on the amenity of the area.
- There is not considered to be any significant harm to neighbouring residential amenity or privacy.
- There are no material considerations which would warrant refusal of this application

4.0 Key planning issues

Issue	Conclusion
Principle of development	Acceptable in principle in the defined settlement boundary.
Scale, design and impact on the character and appearance of the area	Acceptable. The extension reads as subservient to the scale of the host dwelling. Design integrates with host dwelling. No adverse impact on character of the area.

Impact on the living conditions of the occupants of neighbouring properties	Acceptable. This is a residential area with no formal dark skies policy in place. The proposal results in a development which is not considered to be of sufficient harm to neighbour privacy or amenity in terms of it being overbearing or giving rise to potential overshadowing and loss of light to warrant an outright refusal of the submission.
Impact of protected trees	Acceptable.

5.0 Description of Site

The site is located to the north side of Sandy Lane in Upton. The subject dwelling is one of a group of 5no dwellings approved 10 years ago and accessed via a new access road. The dwellings are uniform in their design with pitched and hipped roofs and employing timber materials. Some of these dwellings within Brushwood Drive have since been enlarged with extensions authorised by planning permission, with permitted development rights having been withdrawn by condition under the original application, due to the impacts of further development on the privacy and amenity of the occupants of neighbouring dwellings.

A protected birch tree is located within the garden area of the neighbour at 3 Heatherdell, to the immediate east of the site.

The site is located within the settlement boundary of Upton.

6.0 Description of Development

The application seeks planning permission for the erection of a single storey extension to project off the south east elevation. This extension will feature a pitched roof with a high level window on the south east facing gable end, together with 2no Velux windows on the north east facing roof slope. A small part of the proposed extension will feature a flat roof.

As part of the submission, the applicants also propose to enlarge the existing window on the first floor south east elevation of the host dwelling.

The application is supported with a design and access statement. The agent for the applicant has also supported the application with a response to the objections raised by the occupants of Heatherdell. (Email to the Council dated 19 September 2019)

***Case officer note: the first floor window located on the south-east elevation of the host dwelling has now been amended (twice) so that it is obscure glazed and fixed shut. The window will have a restricted opening for ventilation. (Illustrated on amended drawing 07 revision B dated 2/8/19).

7.0 Relevant Planning History

The group of 5 no dwellings within this vicinity was granted planning permission under application 6/2019/0394. Various conditions were applied to that grant of permission including;

- The withdrawal of permitted development rights
- Roof lights and first floor windows to be obscure glazed and non-opening in the interests of safeguarding the privacy and amenity of the occupants of adjacent residential properties.
- Measures for the protection of protected trees and compliance with the recommendations of an Arboricultural Impact Appraisal and Method Statement submitted with that application.

8.0 List of Constraints

This property is in the parish of Lytchett Minster and Upton

This property is within a Settlement Boundary - Upton

This property has a TPO Order - T2 - Silver Birch

9.0 Consultations

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

- **Dorset Council Arboricultural Officer**

No objection.

- **Lytchett Minster and Upton Town Council**

Originally raised no objection but changed their stance to a recommendation of refusal based on the strength of neighbour objections.

Representations received

Five objections received from neighbours raising the following concerns:

- Condition 9 added to the original planning permission under 6/2009/0394 removing permitted development rights
- The first floor window at the south east facing gable end of the host dwelling has clear glass and is openable.
- Precedent
- Scale
- Privacy and amenity
- Amenity
- Biodiversity and protection of species
- Protected tree within the garden of 3 Heatherdell

- Provision of a flue for a wood burner

10.0 Relevant Policies

Purbeck Local Plan Part 1:

Policy LD: General Location of Development

Policy SD: Presumption in favour of Sustainable Development

Policy D: Design

Policy LHH – Landscape, Historic Environment and Heritage

Policy BIO – Biodiversity and Geodiversity

Emerging Purbeck Local Plan

No relevant policies.

NPPF

Chapter 2: Achieving sustainable development.

Chapter 4: Decision-making

- Paragraphs 47 & 48 – Determining applications
- Paragraphs 54 & 55 – Planning conditions and obligations

Chapter 12: Achieving well-designed places

- Paragraphs 124, 127 & 130 - Achieving well-designed places

Chapter 15: Conserving and enhancing the natural environment

- Paragraph 170 - Conserving and enhancing the natural environment
- Paragraph 175 – Habitats and biodiversity

Other material considerations

Purbeck District Design Guide Supplementary Planning Document

National planning practice guidance

British Standard 5837:2012 Trees in relation to design, demolition and construction – recommendations

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 proposals relate to a single storey extension and alteration to a private dwelling and do disadvantage the public under the public sector equalities duty.

13.0 Financial benefits

What	Amount / value
Material Considerations	
None	
Non Material Considerations	
None	

14.0 Climate Implications

The proposal is for a single storey extension and alterations to a dwelling. On this basis the proposal is not considered to have any significant climate implications.

15.0 Planning Assessment

Principle of development

Guidance set out within both the National Planning Policy Framework (NPPF) and the Purbeck Local Plan Part 1 (PLP1) encourage new development in the most sustainable locations inside existing towns and villages.

The site is located within the Upton settlement boundary where there is no objection in principle to the proposed development subject to consideration of all material planning issues and site specific constraints.

Scale, design and impact on the character and appearance of the area

Planning policy places strong emphasis new development securing high quality design that promotes and reinforces local distinctiveness. Proposals should positively integrate into their surroundings.

Poor design that fails to take the opportunity to improve the character and quality of an area should be refused. The design of an extension should harmonise with that of the property being extended in terms of scale, form, materials and detailing.

Objections have been received from neighbours asserting that the scale of the extension is too big and should be reduced in size. The scale of the proposed extension reads as subservient to the form and scale of the host dwelling, with the roof height well below the height of the existing roof line, with the eaves height not exceeding the eaves height of the host dwelling. Officers consider that the design approach of the extension with its pitched roof respects the form of the host dwelling and with matching materials are considered to visually integrate with the surroundings. A small section of the extension has a flat roof, but this is not considered to be of such visual significance that it would be seen to be harmful to the form and layout of the host dwelling.

Given the location of the proposed extension to the rear of the building, it will not impact within the street scene in Brushwood Drive and overall is considered to conserve the particular character of the wider area within this part of Upton.

Impact on the living conditions of the occupants of neighbouring properties

Guidance contained in the Purbeck Local Plan Part 1 in Policy D: design directs that the Council will expect proposals for all development and other works to avoid and mitigate effects of overshadowing, overlooking and other adverse impacts including light pollution from artificial light on local amenity. This is consistent with the aims and principles of the National Planning Policy Framework that seek, amongst other things, for planning to secure a good standard of amenity for all existing and future occupants of land and buildings and for good design that contributes positively to making places better for people.

The Purbeck District Design Guide (adopted in January 2014) gives further guidance on assessing the impact of new development on the amenity of existing neighbours.

The issue of the impact of the development on the privacy and amenity of the occupants of neighbouring dwellings has generated numerous objections from

the occupants of Heatherside, to the east side of the application site and from the occupant of 140a Sandy Lane.

The nature of the objections raised are respectfully acknowledged by officers and each of the objections raised are considered and responded to in the section below under 'Neighbour comments received and case officer response' below.

In response to the objections raised, the case officer visited the site and met with a delegation of the neighbours from Heatherside, to enable them to articulate and discuss their concerns and to allow the case officer to consider each of these concerns raised from the vantage point of each of their rear facing gardens which face on to the application site.

Following on from this visit, the case officer referred back to the applicant to ask if they were prepared to reduce the scale of the extension and to omit the large triangular shaped window on the south east facing elevation at the upper level of the extension. The applicants did not want to change the submission, except for the change to the first floor window, which will now be obscure glazed and restricted opening to 60mm. (This window has now been amended so that it has restricted opening) The application has therefore been considered on this basis.

Officers having made a very careful assessment of the impacts of the development, accept that the scale and height of the extension will result in some loss of evening sunlight to the occupant of 3 Heatherdell, however this is only at certain times of the day, in the evening. It is considered that given the degree of distance between the development site and the gardens of the neighbours the development will not reduce the amount of daylight (as opposed to sunlight) to the rear gardens of the neighbours to such a harmful extent as to warrant a refusal of the submission.

With the applicant prepared to change the proposed new upper floor window in the existing dwelling so that it is obscure glazed but openable to a small degree to allow for ventilation, officers judge that the submission will not be sufficiently harmful to the neighbours in terms of potential overlooking to warrant a refusal. The triangular window in the proposed extension serves an open plan void and would not result in any overlooking to the height of the windows above ground level.

Officers accept that the development will cause some loss of evening sunlight and that some internal light may emit from the upper window of the extension. With no formal dark skies policy applicable within this residential area, the introduction of the upper window in the extension cannot in planning terms be considered sufficiently harmful to the amenity of the neighbours so as to warrant a refusal of the submission.

In conclusion, it is considered that the extension and the treatment of the south east facing upper floor window will cause no harmful overlooking, nor will it appear overbearing or cause overshadowing to such a harmful degree as to warrant an outright refusal of the submission.

Impact on protected trees

Policy guidance set out in the adopted Purbeck Local Plan Part 1 in Policy LHH directs that the impact of development proposals should conserve the future health and vitality of trees and hedgerows.

The current submission was supported by a tree report prepared by Mark Hinsley Arboricultural Consultants Ltd date 1st August 2019 (Ref: 5521/JC/IMP/08/19).

The report identifies the presence of a mature Silver Birch tree with good amenity but which should continue to be monitored for signs of further decay. The tree has been categorised as being of moderate quality. The report concludes that the proposed development is arboriculturally acceptable, with any incursion into the root protection area considered to be minor, so that there will be no significant detriment to this tree.

The Council's arboricultural officer has considered the details contained in the supporting arboricultural statement and has advised that he raises no objection to the submission on arboriculture grounds.

On the basis of the tree report and the response of the Council's tree officer to that report, officers consider that the future health and vitality of these protected trees and other retained trees on the site will be maintained.

16.0 Conclusion

The proposed development is not considered to have a detrimental impact on the character and appearance of the area, protected trees, or the amenity of the neighbouring residents. Therefore the proposal is considered to be acceptable.

17.0 Recommendation

To grant planning permission subject to the conditions as set out below.

1. The development must start within three years of the date of this permission.

Reason: This is a mandatory condition imposed by Section 91 of the Town and Country Planning Act 1990 to encourage development to take place at an early stage.

2. The development permitted must be carried out in accordance with the following approved plans: Drawings 016 01, 016 02, 016 03, 016 04, 016 05, 016 06, amended drawing 016 07B, 016 08 & 016 09 by RSP Design.

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

3. The new window in the existing dwelling in the South east elevation as shown on drawing 016 07B must be restricted opening to 60mm and glazed with obscure glass to a minimum Pilkington privacy 3, or equivalent as agreed in writing with the Council. It must be maintained in that condition.

Reason: To safeguard the amenity and privacy of the occupiers of adjoining residential property.

4. Before work starts on site, an Arboricultural Method Statement (AMS) prepared by a qualified tree specialist providing comprehensive details of construction works in relation to trees that have the potential to be affected by the development must be submitted to, and approved in writing by the Council. All works must be carried out in accordance with the approved details. In particular, the method statement must provide the following: (delete where not appropriate)

a) a specification for protective fencing to trees and hedges during both demolition and construction phases which complies with BS5837 (2012) and a plan indicating the alignment of the protective fencing;

b) a specification for scaffolding of building works and ground protection within the tree protection zones in accordance with BS5837 (2012);

c) a schedule of tree work conforming to BS3998;

d) details of the area for storage of materials, concrete mixing and any bonfires;

e) plans and particulars showing proposed cables, pipes and ducts above and below ground as well as the location of any soakaway or water or sewerage storage facility;

f) details of any no-dig specification for all works within the root protection area for retained trees:

g) details of the supervision to be carried out by the developers tree specialist;

Reason: This information is required to be submitted and agreed before any work starts on site to ensure that the trees and hedges deemed worthy of retention on-site will not be damaged prior to, or during the construction works.

