

**1.0 Application Number:** 6/2020/0281

**Webpage:** <https://planningsearch.purbeck-dc.gov.uk/Planning/Display/6/2020/0281>

**Site address:** 5 Ballard Estate, Swanage, BH19 1QZ

**Proposal:** Erect single storey extensions with pitched roofs and insert three rooflights within the north east elevation. Install rainwater harvest tank.

**Applicant name:** Mr and Mrs B Moorhouse

**Case Officer:** Simon Burditt

**Ward Member(s):** Councillors W Trite and G Suttle. 55

The Nominated Officer has identified this application to come before the Planning Committee in light of the level of local interest in the proposals.

**2.0 Summary of recommendation:**

GRANT planning permission subject to conditions.

**3.0 Reason for the recommendation:**

- Para 14 of the National Planning Policy Framework (NPPF) sets out that permission should be granted for sustainable development unless specific policies in the NPPF indicate otherwise.
- The location is considered to be sustainable and the proposal is acceptable in its design, general visual impact and impact on the surrounding area.
- There is not considered to be any significant harm to neighbouring residential amenity.
- There are no material considerations which would warrant refusal of this application.

**4.0 Key planning issues**

<b>Issue</b>	<b>Conclusion</b>
Principle of development	Acceptable
Size, scale, design and impact on the character and appearance of the area	Acceptable
Size, scale, design in respect of the impact upon the character and appearance of the wider Dorset Area of Outstanding Natural Beauty	Acceptable
Drainage and surface water disposal	Acceptable

Impact on the living conditions of the occupants of neighbouring properties	Acceptable
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## 5.0 Description of Site

The site is located on the Ballard Estate in north Swanage, within the Swanage settlement policy boundary and the Dorset Area of Outstanding Natural Beauty. The property comprises a detached single storey dwelling that is constructed of brick and set under a tiled roof enlarged by predominantly flat roofed extensions. The dwelling is set quite close to the road (1 metre at the closest point), with the majority of the garden to the south and west. Within the north east elevation there is a rooflight.

In terms of orientation the principal elevation, with features such as the entrance door, is the north west elevation of the bungalow and a shorter side elevation (the south east elevation) faces towards the road. To the north of the application site there is a single storey replacement dwelling that has recently been completed, namely number 7 Ballard Estate. Due to changing land levels, Number 7 Ballard Estate is set at a slightly lower level than the application site. On the Ballard Estate the dwellings are mostly single storey.

## 6.0 Description of Development

During the course of the application the proposed plans have been amended to fully hip the main roof and remove proposed gable end triangular windows but introduce two additional rooflights.

Planning permission is sought for single storey extensions to the property and the insertion of three rooflights within the north east elevation. The extensions would square off previous enlargements to the dwelling and add two modest gable projections to the north east and south west. The main roof would be extended over the enlarged footprint (approximately 38 square metres of additional floor area) and would have a slightly lower pitch to maintain the existing ridge height of the main part of the dwelling. The north east elevation would become the principal elevation. Additionally, it is proposed to install a rainwater harvesting tank within the area of garden to the north west of the dwelling.

## 7.0 Relevant Planning History

Planning application 6/2019/0450 sought permission for single storey extensions and a roof conversion served by rooflights and first floor windows. This application was withdrawn in February 2020 following concerns raised at officer level in respect of the mass of the proposed extension and likelihood of the reduction in privacy as a result of some of the first floor glazing.

In April 2020 planning permission was refused for the construction of single storey extensions, a roof conversion under an extended pitched roof served by

roof lights and first floor windows on the south east (facing the road) and the north west elevations under reference 6/2020/0086.

In November 2018 planning permission was granted for the construction of a replacement dwelling at number 7 Ballard Estate, the property to the north of the application site (Planning Permission 6/2018/0482). In July 2019 a non-material amendment to that planning permission was granted to remove a chimney, replace glazed roofing with zinc roofing, remove a window in the pantry and add 4no. roof lights to the north east elevation (Non-Material Amendment 6/2019/0388).

