

**1.0 Application Number:** 6/2020/0161

**Webpage:** <https://planningsearch.purbeck-dc.gov.uk/Disclaimer?returnUrl=%2F>

**Site address:** 1A Battlemead, Swanage BH19 1PH

**Proposal:** Replace existing dwelling with detached dwelling. Erect additional detached dwelling adjacent. Form access & parking.

**Applicant name:** Justin Streams

**Case Officer:** Cari Wooldridge (Planning Officer)

**Ward Member(s):** Councillor Trite and Councillor Suttle

The Nominated Officer has identified this application to come before the Planning Committee due to the finely balanced planning judgement in this case.

**2.0 Summary of recommendation:**

GRANT planning permission subject to conditions.

**3.0 Reason for the recommendation:**

- The location is considered to be sustainable and the proposal is acceptable in its size, scale, design and general visual impact.
- There is not considered to be any significant harm to neighbouring residential amenity or privacy.
- The proposal will contribute to local housing supply.
- There are no other material considerations which would warrant refusal of this application.

**4.0 Key planning issues**

<b>Issue</b>	<b>Conclusion</b>
Principle of development	Acceptable. Site is located within Swanage Settlement boundary.
Emerging Local Plan Policy H14 – Second Homes	Policy does not yet have significant weight to be applied to decisions relating to replacement dwellings.
Scale, design, impact on character and appearance	Acceptable subject to detail of materials condition.
Impact on amenity	Acceptable subject to conditions relating to obscure glazing.
Biodiversity impacts	Acceptable.
Flood risk and drainage	Acceptable subject to a SuDS condition.

Highway impacts and car parking	Acceptable subject to conditions and informative note.
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## 5.0 Description of Site

The application site consists of the dormer bungalow 1a Battlemead and its plot. 1a Battlemead was recently purchased by the applicant and has already been subdivided to provide an additional dwelling to the east. The current application proposes to demolish the dormer bungalow and attached garages to create a new plot on which two detached houses will be built. The site is slightly higher than land to the east but relatively level and is enclosed by a boundary fence to the rear and side (west) and a low wall along part of the front boundary. The site is surrounded by residential development and is within the Swanage settlement boundary. The site also lies within the Dorset AONB and is within 400m from the coast.

## 6.0 Description of Development

Replace existing dormer bungalow with detached house. Construct second detached house adjacent. Provide access and parking.

## 7.0 Relevant Planning History

6/2019/0492 - Sever plot, erect 2 storey dwelling with associated access & parking – Approved.

6/2019/0702 - Demolition of garages serving 1A Battlemead. Install dormer on front roof slope and clad exterior. Internal alterations. Sever plot and erect new dwelling with parking and new dropped kerb access. – Refused for the following reason:

*The proposed development would result in a new dwelling that would appear cramped and high density in its appearance on a small and constrained infill plot, to the detriment of the distinctive, regular, and low density pattern of townscape character in the area. The new dwelling by virtue of its positioning close to the road would not sensitively integrate with established building lines between 1a Battlemead to the east and 1 Battlemead to the west. In addition, the dwelling would not reflect the established features of townscape character along Battlemead including modest sized detached houses in relatively generous plots, modest front gardens, larger rear gardens, and strong separation gaps between plots that provide a relatively open but low density character of development. The development by virtue of its cramped layout on a narrow plot, provides minimal new landscaping which does not enable the proposal to contribute to the attractive mature green street scene that is exhibited along Battlemead. The proposal does not maintain the prevailing character and setting of the area, and is therefore contrary to the National Planning Policy Framework: Section 2: Achieving sustainable development, Section 4: Decision-making, Section 11: Making effective use of land (paragraphs 117 & 122), and Section 12: Achieving*

*well designed places (paragraph 127); the Purbeck Local Plan Part 1: Policy D:Design; Swanage Local Plan: Policy STCD: Swanage Townscape Character and Development; Purbeck District Design Guide Supplementary Planning Document adopted January 2014; and, Swanage Townscape Character Appraisal Supplementary Planning Document adopted August 2012.*

PAP/2019/0106 - Pre-application discussions took place in relation to two options for development on the plot.

The first option considered one large building to be subdivided into five flats. Various alterations to the size, height and design of the building were considered. However, none of the proposals were able to provide a building of an acceptable scale, height, design and layout that could be considered acceptable in terms of local character and impacts on neighbouring properties.

The second option considered two detached houses. Due to demolition of the existing dormer bungalow, it was considered that a more acceptable site layout could be achieved in terms of spacing between the properties, density and more spacious appearance within the street scene compared to the previously refused application. The layout also staggered the building line and retained front garden areas for each property. It was therefore considered to be much more acceptable within the street scene. Concerns were raised in relation to outlook and daylight to bedroom windows and the need to retain privacy in relation to 35 De Moulham Road.