5. Informative Note - Matching Plans. Please check that any plans approved under the building regulations match the plans approved in this planning permission or listed building consent. Do not start work until revisions are secured to either of the two approvals to ensure that the development has the required planning permission or listed building consent.

6. Statement of positive and proactive working: In accordance with paragraph 38 of the National Planning Policy Framework, the Council takes a positive and creative approach to development proposals focused on solutions. 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.

For this application: the opportunity to submit amendments to the scheme/address issues was given which were found to be acceptable; the application was approved without delay.

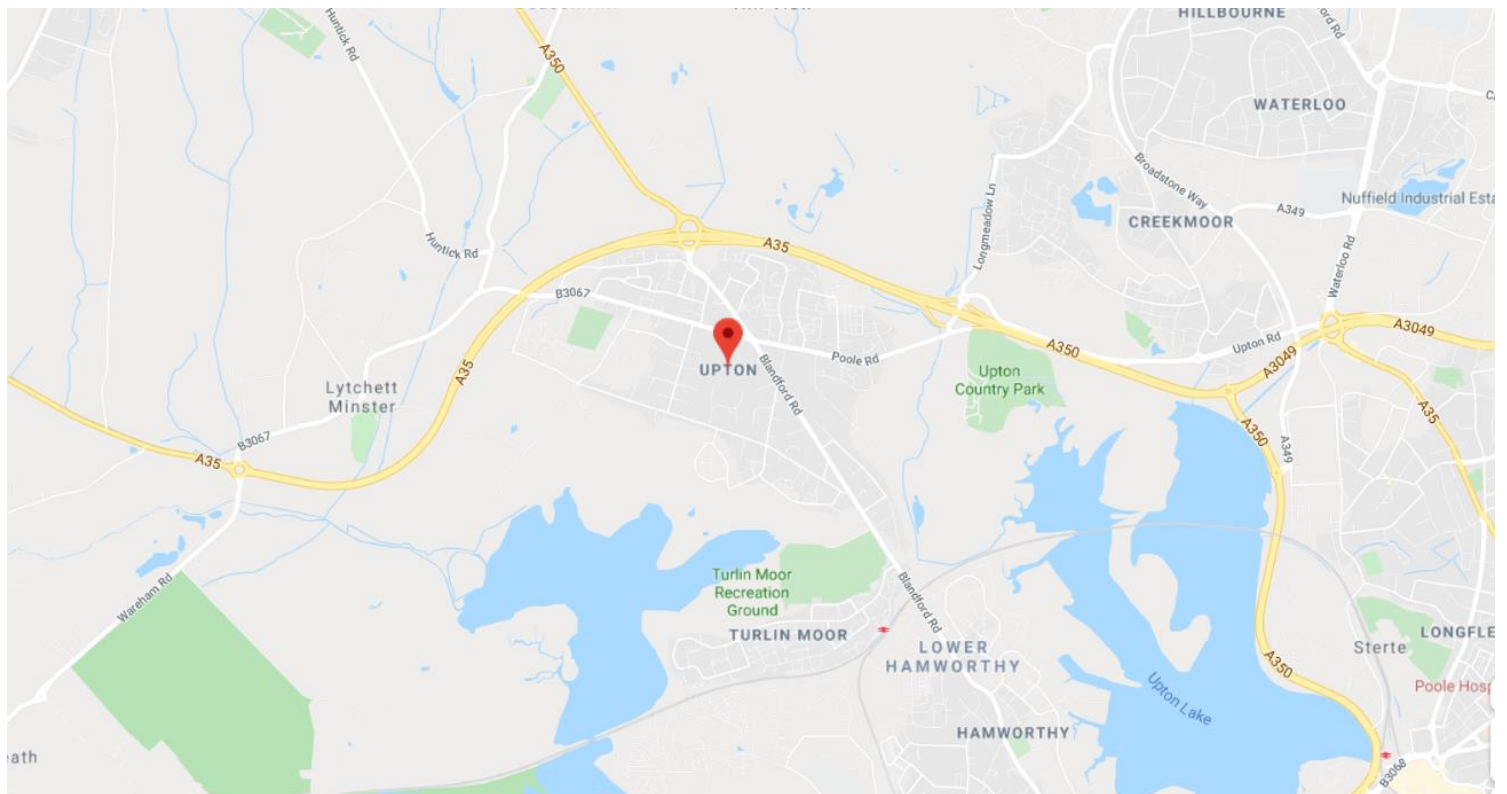
Approximate location of site on map



Application Reference: 6/2019/0458

Address: 5 Brushwood Drive Upton BH16 5DS

Application: Erect a single storey extension and enlarge the window on the first floor south east elevation.



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1.0 **Application Number:** 6/2019/0564

Webpage: <https://planningsearch.purbeck-dc.gov.uk/Planning/Display/6/2019/0564>

Site address: Winfrith Newburgh C of E Primary School, School Lane, Winfrith Newburgh, Dorchester, DT2 8JL

Proposal: Provision of single storey lean to extension to provide outdoor classroom

Applicant name: Lulworth & Winfrith C of E First School

Case Officer: Peter Walters

Ward Member(s): Councillor Laura Miller & Councillor Peter Wharf

This application is being presented to the committee as the Council is the applicant.

2.0 **Summary of recommendation:**

GRANT subject to conditions

3.0 **Reason for the recommendation:** as set out in paragraph 16 at the end of the report.

- The proposal is acceptable in its design and general visual impact.
- 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
Principle of development	Acceptable - The site is situated within the settlement boundary of Winfrith Newburgh therefore development is considered to be acceptable
Scale, design, impact on character and appearance of the area and on the Dorset Area of Outstanding Natural Beauty (AONB)	Acceptable - The scale of the development is considered to be minimal and the design is subservient to the main building.
Impact on amenity	Acceptable - The small scale of the development will not have a detrimental impact on the amenity of the neighbouring property.

5.0 Description of Site

The site is a primary school which is situated on the north side of School Lane. The main school building is situated on the eastern part of the site with a playground and school garden to the west and north of the site. The site is surrounded by residential development on the west, south and east sides. The north is undeveloped and forms the edge of the settlement boundary of Winfrith.

6.0 Description of Development

The proposal is to erect a lean to extension on the western elevation of the school to provide an outdoor classroom.

7.0 Relevant Planning History

6/1994/0398 - Covered way to main entrance. – Approved

6/2012/0482 - Landscape work to area by front entrance to improve safety, extension to front entrance and courtyard area, overclad and re-roof existing hall. – Approved

8.0 List of Constraints

Within the settlement limit of Winfrith Newburgh

Within the Dorset Area of Outstanding Natural Beauty: (statutory protection in order to conserve and enhance the natural beauty of their landscapes - National Parks and Access to the Countryside Act of 1949 & Countryside and Rights of Way Act, 2000)

9.0 Consultations

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

Consultees

- **Winfrith Newburgh Parish Council**
No Objection (received 12/11/2019)

Representations received

No representations received.

10.0 Relevant Policies

Development Plan first

Local Plan

Policy LD: General Location of Development

Policy D: Design

Policy LHH: Landscape, Historic Environment and Heritage

NPPF – Paragraphs 54 & 55: Decision-making

Paragraphs 127 & 130: Achieving well-designed places

Paragraphs 170: Protecting and enhancing the Natural Environment

Other material considerations

AONB Management Plan 2019 - 2024

Purbeck District Design guide supplementary planning document adopted
January 2014

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 width of the path to the outdoor classroom is sufficient for wheelchair users.

13.0 Financial benefits

What	Amount / value
Material Considerations	
None	
Non Material Considerations	
None	N/A

14.0 Climate Implications

The site is located within the settlement boundary in a sustainable location. The building of a lightweight timber clad structure should not have significant adverse climate implications.

15.0 Planning Assessment

Principle of Development

The site is situated within the settlement boundary of Winfrith Newburgh. Policy LD of the Purbeck Local Plan Part 1 states that new development should be focussed within the settlement boundaries of towns and villages. Therefore, the principle of the development is considered to be acceptable.

Scale, design, impact on character and appearance of the area and on the Dorset AONB

The scale of the proposed development is minimal. The proposed extension measures approximately 12.2m in length, 3.5m in width (reducing to 2m at the most narrow point) and 2.7m in height to the top of the roof ridge. The structure would be built in an existing enclave in the western elevation of the school, and as such protrudes from the building line of the school by approximately 1.6m. Officers therefore consider the scale of the building to be minimal.

The building is not prominent from the street scene, with only part of the structure being visible from the road. The structure has a shallow pitched roof forming a lean to structure projecting from the building. The scale of the building is considered to be subservient to the main property.

In terms of materials, the structure will be timber framed, with the walls being constructed of structurally graded, tanalised timber. The upper part of the walls will provide either openings, or translucent polycarbonate windows. The roof will likewise be a translucent polycarbonate design, in order to allow light into the classroom.

The use of the materials, along with the scale of the building is considered to be a subservient approach to the design of the classroom. Officers therefore consider that the proposal is acceptable in terms of the impact on the character of the area.

The site is situated within the Dorset AONB. However, given the very modest scale of the proposal and the materials used the structure is not considered to be visually dominant in wider views of the area. It should be noted that the only views of the site are from the footpath to the north west of the site (it is noted that there is a footpath to the north east however officers do not consider that the proposal will be visible from this point). The views are seen against the backdrop of the existing village and therefore the structure will not be prominent. Similarly, given the backdrop of the village, the proposal is not considered to be likely to affect the dark skies quality of the AONB.

Taking the above factors into account, officers consider that the proposal will not have a detrimental impact upon the character and appearance of the area or the Dorset AONB.

Impact on amenity

The only neighbouring property that could be impacted by the proposal is 2 Hillview, to the immediate west of the site. The proposed development is a single storey structure that does not rise above the roof ridge of the existing school building. While the structure is closer to the neighbouring property there is still a gap of at least 8m between the two. Officers therefore do not consider that the neighbouring property will suffer a loss of sunlight, nor will the proposed structure be overbearing.

Officers noted that there is screening in the form of a 1.8m high fence that appears to be in the ownership of the neighbouring property. This provides a good degree of screening and retains the privacy of the neighbouring property. The proposed development will allow for the screening to be retained, maintaining the level of privacy.

Taking this into account officers are satisfied that the proposal will not have a detrimental impact on the amenity of the neighbouring residents.

16.0 Conclusion

The proposed development is not considered to have a detrimental impact on the character and appearance of the area, the wider views within the AONB, or the amenity of the neighbouring residents. Therefore the proposal is considered to be acceptable.

17.0 Recommendation

Grant, subject to the following conditions:

1. The development must start within three years of the date of this permission.
Reason: This is a mandatory condition imposed by Section 91 of the Town and Country Planning Act 1990 to encourage development to take place at an early stage.
2. The development permitted must be carried out in accordance with the following approved plans: A300 P1, A301 P1 & A303 P1
Reason: For the avoidance of doubt and in the interests of proper planning.
3. Informative Note - Matching Plans. Please check that any plans approved under the building regulations match the plans approved in this planning permission. Do not start work until revisions are secured to either of the two approvals to ensure that the development has the required planning permission.
4. Statement of positive and proactive working: In accordance with paragraph 38 of the National Planning Policy Framework, the Council takes a positive and creative approach to development proposals focused on solutions. 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.