## 8.0 List of Constraints

The following constraints and designations are applicable to this application:

- The application site is within the Swanage settlement policy boundary;
- Within the parish of Swanage;
- Within 400 metres of the coast;
- Within the Dorset Area of Outstanding Natural Beauty:

Areas of Outstanding Natural Beauty have statutory protection in order to conserve and enhance the natural beauty of their landscapes under the National Parks and Access to the Countryside Act of 1949 and the Countryside and Rights of Way Act of 2000.

## 9.0 Consultations

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

### Consultees

#### **Dorset Council Drainage Engineer**

No objection.

Additional information is required in respect of the rainwater harvesting system including how any water would be dealt with in the event that the tank is full, plus details of management and maintenance. The required additional information may be secured by the inclusion of a condition upon any grant of planning permission (condition 4 of officer recommendation).

#### **Swanage Town Council**

Object (amended plans received 5 November 2020) for the following reasons

- *Lack of detail on the plans, appears to have been no consultation with neighbours prior to proposal being submitted*
- *overdevelopment and overbearing, detrimental to the street scene*
- *potential adverse impact on neighbour amenity from overlooking and loss of privacy.*

- *contrary to local planning policy.*
- *recommend that applicants work with the Ballard Estate Management Company Limited regarding any future planning applications*

### **Summary of local representations received**

The application was advertised by means of neighbour notification letters, a site notice was displayed on 24/07/2020. A further letter consultation was carried out on 7 October 2020 following amended plans.

### **Letters of representation**

The Council received 18 letters of representation in respect of the initial consultation and 22 letters in respect of the amended plans.

Common objections are:

- impact upon the street scene and character of the area in relation to the size, scale and design of the proposed enlarged property, the potential of the enlarged roof to accommodate a first floor, and choice of materials
- impact on neighbouring amenity from loss of privacy and overbearing impact; properties are set close to narrow roads
- loss of views
- the disposal of surface water, the rainwater harvesting tank and drainage on the Ballard Estate
- lack of bat survey
- potential harm to a Hawthorn tree close to the boundary that has a tree preservation order on it
- no consultation by the applicants with nearby residents and that the proposals ignore the comments of neighbours and local people
- contrary to local planning policies
- Objections from The Purbeck Society state that given the historic significance of the site, the proposals are considered inappropriate development.

## **10.0 POLICY AND OTHER CONSIDERATIONS**

### **The Development Plan**

#### **Purbeck Local Plan Part 1 (2012)**

Policy SD: Presumption in favour of sustainable development;

Eastern Planning Committee  
10 February 2021

Policy LD: General location of development;

Policy SE: South East Purbeck;

Policy D: Design;

Policy LHH: Landscape, historic environment and heritage;

Policy FR: Flood Risk;

Policy CE: Coastal erosion

Swanage Local Plan June 2017.

Policy SS – Swanage settlement;

Policy STDC – Swanage Townscape Character and Development.

Emerging Purbeck Local Plan 2018 – 2034:

Regard has been had to the policies of the emerging Local Plan. The weight that can be given to these policies will increase as the emerging plan moves towards adoption.

The emerging Purbeck Local Plan is at an increasingly advanced stage and on 18 March 2020 the Planning Inspector for the Emerging Local Plan reported back. She considered 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 letter 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). The Inspector indicates that the strategy for meeting the area's needs is sound. An update will be required to both HRA and SA to take into account any changes made through the main modifications. Planning Policy colleagues are confident that these matters can be addressed and the plan be found sound

E12: Design

### **Supplementary Planning Documents:**

Swanage Townscape Character Appraisal - Supplementary planning document  
September 2012;

Purbeck District Design Guide - Supplementary planning document January  
2014.

### **National Guidance**

The National Planning Policy Framework 2019 (NPPF)

Planning Policy Guidance (PPG)

The National Design Guide September 2019

Paragraph 11 of the NPPF 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 2: Achieving sustainable development

Section 4: Decision making;

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).