## **8.0 List of Constraints**

Within Swanage Settlement Boundary.  
Within the Dorset AONB (Purbeck).  
Within 5km of a European Habitat (SSSI).  
In a River Catchment - Poole to Weymouth Coast.  
Within 2km of a SAC.  
Within 400m of the coast.

## **9.0 Consultations**

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

- **Dorset Council – Highways Management.**

No objection subject to conditions and informative note.

- **Dorset Council – Highway Engineer.**

No outstanding objection subject to standard surface water drainage condition.

- **Swanage Town Council**

Objections (received 19/05/2020 and 24/06/2020)

Strongly recommend refusal.

Disappointed that the developer has submitted yet another application for an additional property on the plot so soon after already obtaining approval for an additional dwelling on the plot under planning application No. 6/2019/0492, and further to refused application 6/2019/0702.

Reiterate previously submitted comments which remain relevant.

Proposal considered to be overdevelopment and detrimental to the important street scene and character of the area – contrary to Policy STCD and Swanage Townscape Character Appraisal.

Potential adverse impact on neighbour amenity, overlooking and loss of privacy being so close to boundaries.

Adverse impact on nature conservation - loss of a sizeable area of existing greenspace which could have an adverse impact on wildlife.

Purbeck Local Plan - Policy H14: Second homes – the Committee would wish to be reassured that any approved scheme would be subject crucially to Policy H14.

Minor revisions included in amended plans fail to address original concerns which remain relevant.

### **Representations received**

The Council received 9 comments from neighbours and residents about this planning application – the comments related to the original plans and amended plans. In addition, two letters were also received from Councillor Trite – one as a personal response to the proposal and the other on behalf of local residents. The representations are all available in full on the Council's website.

The following list sets out a summary of the key issues from the comments:

35 De Moulham Road is in areas 600mm below the level of 1A Battlemead. The proposed development will increase the height with overlooking of the garden and first floor bedroom window. This will not be prevented by obscure glazing and non-opening within 1700mm of the floor level. These windows may then also be changed for clear ones.

Will overlook and overshadow other neighbours. Breach of European law entitling residents to privacy.

The roof height of plot A and B will be oppressive to 35 De Moulham Road.

Loss of privacy and overlooking of 39 De Moulham Road and 1 & 2 Battlemead. Views into gardens and windows.

The first floor landings of each property will have no light and are a fire hazard as escape opportunities are limited by non-opening windows. Gardens are too small to provide shelter in event of fire.

Garden areas are minimal and will increase noise and be out of keeping with character of area. Loss of garden area means lack of biodiversity. Lack of front gardens means houses are too close to the road within negative impact on street scene.

Will increase light pollution.

Poor design.

Restricted covenants and conditions were placed on the estate. The records should be checked. Historic aerial photos and examples of covenants provided by one respondent. Character of de Moulham Estate will be undermined by cramped and intensive development.

Proposal is further subdivision of the plot and out of character with the area. Will appear cramped with excessive massing. High density will encourage anti-social behaviour.

If approved, the proposal will set a precedent. Developer has already purchased neighbouring plot and will do the same on it.

The number of vehicles entering and leaving the premises will be dangerous, especially during holiday season. Sight lines are poor. Driveway widths and visibility splays are not met.

Car parking provision is not in line with Dorset Parking Standards as no visitor parking is provided. New driveways are cramped, too close to the pavement and have poor visibility near blind corner junction.

Alternative options for the site should be considered.

## **10.0 Relevant Policies**

### Purbeck Local Plan Part 1:

Policy SD: Presumption in favour of sustainable development

Policy LD: General location of development

Policy HS: Housing Supply

Policy D: Design

Policy LHH: Landscape, historic environment and heritage

Policy BIO: Biodiversity and geodiversity.

Policy DH: Dorset Heaths International Designations

Policy FR: Flood risk

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Policy CE: Coastal erosion.

Policy IAT: Improving accessibility and transport.

Emerging Purbeck Local Plan 2018-2034:

Policy H14: Second Homes.

Swanage Local Plan – adopted July 2017:

Policy SS: Swanage Settlement

Policy STCD: Swanage townscape character and development

National Planning Policy Framework:

Section 2: Achieving sustainable development – paragraph 8(b)

Section 4: Decision making - paragraph 48

Section 5: Delivering a sufficient supply of homes

Section 9: Promoting sustainable transport.

Section 11: Making effective use of land;

Section 12: Achieving well-designed places;

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

Section 15: Conserving and enhancing the natural environment.