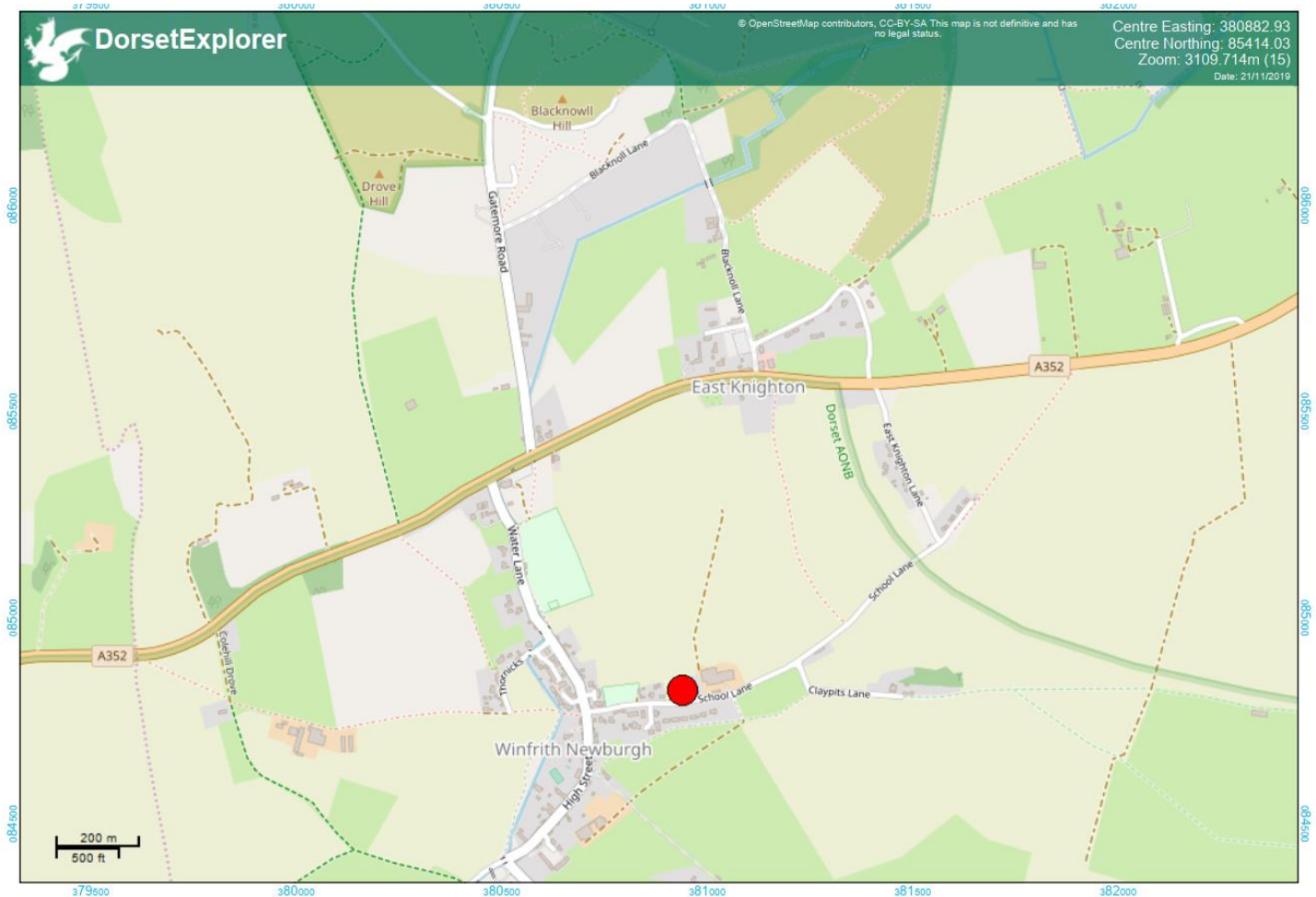
For this application: pre-application advice was provided; the application was acceptable as submitted and no further assistance was required; the application was approved without delay.

Approximate location of site on map

Application Reference: 6/2019/0564

Address: Winfrith Newburgh C of E Primary School, School Lane, Winfrith Newburgh, Dorchester, DT2 8JL

Application: Provision of single storey lean to extension to provide outdoor classroom



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REPORT SUMMARY

REFERENCE NO.	3/19/0985/FUL		
APPLICATION PROPOSAL	Proposed Single Storey Extension to Unit 3 to form Bedroom and en-suite.		
ADDRESS	Misty Meadow, 147 Ringwood Road, Longham, Ferndown, Dorset, BH22 9AB		
RECOMMENDATION	Grant, subject to conditions: (see Section 9 of the report for the full recommendation)		
REASON FOR REFERRAL TO COMMITTEE	At the request of the Chairman in the light of the planning history on the site		
SUMMARY OF REASONS FOR RECOMMENDATION	<ul style="list-style-type: none"> The proposed extension will not harm the character of the area so is acceptable within the Village Infill 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. 		
INFORMATION ABOUT FINANCIAL BENEFITS OF PROPOSAL	<p><u>The following are considered to be material to the application:</u></p> <p>Contributions to be secured through Section 106 legal agreement: Not applicable</p> <p>Contributions to be secured through CIL: N/A</p>		
APPLICANT	Mr Tony Philips	AGENT	Mr Barry Mills
WARD	Ferndown South	PARISH/ TOWN COUNCIL	Ferndown Town
PUBLICITY EXPIRY DATE	15 July 2019	OFFICER SITE VISIT DATE	12 August 2019
DECISION DUE DATE	18 June 2019	EXT. OF TIME	None agreed

RELEVANT PLANNING HISTORY			
App No	Proposal	Decision	Date
3/19/1737/FUL	Proposal to enhance the existing use of the land for equestrian purposes, granted by 3/11/0805, and to overcome requirements of enforcement notice 2011, for a private equestrian use comprising of paddocks, 8no horses, tack building,	Under consideration	

	stabling with ancillary WC and showers rooms, and works to the fabric of existing buildings.		
3/19/1015/FUL	To reconstruct shed back to original use as a storage unit for agricultural and equestrian use (Part retrospective)	Refused-Harm to Green Belt	13 Nov 2019
3/19/1014/FUL	Change of use of land from agricultural purpose to use as recreational day centre for disabled persons including creation of pond, wheelchair accessible paths and garden area and erection of 2 No. polytunnels. Retention of existing unauthorised building to provide kitchen, changing room, toilets, shower room and workshop for disabled persons.	Under consideration	
3/19/1013/HOU	Form covered walkway from Unit 3 to annexe, new conservatory and new porch to annexe.	Under consideration	
3/18/2235/FUL	Divide existing dwelling (bungalow) and annexe into 3 no separate dwellings (2 no 2 bed and 1 no 3 bedroom dwellings) with parking	Granted (condition 4 removing PD rights removed at appeal Condition 5 restricting use of annexe to remain)	21 March 2019
3/14/0551/HOU	Extension To Existing Dwelling	Granted at appeal	25 March 2015
3/13/0241/HOU	Construct Lean To Veranda On Western And Southern Elevations Of Dwelling	Granted	29 May 2013
3/10/0383/FUL	Re-submission and Amendment of Planning Permission Reference 3/08/0101/FUL. (Amended Plans Received 12/07/10).	Granted	30 July 2010
3/08/0101/FUL	Erection of single storey bungalow	Granted at appeal	18 March 2008

MAIN REPORT

1.0 DESCRIPTION OF SITE AND SURROUNDINGS

- 1.01 The application site lies in the Longham Village Envelope within washed over South East Dorset Green Belt. The site includes three dwellings as a result of the recent planning permission to divide the original single property. The larger land holding is predominantly grassed and in equine use. Access is gained from Ringwood Road along a private drive which also serves other dwellings.
- 1.02 The dwelling to which this application relates (unit 3) is to the north of the terrace and is set back compared to units 1 and 2. A detached annexe building is positioned to the west of the dwelling and partially obscures views of its frontage on approach up the drive. The structure attached to the annexe lies outside of the application site and is subject to Enforcement Action & current planning applications (informative note 1). There is an existing detached garden room in the rear garden of the property.

2.0 PROPOSAL

- 2.1 It is proposed to extend the dwelling to the north (side) to form a porch, third bedroom and shower room. The flat roof of the dwelling would be extended over the new footprint.

3.0 SUMMARY OF INFORMATION

All measurements approximate	Existing dwelling	Proposed extension
Width (m)	9m	3.7m
Depth (m)	11.5m	8m
Height (m)	3m	3m
Distance between side elevation and north boundary with no. 65	2m	1m
Parking Spaces	3	3

4.0 RELEVANT PLANNING CONSTRAINTS

Green Belt/ Village Infilling
 SSSI Impact Risk Zone
 Groundwater Protection Zone
 Source Protection Zone
 Highways Inspected Network
 Heathland 5km Consultation Area

Airport Safeguarding
Tree Preservation Order
Airport Safeguarding

5.0 POLICY AND OTHER CONSIDERATIONS

Development Plan:

Christchurch and East Dorset Core Strategy 2014

- KS1 Presumption in favour of sustainable development
- KS2 Settlement Hierarchy
- KS12 Parking Provision
- GB7 Infill development will be allowed within Village Envelopes, subject to criteria.
- HE1 Valuing and Conserving our Historic Environment
- HE2 Design of new development

The National Planning Policy Framework (2019)

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. Where the development plan is absent, silent or relevant policies are out-of-date then permission should be granted unless any adverse impacts of approval would significantly and demonstrably outweigh the benefits when assessed against the NPPF or specific policies in the NPPF indicate development should be restricted.

Relevant NPPF sections include:

Section 12 Achieving well-designed places

The requirement for good design set out in section 12; paragraph 127 requires that development should add to the overall quality of the area. Permission should be refused for development of poor design that fails to take opportunities available for improving the character and quality of an area and the way it functions (para 130).

National Design Guide (2019)

Part 2 – The ten characteristics (A well-designed place)

6.0 LOCAL REPRESENTATIONS

- 6.01 In addition to letters to neighbouring properties, a site notice was posted on the site on 21 June 2019 with an expiry date for consultation of 15 July 2019.

No letters of representation have been received.

7.0 CONSULTATIONS

- 7.01 Ferndown Town Council (Obtained via minutes of meeting)

Objection, Members considered that the extension would be detrimental to the openness of the Green Belt.

7.02 Natural England (rec'd 26 June 2019)
No comments

7.03 Dorset Council Highways (rec'd 2 July 2019)
No objection

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

8.0 APPRAISAL

- 8.01 The main planning considerations are:
- The principle of development
 - The impact on the character of the area
 - The impact on amenity
 - The impact on highway safety
- These and other considerations are set out below.

The principle of development

- 8.02 The site lies within the Longham Village Infill Policy Envelope which over washes the Green Belt. Policy KS2 identifies Longham as a Village in which *'very limited development will be allowed that supports the role of the settlement as a provider of services to its home community'*.
- 8.03 Ferndown Town Council has objected to the proposal on the grounds that the development would harm the openness of the Green Belt but saved policy GB7 states that infill development will be allowed in this area provided that it is contained wholly within the Village Infill Envelope and should be of a scale and character that respects the existing village form.

The impact on the character of the area

- 8.04 The existing dwellings on the site are screened in views from Ringwood Road to the east by fencing, and in views from the south and north by other dwellings and because of their low height.
- 8.05 In considering the appeal against refusal of a previous side extension to the original single dwelling (APP/U1240/D/14/2228334, dated 25 March 2015) the Inspector commented:

'The Council are of the view that the proposed extension by reason of its size and scale would add to the existing large footprint of the host dwelling and would result in a dwelling that would be out of keeping with the surrounding development. I acknowledge that the host property has a larger footprint than most of the surrounding properties and the proposed extension would add to this. However, the property sits comfortably within the wider area and does

not compete with the other dwellings due to its low height, a view shared by a previous Inspector (APP/U1240/D/12/2176978, dated 19 November 2012).'

8.06 He went on to comment:

'The Council has also raised concerns that the proposal would be at odds with the other properties by virtue of their more traditional appearance and materials. However, the modern design of the host property and its materials have already been established on the site and in any event, I consider that the host property sits comfortably within the surrounding dwellings.'

8.07 When considering the recent appeal against conditions attached to the grant of permission for the division of the dwelling into 3 units (APP/U1240/W/19/3226887 dated 21 October 2019), the Inspector commented in relation to the reasonableness of removing permitted development rights:

'any extensions to the rear of the buildings would still be well below the height of the neighbouring buildings to the north and south, and taking into account the sprawling and unplanned appearance of the dwellings it is unlikely that the further extensions would harm the character and appearance of the area.'