## **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 is a dwellinghouse and the proposals are for extensions and alterations, as such there is no need for particular consideration to be given to this issue.

**13.0 Financial benefits - Not applicable**

**14.0 Climate Implications**

The proposal is for the extension and alteration of an existing dwelling. The proposed extensions and alterations to the dwelling would need to be undertaken to current building regulations requirements and it is proposed that a rainwater harvesting system be installed. The proposed sustainable drainage system would assist with preventing any additional impact in terms of flood risk that may be exacerbated by climate change in the future.

**15.0 Planning Assessment**

**15.1 The main planning considerations in respect of this application are:**

- Principle of development;
- Size, scale, design and impact on the character and appearance of the area;
- Size, scale, design in respect of the impact upon the character and appearance of the wider Dorset Area of Outstanding Natural Beauty;
- Drainage and surface water disposal;
- Impact on the living conditions of the occupants of neighbouring properties.

These points will be discussed as well as other material considerations under the headings below

**Principle of development**

15.2 In accordance with Section 70(2) of the Town & Country Planning Act 1990 (as amended) and Section 38 (6) of the Planning and Compulsory Purchase Act 2004, the application is to be determined in accordance with the development plan, unless material considerations indicate otherwise.

Paragraph 14 of the NPPF and Policy SD of the adopted Purbeck Local Plan place a presumption in favour of sustainable development.

Number 5 The Ballard Estate is a residential dwelling located within the Swanage settlement policy boundary consequently the extension and alteration of the

dwelling, plus the installation of a rainwater harvesting tank is acceptable in principle, subject to being acceptable in terms of all material planning considerations.

The proposals accord with national and local planning objectives and policies.

**Size, scale, design and impact on the character and appearance of the area**

15.3 Number 5 Ballard Estate is a modest, single storey bungalow with a pitched roof form that is fairly typical of the dwellings on the Ballard Estate, although there is some variation amongst the dwellings in form, size and materials.

15.4 Within the Swanage Local Plan, policy STCD: Swanage Townscape Character and Development reads:

*'In order to conserve and enhance the existing townscape character of Swanage, new development should take account of the Swanage Townscape Character Assessment (2012) and will need to follow the guidelines set out below wherever possible...'*

***Areas of distinctive local character***

*The four areas of distinctive local character are shown on Map 9. These areas include a variety of townscape character types and new development should protect and enhance the distinctive local characteristics of these areas:*

*The Ballard Down area should continue to support single storey development only, as this area is characterised by historic bungalow development...'*

15.5 Previously application 6/2020/0086 was refused on the grounds that the cumulative mass of the proposals, which included an apex roof with gable windows, would be excessive such that it would appear obtrusive in the street scene and uncharacteristic of the area

15.6 Objections have been raised that the latest proposal would still increase the size of the roof to a level which could accommodate first floor accommodation. They assert that this would be out of character with the Ballard Down area and contrary to policy STCD.

15.7 The existing bungalow has a pitched roof of modest proportions with a rear gable projection and flat roof extensions to both sides. The proposed extensions would create a roof with the same height but over the enlarged floor area, with an extended ridge length (approximately 6.6 metres) and with the loss of chimney features.

15.8 The enlargements to the floor area would mainly be to the north west and south west, as it is proposed to square off previous extensions. A 2 metre deep extension is also proposed to the south east (facing the road) together with two shallow gable projections to the south west and north east, the latter to provide a new entrance. The width of the roof would be increased from approximately 7.5 metres to 9.7 metres but the fully pitched form (with lower gable projections) would be retained.