### **Other material considerations**

National planning practice guidance

Purbeck District design guide supplementary planning document adopted January 2014.

Swanage townscape character appraisal supplementary planning document adopted August 2012.

Dorset AONB Management Plan 2019-2024

Dorset AONB Landscape Character Assessment & Management Guidance 2008

The Dorset heathlands planning framework 2015-2020 supplementary planning document adopted 19 January 2016.

Dorset biodiversity appraisal and mitigation plan.

Purbeck Strategic Flood Risk Assessment 2018

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

## **11.0 Human rights**

Article 6 - Right to a fair trial.

Article 8 - Right to respect for private and family life and home.

The first protocol of Article 1 Protection of property.

This recommendation is based on adopted Development Plan policies, the application of which does not prejudice the Human Rights of the applicant or any third party.

## 12.0 Public Sector Equalities Duty

As set out in the Equalities Act 2010, all public bodies, in discharging their functions must have “due regard” to this duty. There are 3 main aims:-

- Removing or minimising disadvantages suffered by people due to their protected characteristics
- Taking steps to meet the needs of people with certain protected characteristics where these are different from the needs of other people
- Encouraging people with certain protected characteristics to participate in public life or in other activities where participation is disproportionately low.

Whilst there is no absolute requirement to fully remove any disadvantage the Duty is to have “regard to” and remove or minimise disadvantage and in considering the merits of this planning application the planning authority has taken into consideration the requirements of the Public Sector Equalities Duty.

## 13.0 Financial benefits

What	Amount / value
Material Considerations	
None	N/A
Non Material Considerations	
CIL contributions	£24,921
Council Tax	£3,128 (Band F)

## 14.0 Climate Implications

The proposal is for two new dwellings, both of which will be constructed to current building regulation requirements and which will be serviced by suitable drainage to prevent any additional impact in terms of coastal erosion that may be exacerbated by future climate change.

## 15.0 Planning Assessment

The main planning considerations in respect of this application are:

- The principle of development
- The emerging Local Plan policy H14- Second Homes
- Layout, scale, design and impact on the character of the area and the Dorset AONB
- Impact on the residential amenity

These and other considerations are set out below.

### **Principle of development**

- 15.01 The application site is located within the settlement boundary of Swanage and the proposed development is therefore considered to be acceptable in principle in accordance with policies SD: Presumption in favour of sustainable development and LD: General location of development of the Purbeck Local Plan Part 1, and Policy SS: Swanage Settlement of the Swanage Local Plan. The proposed dwellings will also provide towards the Purbeck area housing supply in accordance with policy HS: Housing Supply of PLP1. This is subject to the consideration of all other material planning issues as set out in more detail in the sections below.

### **Emerging Local Plan Policy H14 –Second Homes**

- 15.02 The emerging Purbeck Local Plan 2018-2034 includes policy H14: Second Homes. The policy includes a requirement to limit the occupation of new dwellings in the Dorset Area of Outstanding Natural Beauty, on small sites outside settlement boundaries and on rural exception sites. In support of this policy, a background evidence paper has been prepared. The evidence paper indicates 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 Council's evidence suggests that where there is a significant proportion of dwellings are 'second homes', and there is a demand for 'second homes': house prices may be inflated and there may be shortages of dwellings for local people. Homes that are unoccupied for large periods can also have adverse impacts on local businesses and the functioning of local communities.

- 15.03 Paragraph 48 of the NPPF advises that;  
“Local planning authorities may give weight to relevant policies in emerging plans according to:  
a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);  
b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given);  
and  
c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).”



- 15.04 The emerging Purbeck Local Plan is at an advanced stage and on 18 March 2020 the Planning Inspector reported back. She states in her Post Hearing Note that she was reasonably satisfied at this stage that with Main Modifications the Plan is 'likely to be capable of being found legally compliant and sound'. The Inspector's note explains that she will make a final decision on whether the plan is legally compliant and sound after she has considered: responses on Main Modifications following public consultation and an updated Sustainability Appraisal (SA) and Habitats Regulation Assessment (HRA).
- 15.05 The council is confident that as a whole the local plan is capable of being found sound subject to Main Modifications as the Inspector indicates that the strategy for meeting the area's needs is sound and because of the nature and extent of the proposed Main Modifications (having regard to the need for SA and HRA of Main Modifications).
- 15.06 The Planning Inspector Post Hearing Note specifically looked into and commented on the Second Homes Policy.  
She says:  
*"51. The submitted Plan proposes a policy (policy H14) to restrict new housing permitted in the Area of Outstanding Natural Beauty, on small sites (as set out in policy H8) and on rural exception sites (as set out in policy H12) to be occupied only as a principal residence. The policy is intended to manage the number of new homes which are built as, or become, second homes in order to ensure the housing needs of local people are met, create a good balance and mix of housing to allow people to live and work locally and strengthen the community and local economy.*  
  