The Council is concerned that an extension built to the side of Unit 3 by exercising PD rights could result in the loss of existing vegetation. However, I give this matter little weight as the space to the side of the dwelling is small, which limits the potential for extensions in this direction, and vegetation here is limited and not prominent to view in the area.'

8.08 The current proposal is for a modest side extension to unit 3, of the same height and form as the existing dwelling. It would retain space to the north for vegetation. As the proposal is set back from the frontage of the property and is screened by the annex to the west, by fencing and vegetation to the north, by an outbuilding and fencing to the east it will not have any impact on the character of the area despite resulting in built form stretching across the plot.

Impact on Amenity

8.09 The proposal will introduce an additional dwelling creating a three bedroom property with a detached but this further intensification of the use of the site is not judged likely to impact on neighbouring amenity by reason of disturbance.

8.10 The extension is sufficiently screened from no. 65 and unit 2 to avoid harm to neighbouring amenity.

Impact on highway safety

8.11 The block plan has been revised from that permitted under the previous approval so that the three parking spaces in front of unit 3 are now shown. This is sufficient for the proposed dwelling and its annexe. The existing vehicular access is to be utilised so no harm to highway safety is anticipated.

Other issues

- 8.12 The Manor House, a Grade II listed building lies to the south but the extension is screened from that property by Units 1 and 2 Misty Meadows. No harm to the setting of the heritage asset has been identified.
- 8.13 The application was submitted prior to the latest appeal decision which removed the planning condition that limiting permitted development rights for extensions. As such a similar side extension (0.1m narrower) could now be achieved without the need for express planning permission. A condition requiring that materials match the existing property, as would be imposed by permitted development legislation, is necessary and reasonable in the interests of visual amenity (condition 3).
- 8.14 As the application is in full rather than a householder and the submitted floor plans include the annexe accommodation, it is considered necessary to re-impose the condition that the annexe shall only be used ancillary to the dwelling as was found to be reasonable by the Inspector at the latest appeal (APP/U1240/W/19/3226887 dated 21 October 2019) (condition 4).

CONCLUSION

- 8.14 Taking into account the considerations set out above, the application is found to accord with the development plan and national planning policy and guidance. There are not considered to be any matters which would warrant a refusal of planning permission in this case and the application is therefore recommended for approval.

9.0 HUMAN RIGHTS

- 9.01 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
- 9.02 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.

10.0 PUBLIC SECTOR EQUALITIES DUTY

- 10.01 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.

- 10.02 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.

11.0 CLIMATE IMPLICATIONS

- 11.01 The proposal is small scale and will be designed to conform to Building Control regulations in its construction which will help reduce the carbon footprint of the ongoing heating and running of the building. For these reasons the proposal it is not considered to have a significant impact on climate change.

12.0 RECOMMENDATION - Grant, subject to the following:

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.

2. The development hereby permitted shall be carried out in accordance with the following approved plans:
J.18.2019-05 Location Plan
J.18.2019-06 rev B Block Plan
J.18.2019-03 Proposed Floor plans and elevations

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

3. The materials and finishes to be employed on the external faces of the development, hereby permitted, shall match those of the existing building unless otherwise first agreed in writing by the Local Planning Authority.

Reason: To ensure satisfactory visual relationship of the new development to the existing.

4. The detached annexe accommodation shall be used solely for residential purposes ancillary to dwelling 3 and shall not be used at any time as a separate unit of living accommodation.

Reason: In the interests of protecting local character, neighbouring amenity and to avoid significant impacts on internationally protected Dorset Heathland.

Informatives:

1. The applicant is advised that the structure shown on the floor plans as being attached to the annexe is not approved. This building lies outside of the application site.

Background Documents:

Case Officer: Elizabeth Adams

NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.

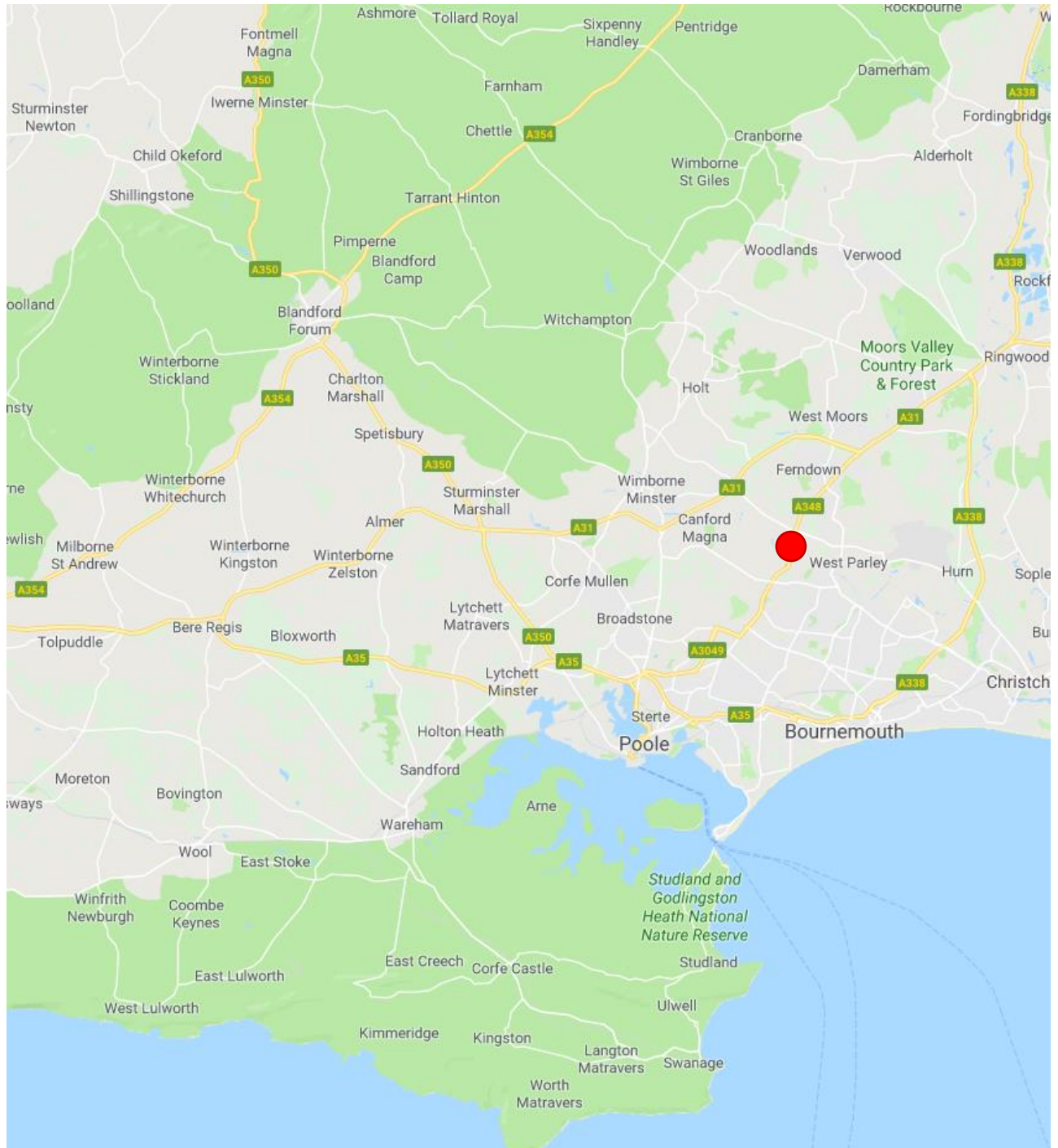
The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.

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Approximate Site Location 

3/19/0985/HOU – Misty Meadow, 147 Ringwood Road, Longham, BH22 9AB

Proposal: Proposed single storey extension to Unit 3 to form bedroom and en-suite



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Eastern Area Planning Committee

Dorchester Road, Upton – Proposed Zebra Crossing

Date of Meeting: 4 December 2019
Portfolio Holder: Cllr R Bryan, Highways, Travel and Environment
Local Members: Cllr Brenton, Cllr Pipe & Cllr Starr
Director: John Sellgren, Executive Director of Place

Executive Summary:

The main B3067, Dorchester Road, divides Upton in half which can lead to community severance with pedestrians having difficulty crossing the road safely.

A proposal for a crossing scheme was originally requested by Upton & Lytchett Minster Town Council to improve safety and accessibility and to encourage more walking to local schools. The site was subsequently assessed by way of traffic and pedestrian surveys, which concluded that the location met the crossing criteria and added to the future programme.

The proposal is also supported by the 3 Dorset Councillors for Lytchett and Upton.

The proposed location of the crossing is adjacent to Upton Methodist Church, which houses a pre-school and nursery facility and is on an established walking route to Upton Infant and Junior Schools which are located nearby. The proposed crossing location meets criteria following pedestrian and traffic surveys carried out in the vicinity.

The zebra crossing proposal was formally advertised by way of a Public Notice in February 2018. Three objections were received and therefore a report was considered by the Dorset County Council Regulatory Committee of 12 July 2018. It was recommended that officers review the scheme in light of concerns raised by residents.

Officers have now carried out a project review taking in to account the points raised by residents and at the committee. It also takes in to account the original objections and representations and whether the proposed Zebra crossing should be implemented as advertised.

Equalities Impact Assessment:

An Equalities Impact Assessment for overall scheme was carried out in February 2017. This concluded that there will be no discriminatory or negative consequences

for any sector of the community on the grounds of gender, race or ethnicity, sex, sexual orientation or other socially excluded groups.

Budget:

The Zebra Crossing is estimated to cost £60,000 and is allocated from the Local Transport Plan budget for 2019/20.

Risk Assessment:

Having considered the risks associated with this decision using the Council's approved risk management methodology, it is the officer's opinion that there are no High risks that need to be reported. The level of risk has been identified as:

Current Risk: MEDIUM
Residual Risk MEDIUM

Climate implications:

There are no Climate Change implications.

Other Implications:

The proposed crossing will provide a safe and sustainable travel choice for pupils and parents attending nearby schools. This will also increase walking and provide additional physical activity.

Recommendation:

That having considered the community support, objections received and officers scheme appraisal following the DCC Regulatory Committee recommendation, this committee recommends to executive that the provision of a Zebra crossing as per the scheme plan in Appendix 4 is approved.

Reason for Recommendation:

The proposals will allow for the provision of a Zebra crossing facility on Dorchester Road, Upton which will provide a safe crossing point for local school pupils, parents and the wider community across a busy 'B' class road.

The proposed zebra crossing will not adversely affect the amenity of adjacent properties and the church.

Appendices:

Appendix 1 – Extract of
Appendix 2 – Location Plan
Appendix 3 – Pedestrian Desire Lines
Appendix 4 – Zebra Crossing Scheme Plan

Background Papers:

1. DCC Regulatory Committee Report 12 July 2018
2. Minutes for 12 July 2018 Dorset County Council, Regulatory Committee
3. Primary consultation responses from the Town Council, Dorset Police and the local Dorset Councillors are held on file in the Environment and the Economy Directorate.