- 15.9 While the volume of the property would increase this would be proportionate to the size of the plot and not out of keeping with neighbouring dwellings. The visual impact would be limited by the hipped roof and the extensions would create a simpler, more unified form.
- 15.10 The proposal to render the walls of the dwelling would not be out of keeping with development on the estate and appropriate roof tile details can be secured by condition.
- 15.11 At the south east end of the bungalow, close to the road, the bungalow has been extended with a flat roof addition and a smaller porch. It is proposed to remove the porch extension and extend the dwelling 2 metres closer to the highway beneath the enlarged roof.
- 15.12 A hipped roof over the existing footprint would replace the existing incongruous flat roof element. Although the proposal would reduce the space between the side of the dwelling and the road, approximately 4.5 metres separation would be retained with the main dwelling while the existing extension remains approximately 1 metre from the highway, behind a stone wall and vegetation.
- 15.13 The roofing would increase the mass of the building in a prominent position but it is judged that the pitch, which slopes back into the plot would limit the visual impact of the increased mass and avoid an overbearing or incongruous appearance that would justify refusal.
- 15.14 The existing dwelling has one rooflight within the north east elevation and it is proposed to insert two additional rooflights within the proposed north east elevation. The rooflights would be evident in views from the south but the building would retain its single storey form and proportions. The dwelling would continue to present as a bungalow in accordance with Local Plan policy STCD.
- 15.15 A condition to ensure that the rooflights serving the loft are obscure glazed and fixed shut has been agreed in principle with the agent (Condition 5). A further condition restricting the insertion of further windows within the roof is also recommended (Condition 6).
- 15.16 The proposed extensions and alterations are acceptable in terms of size, scale and design in relation to the existing building, the street scene and the character of the area. They are found to accord with Swanage Local Plan Policy STCD and Purbeck Local Plan Part 1 Policy D.

**Size, scale, design in respect of the impact upon the character and appearance of the wider Dorset Area of Outstanding Natural Beauty**

- 15.17 Areas of Outstanding Natural Beauty have statutory protection in order to conserve and enhance the natural beauty of their landscapes under the National Parks and Access to the Countryside Act of 1949 and the Countryside and Rights of Way Act of 2000.
- 15.18 The site is located within a residential part of Swanage surrounded by other dwellings. The size, scale and character of the proposals would not have any

significant impact upon the wider Dorset Area of Outstanding Natural Beauty as they will be viewed in the context of the existing built form.

The proposal is considered to be acceptable this respect.

**Drainage and surface water disposal**

- 15.19 The application site is located within 400 metres of the coast where ordinarily soakaways are discouraged as a method of disposing of surface water. For these proposals it is intended to install a rainwater harvesting system within the curtilage, an approach that has some advantages in terms of sustainability and is acceptable in principle. Given that the site is located within 400 metres of the coast, further details of how any overflow water would be dealt with, plus details of management and maintenance could reasonably be secured by condition to ensure appropriate means of surface water disposal.

The proposal is considered to be acceptable this respect subject to condition (condition 4).

**Impact on the living conditions of the occupants of neighbouring properties**

- 15.20 The officer assessment follows a site visit to the application site on the 7<sup>th</sup> August 2020.

Number 5, the application bungalow, and its neighbours are detached properties. The nearest property is Number 7 which lies approximately 7 metres to the north. The design of the replacement dwelling at number 7 includes significant areas of glazing facing the application site.

- 15.21 Number 5 is situated directly south of Number 7 on slightly higher ground. The proposal to extend number 5, with its additional roof bulk (including the approximately 6 metre high ridge and 4.6 metre high side gable) would not result in a reduction in light or an overbearing impact that would result in any significant loss of amenity to number 7 so as to necessitate refusal. Other properties are approximately 18 metres to the south, so no harm to the amenity of their occupiers is anticipated.

- 15.22 A reason for refusal on the previous application 6/2020/0086 related to loss of amenity to no. 7 Ballard Estate from overlooking from the first floor window in the north west elevation which was proposed to serve a bedroom. The current proposal has a hipped roof to the front and rear and the only glazing above ground floor level is three rooflights on the north east elevation which are to be obscure glazed and fixed shut (condition 5).