*52. However, I am not persuaded that, in order to achieve the outcome sought, it is necessary, reasonable or proportionate to subject replacement dwellings to the restriction of the policy. The replacement of one unrestricted dwelling by another unrestricted dwelling would have no impact on the existing mix and balance of housing. Based on the evidence therefore, I am not sufficiently satisfied that including replacement homes in the policy is justified. Consequently, further amendment is necessary to the suggested Main Modification (MM101) to policy H14 in this respect."*
- 15.07 This application is to demolish an existing dwelling and erect two replacement dwellings, accordingly paragraph 52 of the Inspector's note is relevant. Taking account of the Inspector's note, the Council is satisfied that the thrust of Policy H14 is justified and consistent with national planning policy. As directed by the Inspector the Council will need to consider a further Main Modification to the emerging policy around the way it should be applied in respect to 'replacement dwellings'. For this reason there is still uncertainty in the application of the policy for sites where replacement dwellings are proposed. This uncertainty should be addressed through the process of agreeing the final text of Main Modifications for consultation with the Inspector, and could result in the potential for further

objections to the revised Main Modifications. In light of these circumstances, at this point in time, officers consider that Policy H14 does not carry sufficient weight to apply to this application as it relates to replacement dwellings.

**Layout, scale, design and impact on the character of the area and the Dorset AONB**

- 15.08 The application site currently consists of an existing dormer bungalow with attached garages and its side and rear gardens. The dormer bungalow is to be demolished to provide a new plot on which the two detached houses are proposed. The previous application for this site which retained the dormer bungalow with the construction of a new dwelling to the side was refused for the following reasons:
- 'The proposed development would result in a new dwelling that would appear cramped and high density in its appearance on a small and constrained infill plot, to the detriment of the distinctive, regular, and low density pattern of townscape character in the area. The new dwelling by virtue of its positioning close to the road would not sensitively integrate with established building lines between 1a Battlemead to the east and 1 Battlemead to the west. In addition, the dwelling would not reflect the established features of townscape character along Battlemead including modest sized detached houses in relatively generous plots, modest front gardens, larger rear gardens, and strong separation gaps between plots that provide a relatively open but low density character of development. The development by virtue of its cramped layout on a narrow plot, provides minimal new landscaping which does not enable the proposal to contribute to the attractive mature green street scene that is exhibited along Battlemead. The proposal does not maintain the prevailing character and setting of the area.'*
- 15.09 The current application has attempted to address the previous reasons for refusal as set out in more detail below.
- 15.10 The application site is located within an area of 'constant' townscape quality in the Swanage Townscape Character Appraisal (STCA). The appraisal identifies the townscape character type as being 'mixed pre- and post-war housing' with particular strengths being the consistent character, well defined edges to the street, buildings being set back along a common building line, modest gardens, and separation gaps. In terms of landscape characteristics of the area, the contribution that trees and shrubs make to the green character is important, particularly where sited behind stone or brick walls.
- 15.11 Policy STCD: Swanage Townscape Character and Development of the Swanage Local Plan identifies the site as falling within an 'Area of Distinctive Local Character'. New development in this area is required to protect and enhance distinctive local characteristics. The application site is identified as falling in an area 'to the north and south of Beach Gardens' which is characterised by 'predominantly detached properties, of modest size, individual design and usually

set within reasonably generous plots'. The area is noted in policy STCD for displaying a distinctive pattern of connecting roads or cul-de-sacs running back at right angles from De Moulham Road where new development should not reduce the spacious character.