Officer Contact:

Name: Andrew Brown

Tel: 01305 225142

Email: andrew.brown@dorsetcouncil.gov.uk

1. Background

- 1.1 The scheme was originally requested by Upton and Lytchett Minster Town Council in support of the Local Member for the Division at that time. The Town Council have recently re-iterated their support for the proposal.
- 1.2 A pre-feasibility study was undertaken which investigated three options; a pedestrian refuge to the east of Sea View Road junction, a zebra crossing to the east of the Sea View Road junction and a zebra crossing to west of the Sea View Road junction. The final option was discounted as it was away from the natural desire line. Of the first and second options, the zebra crossing was preferred and was taken forward.
- 1.3 Dorchester Road is within the town 30mph restriction. Peak flows of traffic are typically between the times of 08:00-09:00 and 15:00-16:00 which correlates with school hours when the crossing would be used the most.
- 1.4 A 12-hour usage survey was undertaken in November 2015 between the hours of 07:00 and 19:00 within a 50m range either side of the Sea View Road Junction, the results have shown an ADPV² of 0.62 which meets the requirements for a pedestrian crossing which is 0.40. This is an index-based formula based on traffic and pedestrian flow which determines the suitability of a site for a pedestrian crossing.
- 1.5 Over the latest three-year period there have been no reported collisions within 50 metres of the junction of Sea View Road.
- 1.6 The proposed crossing meets with council policy and has been prioritised in the Local Transport Plan where it met criteria for funding.
- 1.7 The zebra crossing proposal was formally advertised by way of a Public Notice in February 2018 Three objections were received and therefore a report was considered by the Dorset County Council Regulatory Committee of 12 July 2018 with the following recommendation:

Resolved

1. *That a decision to recommend the Cabinet to approve the provision of a zebra crossing as advertised be deferred.*
2. *That officers provide a further report taking into consideration the parking situation with regard to the use of zig zag lines, car parking for the hearse, and amelioration measures for light pollution and the possible inclusion of a pelican or zebra crossing.*

2. Law

2.1 Under Section 23 of the Road Traffic Regulation Act 1984 the Zebra crossing Public Notice was advertised in February 2018 as part of the public consultation process. Copies of the Public Notice were placed on lighting columns at the proposed site and sent, together with a scheme plan, to residential properties in the immediate vicinity.

3. Review

- 3.1 Following committee resolution, the scheme was reviewed to take account of the points raised. The proposed zebra crossing was re-assessed along with a further look at the possible implementation of a traffic signal-controlled puffin crossing with push buttons, red/green man etc.
- 3.2 Both zebra and puffin crossing options are on the same foot print providing a crossing point with associated zig zag markings on the approaches that prohibit parking in the area. The southern side of Dorchester Road has existing parking restrictions in front of the Methodist Church.
- 3.3 The proposed Zebra Crossing is located on the pedestrian desire line, especially for children and parents going to/from the estates north of Dorchester Road to Upton Junior School located off Seaview Road to the south. It is hoped that this will encourage walking and cycling to/from the school thereby improving health and wellbeing.
- 3.4 During the original design stage, the Methodist Chapel had raised an objection due to them being unable to park a hearse on zig zag lines for funerals. It is understood that the church on average has 6 funerals a year normally outside of school entry/exit times. Some of the zig zag lines on the exit side of the crossing were subsequently changed to double yellow lines to facilitate this. The remaining zig zag lines meet the statutory requirements. No further objection had been received from them.
- 3.5 Objections received in the original advert include the following themes:
 - Loss of parking on the north side due the crossing and associated zig zag markings

- Potential for increased noise pollution with vehicles braking then accelerating away
- Light pollution from the flashing belisha beacons
- Street furniture clutter outside houses
- The crossing is closely located to the Seaview Road junction
- Loss of amenity and devalue property

3.6 In review when considering installation of a zebra or a push button 'puffin' crossing it is considered that a zebra crossing is the most appropriate crossing type in this location. A puffin crossing would require more street furniture including a controller box which is not required for a zebra. The belisha beacons are also less intrusive to local residents than puffin crossing signal heads. As raised at the DCC Regulatory Committee and to ensure that light pollution to adjoining properties is kept to minimum, hoods will be installed on the belisha beacons.

3.7 The distance of the proposed crossing from the Seaview Road junction is greater than 5 metres, which complies with national design guidance.

3.8 The overall level of traffic noise at adjacent properties is unlikely to change significantly as a result of the crossing. The noise characteristics of individual vehicles may be different if they are slowing down for or pulling away from the crossing. Consideration has also been given to the potential for noise disturbance from the crossing itself. A zebra crossing has the advantage over a push button Puffin crossing that it produces no audible sound while pedestrians are crossing, which could otherwise be intrusive to adjacent residents.

3.9 Although there will be a loss of on-street parking on the northern side, it is noted that all the adjoining properties have substantial off-street driveway parking. The Methodist Chapel also has a car park accessed from Seaview Road for those attending services.

3.10 Concerns over the devaluation of a property following the installation of a new crossing are subjective and difficult to quantify. Officers are not aware of evidence that would support this assertion.

4. Conclusion and Recommendation

4.1 The Zebra Crossing will provide a safe crossing point and in particular for children on their route to/from local schools. It is on the desire line being located near the footpaths that lead to housing estates on the north side of Dorchester Road.

4.2 Following the design review, it is the officer's opinion that the Zebra Crossing is the most appropriate crossing facility to be installed in this location. The design has been amended to take account of issues raised previously including the installation of hoods on the belisha beacons to

reduce light pollution to adjacent properties and a reduction in the zig zag markings on the church side to allow hearses to park safely.

4.3 The proposed scheme was requested and supported by Upton and Lychett Minster Town Council and is well supported by the local wider community, although it is noted that there are local objections in the vicinity.

4.4 Having considered the objections submitted as part of the consultation process, officers feel that the position of the crossing, in relation to the properties, will have negligible impact on residents' amenity value.

4.5 That having considered the community support, objections received and officers scheme appraisal following the DCC Regulatory Committee recommendation, this committee recommends to executive that the provision of a Zebra crossing as per the scheme plan in Appendix 4 is approved.

Appendix 1

Extract of Minutes and Recommendation 12 July 2018 DCC Regulatory Committee

Proposed Zebra Crossing, Dorchester Road, Upton

33 The Committee considered a report by the Service Director Highways and Emergency Planning on a proposed zebra crossing on Dorchester Road, Upton.

The Project Engineer (Democratic) provided a presentation and detailed introduction to the proposal, including photographs of all aspects of its location. The crossing had been requested by the Town Council and Local County Councillor because of concerns for the safety of pedestrians and particularly of children going to the Infant and Junior Schools. The site did meet the County Council's policy for a zebra crossing and was supported by all primary consultees. During the design stage the Methodist Chapel had raised an objection due to them being unable to park a hearse on zig zag lines for funerals. The zig zag lines were subsequently changed to double yellow lines to facilitate this. No further objection had been received from them. The proposal had been advertised and there had been three objections from residents living in the immediate vicinity relating to them not being able to park outside their houses and light pollution. Photographs illustrated the off-road parking available for residents, the short walking distance to available on road parking and that light pollution could be addressed retrospectively by the fitting of hoods if necessary. In summary the crossing would provide a safe crossing point, particularly for children walking to and from school, there was negligible impact on residents' amenity, and the crossing should be implemented as advertised.

A statement from Mr Baker, owner of a property adjacent to the proposed location of the zebra crossing, setting out his concerns was read out. This is attached in Annexure 1 to these minutes.

A statement from the Local Member for Lychett Minster and Upton, Councillor Bill Pipe, in support of the proposal was read out. This is attached in Annexure 1 to these minutes.

In response to members' questions it was explained that the zebra crossing was off centre from the passageway in order to reduce the risk of children running out onto the crossing; the parking of a hearse on the double yellow lines met statutory guidance and would be infrequent and mostly not at school start and end times; drivers approaching the crossing would be at low speed and taking due care; because the crossing was uncontrolled drivers needed to be alerted to its position; it was not national practice for crossing lights to be intermittent or only when someone was waiting to cross; the hearse could be unloaded and loaded on double yellow lines but would be expected to move to a safe distance after unloading and before returning later; double yellow lines would not restrict access; a "no loading or unloading"

restriction could be considered at a later date if it were to become a problem; the disabled would be able to park on the double yellow lines and there was ample on street parking nearby on Dorchester Road; normally in lower speed areas a zebra crossing was preferred to a controlled crossing; and the fitting of hoods to reduce light pollution could be considered at a later date if appropriate.

Members then discussed the proposal in detail. Whilst recognising that a zebra crossing would increase safety in some respects, there was still concern for pedestrian safety during times when a hearse was parked on the double yellow lines. Members also remained concerned about light pollution when other types of crossing would reduce this and they suggested that the hoods should be there from the outset. They asked whether cost had played any part in proposing a zebra crossing and whether all avenues had been explored. In view of the concerns, it was proposed and seconded that a decision be deferred.

The Project Team Manager addressed members' concerns: a zebra crossing was considered far more appropriate in an urban situation as this gave pedestrians the immediate right to cross the road without waiting for a signal controlled crossing; the hearse was currently parking on the road for funerals; the hearse would be parked to the west of the zebra crossing on the downstream side and not affect driver visibility of people crossing the road; hoods could be fitted from the outset but this was not standard practice; and there had been no recorded accidents in the area over the last five years. Any change to the proposed design would mean a re-negotiation with the Methodist Chapel.

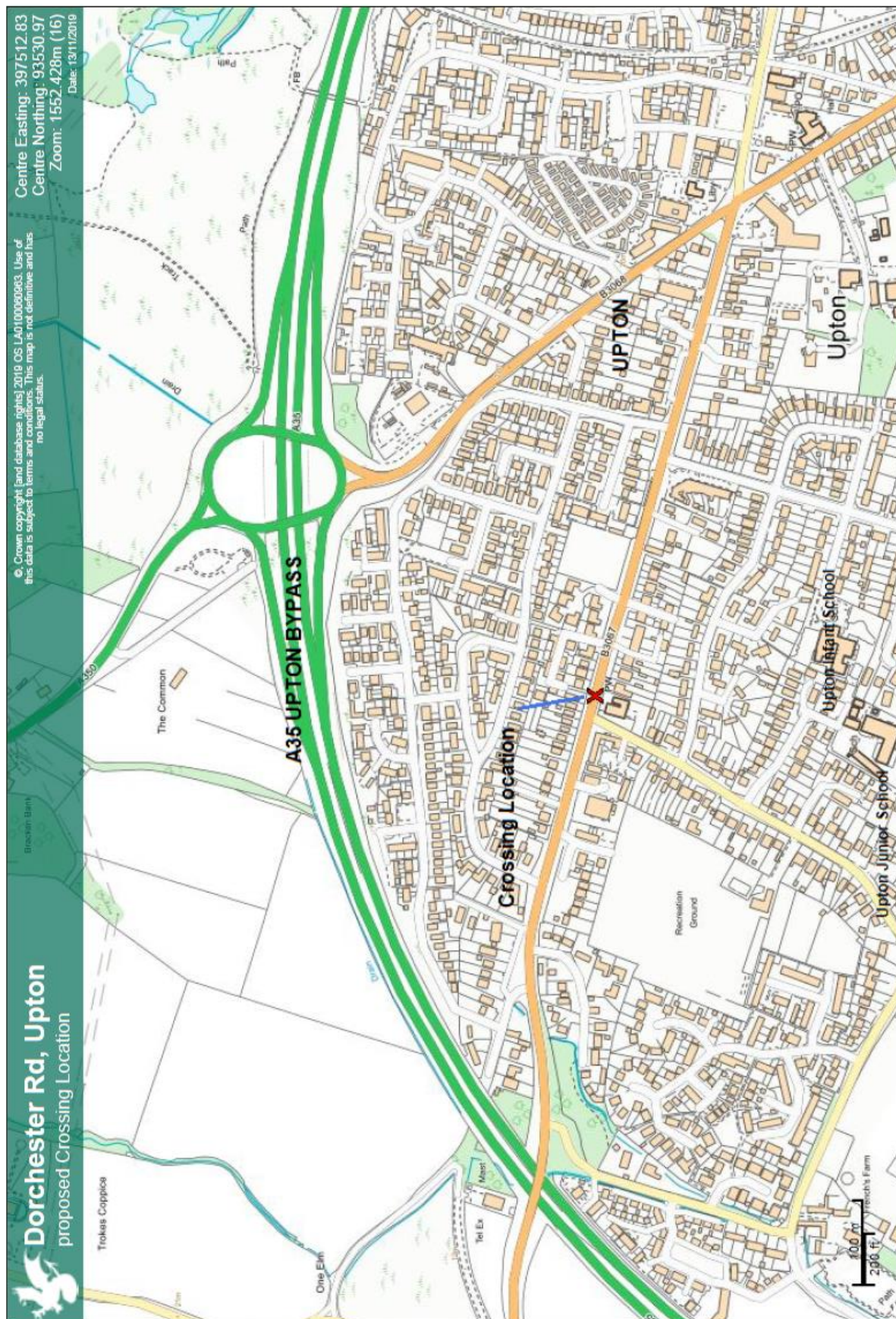
The Chairman's view was that under normal circumstances a zebra crossing was perfectly adequate: unless a funeral coincided with school opening or closing times there was no cause for concern about child safety; the hearse currently parked outside the Methodist Chapel for funerals; lights to be fitted could only be seen clearly on the crossing's approach and assurance was given that hoods could be fitted if necessary at a later date to ameliorate light pollution; and the proposal would enhance the safety of children. Whilst understanding the concerns raised, he could see no reason for the proposal to be refused and he did not support deferral.