- 15.23 The rooflights would lie approximately 8m to the shared boundary and 11-14m from the southern elevation of no. 7. It is acknowledged that the existing dwelling includes a rooflight with a similar relationship to no. 7 as those proposed. However, as the new larger roof has the potential to facilitate first floor accommodation in the future, and without details of the finished floor levels to ensure that the windows are high level, it is judged necessary to impose a

condition that the rooflights, which serve a loft, are obscure glazed and fixed shut (condition 5). It is also necessary to remove permitted development rights for roof extensions and further windows in the roof to make the development acceptable in relation to neighbouring amenity (condition 6).

### **Other issues**

- 15.23 The loss of view which was raised as an objection is not a material planning consideration.
- 15.24 No biodiversity survey has been required for this application due to the urban location and presence of the rooflight.
- 15.25 The Hawthorne tree mentioned by objectors lies outside close to the application site on the north boundary but is not the subject of a tree preservation order or any other protection and makes only a limited contribution to the character of the area. An informative note regarding potential damage to tree roots can be added to any grant of permission.

### **16.0 Conclusion**

The proposed extensions and alterations accord with local and national planning policies and are acceptable in principle, particularly bearing in mind that the property includes an existing dwelling house and is located within the Swanage settlement policy boundary. The proposed extensions and alterations are appropriate in terms of size, scale, and design and therefore acceptable in terms of the impact upon the character and appearance of the local area and wider Dorset Area of Outstanding Natural Beauty. The proposals are also acceptable in terms of the impact upon neighbouring amenity and privacy as well as drainage.

Having assessed the material considerations as outlined within the report above, there are not considered to be any matters which would warrant a refusal of planning permission in this case. Approval subject to the following conditions is therefore recommended.

### **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: drawing number 20/06/12/01D received on 30 September 2020.

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

3. Full details of the external materials and finishes to be employed on the development hereby permitted must be submitted in writing and agreed in writing by the Local Planning Authority prior to their use. The development must be carried out using the agreed materials.

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

4. Before any ground works start a scheme for dealing with surface water drainage from the development must be submitted to and approved in writing by the Council. 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. The scheme must also be accompanied by the results of an assessment into the potential for disposing of surface water by means of a sustainable drainage scheme (SUDs); rainwater harvesting can form part of the scheme. The approved drainage scheme must be implemented prior to first use of the sitting/dining room hereby granted and must thereafter be maintained and managed in accordance with the agreed details.

Reason: These details are required to be agreed before ground works start in order to ensure that consideration is given to installing an appropriate drainage scheme to alleviate the possible risk of flooding onsite and elsewhere, plus minimising the risk of coastal instability.

5. The three rooflights within the north east elevation must be obscure glazed to level 3 obscurity and fixed shut, to prevent the screening effect of the obscure glazing being negated.

Reason: To safeguard the amenity and privacy of the occupiers of no. 7 Ballard Estate.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) or any subsequent re-enactment thereof, there must be no further extension to the roof or any further rooflights or openings inserted or constructed within the roof of the building.

Reason: To safeguard the amenity and privacy of the occupiers of adjoining residential properties and the character of the area.

**Informative notes:**

1. 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.

2. Informative Note - Natural England.

All buildings and especially roof spaces can support bat roosts which may be damaged or disturbed by demolition, building works or timber treatment. Please note that all bats and their roosts are fully protected under law. It is a requirement of the legislation to notify Natural England on 0300 060 3900 of any operation which may affect bats or their roosts, even when the bats are apparently absent. A contravention of the Wildlife and Countryside Act 1981 may constitute a criminal offence. The grant of this Consent does not override any requirements to notify Natural England or to comply with the legislation.

For further advice on a particular species use the following contacts:

Natural England Contact: John Stobart Tel: 07825 844475

Email: john.stobart@naturalengland.org.uk

Dorset Council Natural Environment Team Contact: Tel: 01305 224931

Email: net@dorsetcouncil.gov.uk

3. Informative Note- Trees

The applicant should be aware that the proposals could result in damage to the root system of the Hawthorne tree on the adjoining boundary. You are advised to notify the owner of the tree of your proposals prior to commencement and if necessary, take independent Arboricultural advice.

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: 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.