- 15.12 Swanage Town Council has submitted an objection in relation to the proposal. This was received by the Case Officer outside the consultation period. Nevertheless, the comments are considered as part of the current assessment. The comments refer to Policy STCD of the Swanage Local Plan and the Swanage Townscape Character Appraisal, and note that the proposal would be overdevelopment and detrimental to the street scene and character of the area. The comments also note that local policies to protect and conserve the local character should be given any weight in the decision making process. Two letters raising similar objections to the proposal (one on behalf of local residents and the other on his own behalf) have also been received from Councillor Trite. Neighbours to the proposal have also submitted letters of objection in relation to impact on the local character. All of the comments received have been considered as part of the application assessment.
- 15.13 Officers consider that the demolition of the existing bungalow to form two new plots results in a more spacious layout within the street scene than the previously refused application. Each new house will have separation gaps to the side to provide for tandem parking and rear garden access. A distance of almost 3m will be retained between the two new dwellings, ensuring that the regular, lower density character of the area that is provided by separation gaps is retained in the street scene. The dwellings have also been set back from the street frontage with areas of garden retained to the front and a slightly staggered building line.
- 15.14 Whilst the building line does not align with that to the west, it is an improvement on the existing dormer bungalow that is currently on the plot which at its closest point is 3m from the back of the footpath. The closest point of dwelling A will be similarly positioned 3m back from the footpath but the closest point of dwelling B will be set back approx. 3.9m from the footpath. As the existing dwelling was already an anomaly compared to the prevailing building line, and the linear form of development will be retained, no significant harm to character has been identified. In terms of garden size, it is acknowledged that the new dwellings will not provide the generous plots that the Townscape Character Appraisal notes are 'usual' in the area but this will not be readily evident from within the street scene so the impact will be limited.
- 15.15 A recent appeal decision in relation to subdivision of a lengthy rear garden at 61 Rabling Road Swanage, a site that displayed similar characteristics and townscape qualities to the current site, was allowed (APP/B1225/W/19/3229294). In making the decision, the planning inspector noted the townscape quality identified in the Swanage Townscape Character Appraisal and Swanage Local Plan Policy STCD:

*'Rabling Road runs principally east to west, with linear rows of detached dwellings facing the highway on both sides, set behind attractive stone walling and small, softly landscaped front gardens. Despite the varietal design of its buildings, its reasonably narrow plots and discernible building lines provide a repetitive, suburban character. Although many properties have reasonably sized rear gardens, they are largely hidden from public view.'*

- 15.16 However, the Inspector continued to note that the appeal site and the immediate area were not considered to contribute to the defining townscape characteristics. The inspector also noted:  
*'The plot size and rear gardens would be small. However, the rear gardens would not be readily visible. The plot and building widths, and the resultant perceived building density along this section of the street, would be comparable to that elsewhere along Rabling Road, particularly the properties to the north. The replacement of existing fencing and hardstanding with a front lawn would offer a more attractive response, more in line with the small, landscaped gardens which characterise the area.'*

*'Given the established variety of buildings, the proposals would sit harmoniously within Rabling Road, maintaining the building line, with their principal elevations the prominent feature... the proposals would not appear cramped or incongruous, but would enhance and consolidate the street scene.'*

- 15.17 Whilst Officers were disappointed with the conclusions reached by the Inspector, the decision must nevertheless be taken into consideration in determining other applications within the townscape character area, including the current proposal. Officers consider that many of the points made by the Inspector are relevant to the current proposal, in particular the lack of visibility of the rear gardens, the perceived building density within the street scene, the small landscaped front gardens, the prominent front elevations which will consolidate the street scene, and the harmonious infill of the development within the existing established variety of buildings. In this case the building line does not match that which is established to the west but it follows that defined by the existing dormer bungalow, and the set back of the proposed front elevations provides a slight staggering and forms a slightly better relationship with the building line to the west than the existing property. It is therefore considered that the staggered building line would not result in a level of harm to the character of the area that would be sufficient to justify refusal of the proposal. Landscaping can be secured by condition (no. 4&5).

- 15.18 On balance, the proposed development is considered to have an acceptable impact on the character and appearance of the area. It will also make an effective use of land (section 11 of the NPPF) in providing much needed new dwellings within Swanage.

- 15.19 In terms of the design of the new dwellings, there is no objection to the scale and size of the detached houses as the majority of houses within the site locality are also detached and generally significantly larger in size and width within their plots. The height of the dwellings varies, with Plot A being taller (approx. 7.4m) and Plot B being lower (approx. 6.6m) to fit more comfortably in relation to the height of the adjacent dormer bungalow to the west. The existing dormer bungalow has a pitched roof with a ridge height of 6.3m and the maximum increase in height of 1m is not considered to be excessive. Both roof forms are hipped to reduce bulk so that they appear less imposing in the street scene and in terms of their impact on neighbouring properties. In terms of the general design, this reflects many of the other detached properties in the immediate area and is considered acceptable.
- 15.20 Proposed materials are similar to those used locally on older and recently renovated properties, including facing brickwork, a cream render painted finish, anthracite and dark red roof tiles, stone lintels, grey upvc windows and external doors. Specific details of finish and colour have not been provided however, this can be dealt with by way of a condition on the decision (condition. 3).
- 15.21 The application site is located within the Dorset AONB. Areas of Outstanding Natural Beauty have statutory protection in order to conserve and enhance the natural beauty of their landscapes under National Parks and Access to the Countryside Act of 1949 & Countryside and Rights of Way Act, 2000. However, the new dwellings will be located within the settlement boundary and are surrounded by residential development. Objections have been raised in relation to light pollution, and whilst it is recognised that 'dark skies' are a key objective within the AONB, the location of the application site within the settlement boundary of a town, surrounded by other residential development and street lighting, means that any additional impacts will be minimal. As a result, there are not considered to be any harmful impacts on the landscape designation or in terms of light pollution.
- Impact on residential amenity**
- 15.22 The application site is located in a residential area where there is an existing mutual level of overlooking between properties on opposite sides of De Moulham Road and Battlemead.
- 15.23 The proposed dwellings are neighboured by a newly constructed house to the east and 1 Battlemead to the west. Neither of these properties have habitable side facing windows that would be impacted by the new house in terms of loss of light or overbearing development. No. 1 has a side facing bathroom window only. As the proposed new dwelling is set forward of no. 1, this could result in some loss of light and overbearing impact to closest windows on the front elevation. However, these windows appear to serve a bathroom at ground floor level and the stairs / landing at first floor level. As these are not habitable rooms, some loss of light and the relationship between the properties would be acceptable.