Having discussed the proposal various opinions were expressed both in favour and against. On putting the deferral to the vote members

Resolved

1. That a decision to recommend the Cabinet to approve the provision of a zebra crossing as advertised be deferred.
2. That officers provide a further report taking into consideration the parking situation with regard to the use of zig zag lines, car parking for the hearse, and amelioration measures for light pollution and the possible inclusion of a pelican or zebra crossing.

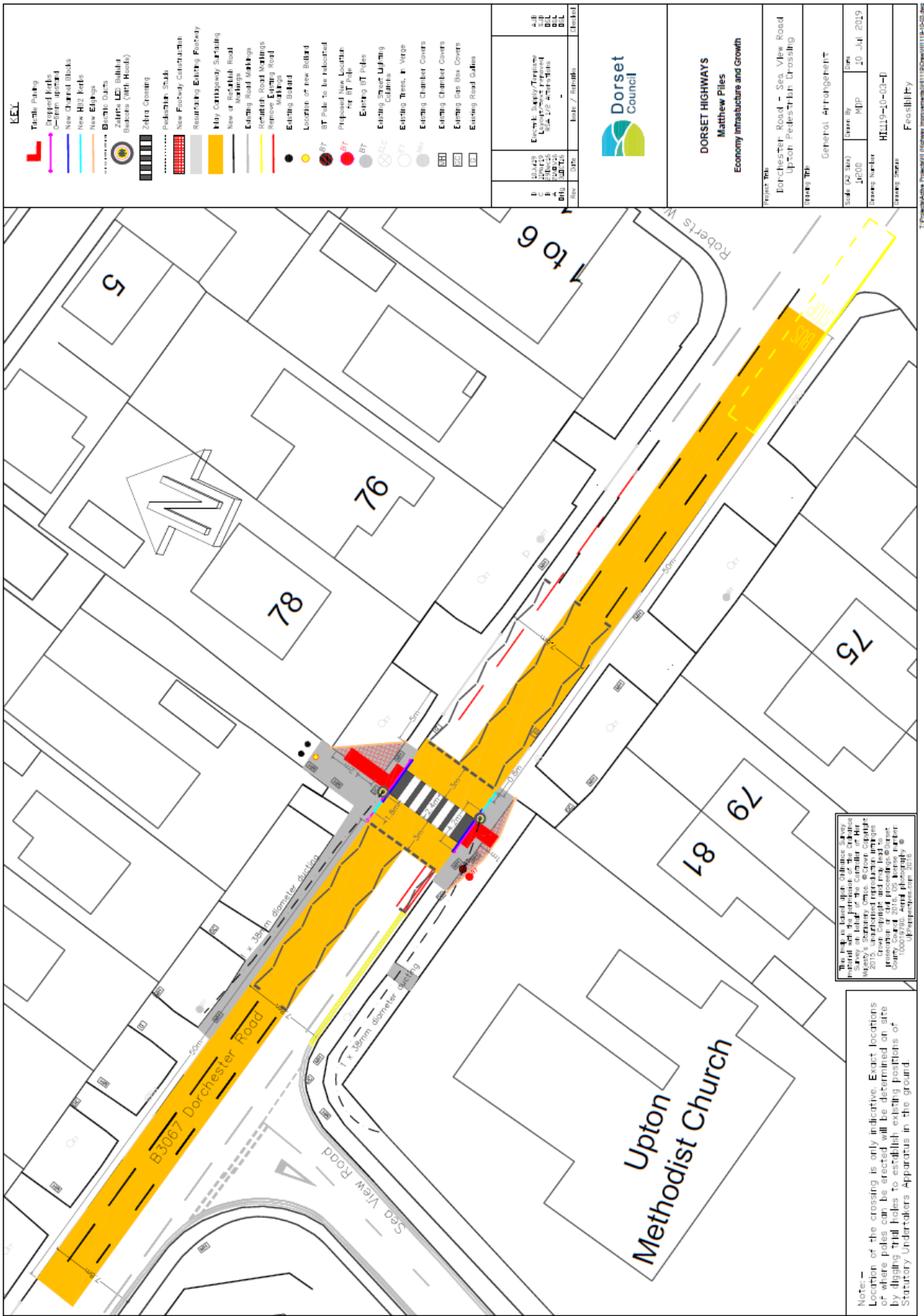
Appendix 2 – Location Plan



Appendix 3 – Pedestrian Desire Lines



Appendix 4 – Zebra Crossing Scheme Plan



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EASTERN PLANNING COMMITTEE

Appeal Decisions

1. PURPOSE AND RECOMMENDATIONS

Purpose of Report:	To inform Members of notified appeals and appeal decisions and to take them into account as a material consideration in the Planning Committee's future decisions.
Recommendations:	It is RECOMMENDED that: (This report is for Information)
Wards:	Council-wide

3.0 APPEAL DECISIONS

3.1 Appeal Reference: APP/U1240/W/19/3230300

Planning Reference: 3/19/0532/FUL

Proposal: Conversion and extension of the existing single garage into a 1-bedroom detached dwelling with associated driveway and hard and soft landscaping. Erect a new detached garage and access driveway for the existing dwelling house

Address: 1 Down Lodge Close, Alderholt, Fordingbridge, Dorset, SP6 3JA

Decision: Appeal dismissed

The application for the conversion and extension of the existing garage to a 1 bedroom detached dwelling and associated works and the erection of a detached garage and new access for the existing dwelling was refused by delegated powers in April 2019.

An initial design was proposed but received objections from DC Highways and amended plans were received addressing highways safety issues in relation to the proposed access. However, the application was refused as the proposed conversion of the garage to a 1 bed dwelling would represent a cramped, contrived and incongruous feature emphasised by the limited dimensions and shape of the plot, the elevated position of the new dwelling relative to the parent property, boundary screening, and lack of opportunities for soft landscaping as a consequence of the need to secure functional parking provision for both the proposed dwelling and parent property.

The inspector noted whilst the development would not be visible from a wide area, the impact to the character and appearance of the site would still be evident from public vantage points such as the adjacent highway. It was also

noted there have been garage conversions and extensions in the area, but this does not suggest that this proposed development is appropriate, with each case taken on its own merits also. The inspector agreed that due to the cramped form of development, the proposal would result in harm to the character and appearance of the area and the street scene.

3.2 Appeal Reference: APP/U1240/X/19/3227182

Planning Reference: 3/18/1373/CLE

Proposal: Silversmiths business (industrial manufacturing unit)

Address: Land adj. to the Anchorage, Blandford Rd, Corfe Mullen, BH21 3HE

Decision: Appeal Dismissed

This appeal concerned an application for a Lawful Use Certificate for the use of a piece of land with a garage on it as a silversmith business (industrial manufacturing unit) on a piece of land immediately to the north west of the dwelling known as The Anchorage.

The Inspector considered the information given by local residents suggested that the silversmith business is likely to have been of a reasonably modest scale, and was a use incidental to the enjoyment of the adjoining dwelling at The Anchorage, as opposed to either being part of a mixed use or being a physically and functionally separate industrial use.

The size and appearance of the building, was considered by the Inspector to be more akin to that of a residential garage as opposed to an industrial unit, and based on the available evidence, as a matter of fact and degree and on the balance of probability, the Inspector was not persuaded that the silversmith business was of such a significant scale that the use was physically and functionally separate from the adjoining dwelling for a period of more than ten years prior to the application date.

The Inspector concluded that a Lawful Development Certificate (LDC) cannot be granted, as the evidence available is not sufficiently clear, precise and unambiguous to show that the use began more than ten years before the date of the application and continued without material interruption thereafter.

It was accepted that use of the site as a builder's store had involved a material change of use of the site and the Inspector considered the builder's store use occurring on the date of the application was unlawful, as no planning permission had been obtained.

The inspector advised that according to relevant planning case law, the effect of an unlawful material change of use is that previous lawful use rights are extinguished. If, following an unlawful use ceasing, a previous use is resumed it would be in breach of planning control, unless planning permission had first been obtained.

Therefore, the Inspector advised that even if it had been shown that the use applied for had been continuous for the required period, that use was not subsisting on the application date as it had been supplanted by the unlawful use as a builder's store. As a result, an LDC could not have been granted in any event.

3.3 **Appeal Reference: APP/U1240/W/19/3230314**

Planning Reference: 3/19/3300/FUL

Proposal: Change of use of the land from a mixed use for the siting of static caravans, touring caravans and tents to the siting of solely static caravans and lodges

Address: Wilksworth Farm Caravan Park, Cranborne Road, Colehill BH21 4HW

Decision: Appeal dismissed

The appeal site; which is in use as a holiday park, lies in the South East Dorset Green Belt to the north of Wimborne. The site is separated from the surrounding agricultural fields by trees and hedges. The park comprises 77 static pitches, 60 touring caravan pitches and 25 tented pitches, centred around a complex of permanent buildings.

Static pitches occupy the northern and western part of the site and are closely spaced on hard standings, served by a network of permanent roads. The southern and eastern parts of the site accommodate touring caravans and tents. These parts of the site have a quite different character, comprising largely of grassland, with fewer roads and hard standings.

The appeal proposed converting the tent and touring caravan areas to static pitches providing 38 static caravans and 11 lodges, in place of the existing 60 touring pitches on the southern part of the site. On the eastern field 25 tent pitches would be replaced by 20 static caravans. Some reorganisation of the existing static caravans would enable provision of 5 additional units with an overall reduction in the number of pitches from 162 to 151.

The static caravans and lodges would be placed on gravel hard standings and accessed via a network of new site roads with a gravelled area of winter storage at the centre of the site converted to a grassed amenity area.

Green Belt Impacts

The inspector acknowledged that there would be a reduction in the number of holiday pitches on the site but considered that the static caravans would be likely to have a considerably larger volume than most touring caravans or tents and would occupy significantly more space.

'....the touring and tented areas will not be fully occupied at all times. Even at the height of the holiday season, I saw that there were considerable expanses of open grassland within the areas proposed for the static units. During the winter months these areas would be more sparsely occupied. In contrast, all

the static caravans would occupy the site for the entire year. Consequently, there would be a significant impact on the openness of large parts of the site.

10. I am mindful that the static caravans constitute a use of land, and that therefore they could be removed in the future. However, their all-year round siting, and the operational development for the hard standings, roads and parking spaces would give the development a degree of permanence. I appreciate that the legislation allows operational development required by the conditions of a caravan site licence to be carried out as permitted development, and that the appellant could choose to arrange the existing touring pitches to the same layout proposed for the static caravans. However, I have no evidence to suggest that this is more than a theoretical possibility. In any event, it is the permanent siting of the static caravans that would impact on openness'.

The inspector considered proposal to represent inappropriate development in the Green Belt contrary to Paragraph 143 of the NPPF.

Settings of Listed Buildings

The appeal site contains two listed buildings: Winksworth Farmhouse, which is Grade II*; and a granary, which is Grade II.

The current use of the southern field allows some connection between the Farmhouse and its historical countryside surroundings. The inspector judged that appeal proposals would significantly affect the way in which the Farmhouse is experienced from this part of the site. The close spacing of the proposed static caravans would block virtually all views of the listed building. As the caravans would be in position all year round, any remaining connection with the surrounding countryside would be lost, resulting in harm to the setting of the listed building.