15.24 The proposed houses have been designed to avoid the loss of neighbouring privacy by reason of overlooking. It will be reasonable to require that a proposed side facing window serving an en-suite in both Units A and B is obscure glazed for privacy of future occupants and it is also necessary for a secondary bedroom window serving Unit B to be obscured to avoid overlooking of Unit A. Other side windows face the flank walls of 1 Battlemead and the extant new dwelling.

15.25 In terms of impacts to the neighbours at the rear, both new plots will adjoin the rear garden of 35 De Moulham Road. This property has a long generously sized garden, with the new houses being positioned to the north. The plot would also adjoin the side (eastern boundary) of 1 Battlemead to the west. The following table provides a summary of approximate distances between the existing bungalow and proposed dwellings and property boundaries:

All measurements in metres (approx.)	Existing 1A Battlemead	Previously refused scheme 6/2019/0702	Proposed scheme
Distance to southern boundary (shared with 53 De Moulham Road)	GF bedroom: 2.7m - 3.7m Rear elevation (main): 8.8m Rear elevation (garages): 6.9m	5.4m - 5.8m	Plot A: 6m - 6.4m Plot B: 4.7m - 5.2m
Distance to west boundary (shared with 1 Battlemead)	GF bedroom: 18m Side elevation (garages): 6m	1.8m	Plot A: 1.8m

15.26 The rear elevation of the new houses would be located between 4.7m away from the boundary at the nearest point (Plot B) and 6.4m at the furthest point (Plot A). Plot B is closest to the boundary but is located at the furthest end of the garden where impacts from overbearing development are least due to the openness of adjoining gardens to the south and west. Whilst it is accepted that the two dwellings will have a greater impact than the existing bungalow, it is not considered that they would be so significantly dominant, overbearing or oppressive to the occupiers of 35 De Moulham Road as to recommend refusal of the proposal.

15.27 Despite the new houses being taller than the existing dormer bungalow (Plot A – approximately 1.1m taller and Plot B – 0.3m taller), the hipped roof design together openness of no. 35s garden to the south and west means that the

proposal will not result in a significant harmful loss of light or daylight to the occupiers of no. 35 De Moulham Road. Similarly, whilst the outlook from the garden of that property would be altered as a result of the two new dwellings, the retention of separation gaps between each property, and the provision of rear amenity areas is considered acceptable in terms of mitigating the impact of their bulk. However, given the restricted size of the rear amenity areas, and the potential for future development to result in overbearing impacts, it is considered that a condition should be added onto the decision notice restricting permitted development rights for each new house for additional windows / roof alterations, extensions and outbuildings.

- 15.28 The existing property has a large bedroom window facing onto the immediate rear amenity area and conservatory of 35 De Moulham Road. The proposal seeks to avoid overlooking by limiting south facing first floor windows to those serving bathrooms and a single bedroom window to serve bedroom 3 of Unit B. The plans show this bedroom window as obscure glazed below 1.7m of floor level with a clear opening top hung fan light. Whilst it is recognised that the intention is to ameliorate neighbours' concerns about potential loss of privacy from overlooking, officers consider that a condition to require the retention of the obscure glazing would not meet the test of necessity, given that overlooking would be limited to the end of the garden of 35 De Moulham Road and oblique overlooking of the garden of 1 Battlemead and Unit A.
- 15.29 In terms of the amenity of future occupiers of Plot B, it is considered that any users of bedroom 3 would continue to receive sufficient daylight through the proposed obscure glazed window, together with some outlook of the skyline and distant views through the high level clear glazing. In addition, a smaller secondary side facing window will provide additional light to the room. Following the stance of the Inspector in a recent appeal decision APP/D1265/W/20/3246200 for 52-54 Station Road, Swanage, Officers consider that the overall space, outlook and daylight levels within the house would compensate for any deficiencies experienced in bedroom 3 which is a secondary bedroom in nature. It is therefore considered that the proposed windows would provide satisfactory living conditions for the future users of the room, and that this aspect is acceptable in accordance with Policy D: Design of PLP1, paragraph 127 of the NPPF and paragraph 126 of the National Design Guide.
- 15.30 It is reasonable to impose a condition that the south facing bathroom windows serving Units A and B are obscure glazed in the interests of the amenity of future occupants of those properties. With this condition (no. 10 & 11) and removal of permitted development rights for alterations including additional windows (condition 12), the proposal would reduce the degree of overlooking of neighbouring properties.
- 15.31 In terms of neighbours on the opposite side of Battlemead, the proposed houses would achieve distances of approximately 12m to the garden boundary of 39 De

Moulham Road on the opposite side of Battlemead. Given the distances involved, the suburban location and the road between the proposed dwellings and 39 De Moulham Road, the relationship is considered to be acceptable in terms of overlooking and unlikely to result in loss of privacy.

- 15.32 Neighbours have raised concerns in relation to noise pollution from residents of the new dwellings. With a net increase of only one dwelling, the additional noise pollution of a domestic level within a residential area is unlikely to result in significant harmful impacts and is considered to be acceptable.

**Biodiversity impacts**

- 15.33 The application site is located within the settlement boundary and is of a size that means it is not subject to the Dorset Biodiversity Protocol and a Biodiversity Mitigation and Enhancement Plan is not required. Neighbours to the proposed development have raised some concerns in relation to impact on wildlife. It is therefore considered that a wildlife informative note could be added to the decision, if approved, to highlight the need to avoid harmful impacts from the proposed development affecting any protected species.

- 15.34 As the proposal lies within 5km of designated Dorset Heathland and would result in a net increase of one additional dwelling, an Appropriate Assessment has been undertaken in accordance with requirements of the Conservation of Habitats and Species Regulation 2017, Article 6 (3) of the Habitats Directive having due regard to Section 40(1) of the NERC Act 2006 and the NPPF. This concludes that the mitigation measures set out in the Dorset Heathlands 2020-2025 SPD can prevent adverse impacts on the integrity of the site. The mitigation can be secured via the Community Infrastructure Levy such that the development will not result in adverse effects on the integrity of internationally designated sites.

**Flood risk and drainage**

- 15.35 The application site is not located within an area at risk of fluvial or surface water flooding. However, the site is located within 400m of the coast and is therefore subject to Policy CE: Coastal Erosion of PLP1. Policy CE requires new development within 400m of coastline, which falls into a 400m No-water Discharge Consultation Zone, and which has potential to impact on surface water and / or groundwater drainage to demonstrate how water can be discharged without having an adverse effect upon the stability of nearby cliffs.
- 15.36 The Council's Drainage Engineer has been consulted on the proposal and notes that the planning application form indicates that surface water will be discharged to the main sewer at an attenuated rate, however no further information is provided. The consent of Wessex Water will be required to connect to the public sewage system. In the absence Of Wessex Water's agreement to the proposal, the Drainage Engineer raised a holding objection.



- 15.37 This was resolved following confirmation from Wessex Water and the Drainage Engineer has no outstanding objection subject to the inclusion of a standard surface water drainage condition (no. 6) on the decision.

**Highway impacts and car parking**

- 15.38 The application proposes two new dropped kerbs and vehicular accesses off Battlemead to serve the proposed new dwellings. The Council Highway Authority has been consulted on this proposal and has raised no objection subject to conditions and an informative note on the decision notice (nos. 7-9).

- 15.39 In terms of car parking provision, the plans provide off-road parking space for two vehicles to serve both new dwellings. This is in-line with the Dorset parking guidance which advises 2 spaces for a 3 bedroom dwelling. The guidance also recommends 1 visitor space. Given the location of the site in an area of Swanage where there are defined on-road car parking bays which would be able to meet any additional car parking requirements for the proposed dwelling, for example, visitor parking, it is considered that the level of provision included in the site layout plan is sufficient for the proposed development in accordance with PLP1 Policy IAT.

**16.0 Conclusion**

The proposed development is considered to be acceptable in principle, of an acceptable scale and design and, on balance, it is considered to be acceptable in terms of the impact on the character and appearance of the area and the amenity of the occupiers of neighbouring properties. Impacts such as flood risk, highways and biodiversity are all considered to be acceptable subject to conditions set out below.