The conversion of the gravelled area of winter storage to a landscaped amenity area would be beneficial to the immediate setting of both listed buildings but this would be a relatively small area of managed open space, entirely surrounded by closely spaced permanent caravans and buildings. The inspector concluded that this would not restore any connection between the listed buildings and their countryside surroundings nor would it offset the harm to the way in which the buildings are experienced from the southern and eastern fields.

'The public benefits of the scheme are, therefore, limited and do not outweigh the harm that I have identified to the setting of the listed buildings. Consequently, the proposals would be contrary to Policy HE1 of the Local Plan, which seeks to protect and enhance the significance of all heritage assets and their settings. The development would also conflict with the aim of Section 16 of the Framework, to conserve and enhance the historic environment'

The inspector concluded that the proposals would not preserve the openness of the Green Belt, would be inappropriate development in the Green Belt and

the public benefits of the development were not considered sufficient to outweigh harm to the setting of the listed buildings. The very special circumstances necessary to justify the proposal do not, therefore, exist.

3.4 **Appeal Reference: APP/U1240/W/19/3228453**

Planning Reference: 3/18/1533/FUL

Proposal: change of use of the land for the stationing of a non-residential static caravan (retrospective)

Address: Land adjacent to 29 Grange Road, St Leonards, Ringwood, Dorset BH24 2QE

Decision: Appeal Dismissed

Located within the South East Dorset Green Belt, the appeal site comprises a static caravan and forms part of a larger area, which the appellants use for the grazing of horses. The site's immediate surroundings are largely characterised by open fields and scattered buildings.

Green Belt

The National Planning Policy Framework (NPPF) makes it clear that inappropriate development is, by definition, harmful to the Green Belt and should not be approved, except in very special circumstances. The use of land for the stationing of a static caravan constitutes a material change of use, which is listed by paragraph 146 of the Framework amongst the forms of development which are not considered inappropriate in the Green Belt, provided they preserve its openness and do not conflict with the purposes of including land within it.

A fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open, openness is identified as one of the essential characteristics of the Green Belt.

.... 9. The static caravan is of a considerable size and is visible from within surrounding properties. Whilst the caravan is screened to some degree by existing metal sheet panels, the stationing of this structure has clearly had an adverse impact on the openness of the Green Belt, both in visual and spatial terms. The structure is visually intrusive, not just by reason of its size, but also its appearance and siting. Additionally, it represents encroachment into the countryside, thus conflicting with one of the fundamental aims of Green Belt policy.

10. As such, the appeal scheme has a harmful effect on the openness of the Green Belt and conflicts with at least one of the purposes of including land within it, as set out in paragraph 134 of the Framework. It therefore constitutes inappropriate development which, by definition, is harmful to the Green Belt....

Character and appearance

The appeal site lies within a field, which forms part of an area of grazing land and paddocks. Whilst the caravan is not widely visible within the street scene,

it can be seen from nearby properties and adds visual clutter to a landscape which is otherwise predominantly open. The colour, profile and overall design of the structure detract from the rural character and appearance of the locality.

For these reasons the inspector considered that the stationing of the caravan has a detrimental effect on the open character and appearance of this rural area contrary to Policy HE2 of the Christchurch and East Dorset Local Plan Part 1 – Core Strategy adopted April 2014 (LP) which requires the design of development to be of a high quality, reflecting and enhancing areas of recognised local distinctiveness.

Other considerations

The inspector had regard to arguments advanced on behalf of the appellants such as site security, animal welfare, a claimed ‘fall back’ position in respect of the previous use of the site for the storage of materials and the imposition of conditions or a temporary use but these were not sufficient to outweigh harm to the green belt by reasons of inappropriateness:

‘...21. The extensive site clearance and restoration works undertaken by the appellants weigh significantly in favour of the proposal. However, for the reasons detailed above, limited weight is afforded to the arguments advanced on animal welfare and security grounds, and to the suggested conditions. Little weight is also ascribed to the presented ‘fall back’ position.

22. When taken individually or cumulatively, the other considerations advanced in support of the scheme do not clearly outweigh the substantial harm to the Green Belt. Consequently, the very special circumstances that are necessary to justify inappropriate development in the Green Belt do not exist’.

3.4 Appeal Reference: APP/U1240/D/19/3233219

Planning Reference: 3/19/0287/HOU

Proposal: Porch to the side and renewed front wall on boundary

Address: 31 Albert Road, Corfe Mullen BH21 3QD

Decision: Split decision:
Appeal Dismissed for the wall
Appeal allowed for the porch

The appeal site is located in a residential area characterised by a spacious arrangement of bungalows set back from the road. Front boundaries in the vicinity of the appeal site are enclosed predominantly by low walls or hedges or both, giving a verdant appearance to the street scene.

The inspector considered the main issue under consideration to be the effect of the development on the character and appearance of the area.

‘The solid lower part of the wall would be taller than the modest low brick walls that front many properties in the area. The proposal also includes a series of pillars that would significantly increase the height and prominence of the

structure. Its scale would be further compounded by the close board fence panel inserts between the pillars, as specified on the submitted plan, which would result in a tall and solid boundary to the front of the plot. Where nearby boundaries are at a similar height to this they are almost always formed with hedges, which gives a soft appearance and accords with the spacious suburban character of the area. As such the proposed wall would fail to accord with the predominant form of front boundaries in the area owing to its scale, form and materials, and would therefore harm the area's character and appearance'.

For these reasons the Inspector considered that the wall would have a harmful effect on the character and appearance of the area contrary to Policy HE2 of the Christchurch and East Dorset Local Plan Part 1 – Core Strategy adopted April 2014 (LP) and section 12 of the National Planning Policy Framework (NPPF), which seek to ensure that development proposals are designed to a high quality that reflects and enhances local character and distinctiveness.

The Council raised no objection to the porch and this aspect of the development was not included in its refusal reason.

The Inspector concluded that the appeal should be allowed insofar as it relates to the porch but the renewed front wall should be dismissed. (split decision).

3.5 **Appeal Reference: APP/U1240/W/19/3220165**

Planning Reference: 3/17/3617/FUL

Proposal: Change of use and conversion of the existing public house to residential accommodation, to be combining with the existing residential accommodation to create 3no. 2 bedroom apartments with associated gardens, storage and parking

Address: The Roebuck Inn, 22 High Street, Sixpenny Handley SP5 5NR

Decision: Appeal allowed

The application to convert the Public House to residential accommodation was refused by the former East Dorset Planning Committee (December 2108) contrary to officer recommendation. The reason for refusal was that the loss of the facility would result in a substantial decline in the range and quality of services for local people contrary to policy PC5.

The Roebuck Inn is a prominently positioned building located centrally on the main road through the village of Sixpenny Handley. Internal accommodation comprises an open plan bar and dining area, a commercial kitchen, customer toilets, office and basement. A two bedroom flat with independent access exists at the first floor. To the rear is a modest courtyard area and there is an area for the parking of cars to the side.

The business has ceased trading and was offered for sale for a period of 15 months but there was strong local support for the retention of the business. It

was listed as an Asset of Community Value, although this listing has been lifted.

In his decision letter the Inspector had regard to National Government guidance set out in the National Planning Policy Framework (NPPF) which encourages the retention of community facilities and recognises the contribution that they can make to the overall aim of sustainable development by assisting the social cohesion of a settlement, reducing the need to travel and increasing access to services for those whose travel options are limited.

He also had regard to Policy PC5 of the Christchurch and East Dorset Local Plan Part 1 Core Strategy adopted 2014 (LP) which seeks to resist the loss of facilities including leisure facilities such as public houses unless it can be clearly demonstrated that there is insufficient demand and it is not feasible and viable to support their continued existence, and the loss would not result in a substantial decline in the range and quality of local services. The Policy is worded in such a way that matters of demand, viability and a substantial decline all need to be considered before the loss of a facility can be accepted.

Demand and viability

The property operated as a traditional wet led free house with dining. Evidence submitted by 'Savills' on behalf of the applicants demonstrates that trade has declined over the last few years with a significant decrease in turnover and profit between 2011 and 2017. The appellants are of the view that it can no longer continue to trade successfully.

The property was initially marketed with a guide price of £425,000 but this was reduced fairly quickly in two increments to £375,000.

A report, commissioned by the Sixpenny Handley Community Land Trust challenged the appellant's figures, by making comparisons with other sales in the area, and suggesting a much lower price.

A third report by the 'District Valuer Services' commissioned by the Council to test the Savills report, accepted that the initial asking price was on the high side; however, this was acknowledged by a quick and significant reduction in price, which demonstrated an intention to sell.

The inspector noted that particulars included at the end of the Savills report clarify that offers were invited in the order of £375,000, clarifying that this price was only a guide. Details of the property were widely circulated to an appropriate audience and Savills received 17 enquiries and carried out one formal viewing. No offers were made during this marketing campaign. Although no details are given, the inspector also had regard to the fact that the property was also subject to a separate marketing campaign from 2012 by a different agent.

'.....12. The DVS report concludes that the property was marketed suitably. The DVS (District Valuer Services) provides independent, impartial, valuation and professional property advice. Although the DVS surveyor may not have

carried out a visit to the site, I am satisfied that the DVS report represents a detailed and independent assessment, which is based on facts that go beyond those set out in the Savills report and are specific to the circumstances and location of the property. Accordingly, I attach significant weight to its findings. In contrast a significant portion of the Savills report looks at general national trends, with very little focus on the characteristics of the property or its context.

13. Evidence submitted shows that a portion of land to the rear of the property was developed following the grant of planning permission in 2007 for three dwellings. This included the demolition of a rear building which previously provided a pool room, back bar / function room and letting rooms. I accept that this has resulted in a reduction of facilities that can be offered at the property, which may have had an effect on trade and viability. No assessment of the impact of these changes are before me and these matters are not mentioned in the DVS report. However, it would be reasonable to assume that the Council considered the effect of granting permission in 2007 on the viability of the business, and in any case such a change was made lawfully and cannot now be undone. I accept that local residents may feel that this change has had a negative effect on trade, and the loss of these facilities may have had an impact on the 2005 and 2010 rateable values referred to in the DVS report. However, the trade figures provided in the Savills report are for a more recent period of time, and clearly show that current levels of trade are low and would not support a profitable business.

14. Several comments are before me that suggest that the business was deliberately run down in recent years, with reference to poor management, restricted and sporadic opening and an unwelcoming environment among other things. Such matters are difficult to assess; however, I note that the DVS report refers to reviews of the pub as overwhelmingly good. Furthermore, at my visit to the site, which included an internal inspection of the ground floor, I saw that the building was in a good state of repair and could not be considered physically run down. Failure to adhere to advertised opening times is likely to discourage regular customers; however I have no details of how often this occurred, and in any case am not satisfied by the evidence before me that these matters are the reason that the business is unviable.

15. The DVS report suggests that a different operator may be able to increase trade. However, I agree that this will always be limited by the characteristics of the property. The property is not of a size sufficient to make its mark as a destination pub, nor is it well located on a main transport route that would attract a significant volume of passing trade. It therefore relies primarily on local trade, which will always be limited by the small size of the village, and the competition of the very popular Penny Tap as a drinking venue, and Hanlega's for drink and food.

16. A copy of a letter has been submitted that refers to an offer made early this year to purchase the property. The letter is brief. It refers to making an offer informally during a telephone conversation rather than in writing. It does not explain the circumstances of the offer, how viable it is or why the offer was not made while the property was being actively marketed. For these reasons I

attach little weight to this submission. It is not sufficient to cause me to come to a different view on this main issue.

17. In summary, taking into account all the matters raised and based on the evidence before me, I find that the proposal would accord with the first part of Policy PC5 of the LP, as it has been clearly demonstrated that there is insufficient demand and it is not feasible or viable for the business to continue.’

Substantial decline in services

Sixpenny Handley village is designated in the LP as a rural service centre as a provider of community, leisure and retail facilities. The inspector agreed that the proposal would result in a decline in the range and quality of services for local people in the village, but Policy PC5 of the LP, requires that consideration be given to whether such a decline would be substantial.