**17.0 Recommendation**

To **grant** planning permission 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: Proposed Plans 1510/2(A)(B), Plot A Proposed Plans 1510/3(A) Planning 14-5-20, Plot B Proposed Plans 1510/4(A)(B) Planning 4-6-20

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

3. The manufacturers name, product name and colour of all external facing and roofing materials must be submitted to and approved in writing by the Local Planning Authority 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.

4. No development above damp proof course shall take place until the Local Planning Authority has approved in writing a scheme of landscaping. This must include a landscape proposals plan showing proposed details of hard landscaping (surfacing/paving, walls, fences and other structures) and soft landscaping (trees, shrubs, herbaceous plants and grassed areas). The approved landscaping scheme for each dwelling must be implemented in accordance with the approved details.

Reason: These details are required to be agreed to ensure the satisfactory landscaping of the site, and to enhance the biodiversity, visual amenity and character of the area.

5. The soft landscaping works detailed in the landscape proposals agreed by the Local Planning Authority pursuant to condition 6 must be carried out in full during the first planting season (November to March) following commencement of the development or within a timescale to be agreed in writing with the Local Planning Authority. The soft landscaping shall be maintained in accordance with the agreed details and any trees or plants which, within a period of 5 years from the completion of the development, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure the satisfactory landscaping of the site and enhance the biodiversity, visual amenity and character of the area.

6. A suitable method of dealing with surface water drainage from the development must be installed before the first occupation of the houses. Before any surface water drainage works start, the scheme must be submitted to and approved in writing by the Local Planning Authority. This must include details of the on-going management and maintenance of the scheme. The appropriate design standard for the drainage system must be the 1 in 100 year event plus an allowance for the predicted increase in rainfall due to climate change. This requirement is above and completely separate to any building regulations standards. Prior to the submission of those details, an assessment must be carried out into the potential for disposing of surface water by means of a sustainable drainage system (SUDs). The results of the assessment must be provided to the Local

Planning Authority. The approved drainage scheme must be implemented, maintained and managed in accordance with the agreed details.

Reason: These details are required to be agreed before surface water drainage works start in order to ensure that consideration is given to installing an appropriate drainage scheme to alleviate the possible risk of flooding to this site and adjoining catchment land.

7. Before the development is first occupied the existing access point shall be permanently closed by extending the adjoining highway boundary hedge/fence/wall and removing any gates. The existing highway vehicular crossing shall be expunged and reinstated to a specification which shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To avoid undue hindrance to people with protected characteristics as defined in the Equalities Act 2010.

8. Before the development hereby approved is first occupied the parking areas 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.

9. Before the development hereby approved is occupied provision must be made to ensure that no surface water drains directly from the site onto the adjacent public highway.

Reason: To ensure that the site is properly drained and that surface water does not flow onto the highway

10. Before Unit A is first occupied, the first floor rear facing (south elevation) bathroom window for that unit must be glazed with obscure glass to a minimum Pilkington privacy 3, or equivalent as agreed in writing with the Local Planning Authority and must thereafter be maintained in that condition.

Reason: To safeguard the amenity and privacy of the occupiers of the dwellings and adjoining occupants of 35 De Moulham Road.

11. Before Unit B is first occupied, the first floor rear facing (south elevation) bathroom window and the first floor side facing (east elevation) windows serving the en-suite and bedroom 1 for that unit must be glazed with obscure glass to a minimum Pilkington privacy 3, or equivalent as agreed in writing with the Local Planning Authority and must thereafter be maintained in that condition.

Reason: To safeguard the amenity and privacy of the occupiers of the dwellings and adjoining occupants of Unit A and 35 De Moulham Road.

12. Despite the provisions of the Town and Country Planning (General Permitted Development) Order 2015 Schedule 2, Part 1, Classes A, B, C and E and Schedule 2, Part 2, (or any order revoking and re-enacting that Order with or without modification), no further development, including the carrying out of building, engineering or other operations may be undertaken within the application site without first obtaining planning permission from the Local Planning Authority.

Reason: In the interest of neighbour amenity and to retain the visual amenity and townscape character of the area.

### **Informative Notes:**

1. Informative Note - Dorset 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 County 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@dorsetcc.gov.uk](mailto:dorsetdirect@dorsetcc.gov.uk), or in writing at Dorset Highways, Dorset County Council, County Hall, Dorchester, DT1 1XJ, before the commencement of any works on or adjacent to the public highway.
2. 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.
3. 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.
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.

Eastern Planning Committee  
29 July 2020

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; the application was approved without delay.