In addition to the closure of the Roebuck Inn the inspector noted that the neighbouring post office recently ceased trading along with a cafe, and that a second public house closed in approximately 2000.

‘...19. However, similar venues for socialising do exist in the village. The Penny Tap is a small drinking venue housed in the sports pavilion at the eastern end of the village. I accept that it is not a traditional public house and does not offer food, and opening is limited to early evening Wednesday to Friday and Saturday afternoon. However, evidence before me demonstrates its clear popularity and despite its limited opening times I have no reason to believe it does not provide a similar social function to that provided by the Roebuck Inn. Although it is not as central in the village as the Roebuck Inn, it is close to the village hall, which could provide mutual benefits to both facilities, and it can be accessed via a short footpath from the back of the Church without needing to use the stretch of road that is without a pavement.

20. In a much more central location is Hanlega’s Restaurant and Bar which, although associated with Church Farm Caravan and Camping Park, is open to the public. Opening is restricted out of season to four days, however the bar is open late into the evening, and I have no reason to believe that it is a business that is aimed primarily at the caravan and camping clientele. Indeed, at my visit to the area I saw that the Church organises a men’s breakfast at Hanlega’s.

21. The site is within the Cranborne Chase Area of Outstanding Natural Beauty (AONB). Chapter 14 of the Cranborne Chase AONB Management Plan 2014 - 2019 raises concern regarding the loss of local services such as pubs in the context of maintaining viable rural communities. The Penny Tap and Hanlega’s Restaurant and Bar provide local residents with places to eat, drink and socialise. In addition to this, the village retains a butcher, shop, school and doctors surgery. In light of this I am not satisfied that the loss of the Roebuck Inn would turn the village into a dormitory settlement or further threaten remaining services. There are a number of popular pubs and restaurants in nearby villages, although I have given little weight to this matter as these would require a car journey and therefore do little to support

community cohesion or the range and quality of services available to the local people of Sixpenny Handley.

22. I note that the proposal would result in an increase in the number of dwellings in the area, and other new dwellings are planned. However, the proposal in combination with other new housing planned for the village would represent a very modest increase in the size of the community. I am not satisfied that the increase would be so significant that the loss of the Roebuck Inn would be more severely felt.

23. In summary, I am satisfied that the remaining provision of services in the village would be adequate, and the loss of the Roebuck Inn would not result in the substantial decline of such facilities, in accordance with the latter part of Policy PC5 of the LP and the Framework, which seek to ensure that there would not be a substantial decline in the range and quality of services for local people, recognising the contribution that they can make to the overall aim of sustainable development’.

Other matters

The inspector had regard to objections raised by the Cranborne and West Wiltshire Downs AONB office in relation to, noise, parking, affordable housing and renewable energy. The proposal for three dwellings falls well below the threshold for requiring a portion of affordable housing and there is no requirement within the local development plan to incorporate renewable energy into a development proposal over and above the requirements of the building regulations

‘Similarly, using the building solely for residential accommodation is likely to reduce noise levels, particularly as the public house use included the open courtyard to the rear and an area of seating at the front of the building. In terms of parking, each unit would have two car parking spaces. This would appear to be entirely adequate taking into account the modest size of the flats, and I note that the Council is satisfied with this provision’.

A condition was imposed to address the AONBs concern about the impact of the development on dark night skies.

3.6 Costs application

Appeal Ref: APP/U1240/W/19/3220165

Proposal: Change of use and conversion of the existing public house to residential accommodation, to be combining with the existing residential accommodation to create 3no. 2 bedroom apartments with associated gardens, storage and parking

Address: The Roebuck Inn, 22 High Street, Sixpenny Handley SP5 5NR

Decision:: award of costs refused.

The applicants submitted a claim for costs on the basis that the Council acted unreasonably by ignoring the advice of its officers and refusing the application without evidence of material harm or policies to support its decision.

The inspector accepted that the officer report presented to councillors provided a clear recommendation that the presence of other similar facilities would mean that the loss of the Roebuck Inn would not result in a substantial decline in the range and quality of services available to local people. In his appeal decision the inspector also found this to be the case.

He also noted that there was a motion to approve the application at the committee meeting, when four councillors voted in favour and one abstained.

'...6. However, elected members of the Council are entitled to take a contrary view to officers, and I accept that elected members often bring a greater understanding of an area or local knowledge to the decision making process. Furthermore, the minutes of the committee meeting show that the officer recommendation was considered adequately, and that consideration was given to the other services and facilities that exist in the village, and whether the loss of the Roebuck Inn would result in a substantial decline, with clear reference to Policy PC5 of the Christchurch and East Dorset Local Plan Part 1 Core Strategy adopted 2014.

7. On this basis I am satisfied that councillors considered the recommendation made to them by council officers, but reached a different conclusion that was not vague or unsubstantiated, but was based on an objective analysis of the proposal's impact.

8. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated'.

3.7 Appeal Reference: APP/U1240/W/18/3219490

Planning Reference: 3/18/2082/FUL

Proposal: Erect two pairs of semi-detached dwellings with ancillary car parking.

Address: St Mary's Close, Sixpenny Handley, Salisbury, Dorset SP5 5NH

Decision: Appeal allowed

The pattern of development within Sixpenny Handley village comprises a mix of older, traditional properties, typically accessed off High Street with several multi-spur cul-de-sac developments of two and single storey dwellings of more modern character. Interspersed amongst these are original farmhouses and outbuildings. Plot sizes vary.

St Mary's Close is a multi-spur cul-de-sac development and provides a character and appearance distinguished by a street scene of modest, single storey dwellings each with its own garden and off-road parking. St. Mary's

Court is a horseshoe development around a pedestrian green which abuts St. Mary's Close and has direct pedestrian and cycle access to it. This access and all the vehicle parking and garaging for St. Mary's Court is located within the spur of St. Mary's Close leading to the rear of this substantial two storey, mews style, terraced development which is a very prominent and imposing feature at the end of this spur.

The application was refused by the former East Dorset Planning Committee (7th November 2018) contrary to the officer recommendation. The reason for refusal was that the two storey properties represented a cramped development that would be out of keeping with the character of the area and failed to conserve and enhance the scenic beauty of the AONB.

The Inspector considered that the proposal would not jar with the overall character of Sixpenny Handley and would sit well with the intermixture of historic buildings and modern styles already evident within the settlement, even though it would represent a departure from the character and form of development in St. Mary's Close. For these reasons the inspector did not consider this departure to be harmful, particularly bearing in mind the non-descript character of building form and design currently evident in St. Mary's Close.

The density of the proposed paired semi-detached properties creating two solid buildings to either side within the site, was judged to provide sufficient external space around the dwellings to offer adequate private domestic curtilage/garden for each dwelling, sufficient off-road parking to serve each unit and a manoeuvring area which would allow vehicles to enter and leave the site in forward gear. The stepped, open frame, timber car ports within the centre of the site provide a visibly permeable structure through which to view the open field beyond, in a manner similar to that offered through existing smaller tree growth within the site.

'...8. Accordingly, I do not consider the proposed built form represents an over-intensification or cramped form of development. The appeal scheme would provide the necessary space around the proposed buildings to provide a comparative sense of openness between and separation from neighbouring dwellings, off-road parking for visitors and a refuse collection area adjacent to the public highway.

9. The design, form and density of the proposal, on the edge of the developed area would (notwithstanding that the closest dwellings on its access road are bungalows) integrate well within the existing landscape and wider local character by providing a punctuating pocket of traditional development (juxtaposed with more modern development) similar to that evident elsewhere within Sixpenny Handley. I consider, on this basis, that it would conserve and enhance the landscape and scenic beauty of the Cranborne Chase Area of Outstanding Natural Beauty in accordance with Framework (meaning that therefore the presumption in favour of sustainable development does apply) and its design aims.

10. The proposal also allows sufficient space around the built form proposed to accommodate an adequate level of new planting of specimens which could mature to sufficient size to have a genuine mitigating effect. Landscaped plots are a strong characteristic of the area, with mature planting within front and rear gardens and to side boundaries’.

For these reasons the inspector concluded that the proposed development represents a sympathetic or enhancing, high quality, character development in accordance with policies LN2, HE2 and HE3 of the Christchurch and East Dorset Local Plan Part 1- Core Strategy 2014 (LP). It also meets the criteria laid out in the National Planning Policy Framework 2019 (NPPF) which promotes high quality, sustainable design.

3.8 Costs application

Appeal ref: APP/U1240/W/18/3219490

Proposal: Erect two pairs of semi-detached dwellings with ancillary car parking.

Address: St Mary’s Close, Sixpenny Handley, Salisbury, Dorset SP5 5NH

Decision : Award of costs refused.

In his decision letter the Inspector notes that the application process, including negotiation, amendment and augmentation of the submitted scheme was both lengthy and constructive. The appellant considered that Council Officers were consistent throughout the consideration of the application up until and including their written recommendation to Planning Committee.

The claim for costs submitted by the appellants was made on the basis that the Council acted unreasonably because neither the decision taken by Planning Committee to reject their officers recommendation (nor additional references it is claimed were added to the reason for refusal post-Committee but not referred to in the agreed Minutes) are justified.

‘....5. I consider there is sufficient (albeit sparse) evidence presented by the Council in the form of the agreed Minutes to provide adequate explanation of the decision to set aside the officer recommendation. In addition, I also consider the terminology within the recorded comments contained in those Minutes are sufficiently broad as to cover all of the elements contained within that reason’.

In conclusion the Inspector did not consider that the Council acted unreasonably *‘or that this indicates wasted expense in the appeal process in respect of the current appeal. For this reason, I conclude that an award of costs is not justified as unreasonable behaviour resulting in unnecessary or wasted expense in the appeal process, as described in the PPG, has not been demonstrated’.*

3.9 **Appeal Reference: APP/U1240/W/19/3226887**

Planning Reference: 3/18/2235/FUL

Proposal: The development permitted is divide existing dwelling (bungalow) and annexe into 3 no separate dwellings (2 no 2 bed and 1 no 3 bedroom dwellings) with parking.

Address: Misty Meadows, 147 Ringwood Road, Ferndown, Dorset BH22 9AB

Decision: Split decision
Condition 4 deleted
Condition 5 to remain in place

The appeal site is located within the Longham village infill area.

Planning permission was granted earlier this year to convert the existing dwelling and annexe into three separate dwellings. Two conditions were imposed as part of the approval. The first (Condition 4) removed permitted development (PD) rights for extensions including roof extensions, and the second (condition 5) sought to control the use of the detached annex, to prevent it from being used as an additional separate unit of living accommodation.

The main issue at appeal was whether these conditions are necessary in the interests of the character and appearance of the area, including the setting of the nearby listed building, living conditions and the proximity to protected Dorset Heathland.

Condition No 4: permitted development rights

The Council had considered this condition necessary to protect the character of the area and the living conditions of neighbours.

The inspector was of the opinion that due to the low scale of the dwellings the height and breadth of any extensions would be limited if they were carried out using PD rights and that any such extension to the rear would be well below the height of neighbouring buildings and unlikely to harm neighbouring amenity or the character or appearance of the area. Similar concerns regarding the potential impact of extensions constructed under PD on setting of the Listed Manor House were not upheld.

‘...Taking into account the built up context of the site and the footprint of the existing dwellings, which occupy almost the entire width of the three plots, I am not satisfied that further extensions to the dwellings would necessarily be disproportionate additions over and above the size of the original building2, or would have a harmful effect on the openness of the green belt.’

Condition No 5: Annex

The Council had considered this condition necessary in order to protect

local character as well as the living conditions of neighbouring occupiers and proximity to protected Dorset Heathland.

The Inspector did not consider that use of the annex building as an independent dwelling would have a discernible effect on the character of the area but its use as an independent unit would likely harm the living conditions of the occupiers of Unit 3 owing to the close and poor relationship between the two buildings. The absence of a dedicated parking area and garden as well as proximity to heathland was also cited by the inspector as reasons for upholding the condition...

... Condition No 5 is reasonable and necessary and will therefore remain in place.'