

Application Number:	WD/D/20/003145
Webpage:	https://planning.dorsetcouncil.gov.uk/
Site address:	17 All Saints Road Dorchester Dorset DT1 1EL
Proposal:	Replace existing garden wall with new wall and gates. Form permeable drive and carry out landscaping.
Applicant name:	Mr Cox
Case Officer:	Annabel Cox
Ward Member(s):	Cllr Jones and Cllr Rennie

1.0 Reason for committee referral: The applicant is the Dorset Council Tree Team Leader in Economic Growth and Infrastructure.

2.0 Summary of recommendation:

GRANT subject to conditions

3.0 Reason for the recommendation: as set out in paras 13 and 14 at the end:

- 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 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
- There are no highways impact that would warrant refusal.

4.0 Key planning issues

Issue	Conclusion
Principle of development	The principle of creating a hard standing and access to the front of the property is acceptable.
Scale, design, impact on character and appearance	The proposed development would not have an adverse impact on the visual amenities of the site or locality.

Impact on amenity	The proposed development would not have a significant adverse impact on the living conditions of occupiers of residential properties.
Conservation Area	The proposal would have a neutral impact upon the character or appearance of the conservation area.
Access and Parking	It is considered that the proposal will not compromise road safety and the proposal creates additional parking.

5.0 Description of Site

The application site is located on the north side of All Saints Road, in the north eastern part of Dorchester known as Fordington.

The dwelling is a two storey, mid terrace property constructed of brick. To the east of the site runs the Roman Town Wall and beyond that a registered garden and park known as 'Salisbury Fields'. The site lies within Dorchester's settlement boundary and Conservation Area and where an Article 4 Direction in place. As a result of the Article 4 Direction, the proposed development must obtain planning permission and is not permitted under The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

To the front of the dwelling is a low-level brick wall and front garden area. To the rear is a good-sized garden. Properties along this part of terrace have already created front driveways and access to the highway.

6.0 Description of Development

The proposal seeks to demolish the existing low-level wall to create an access onto the highway and lay a permeable hardstanding to provide additional parking. Iron wrought gates are proposed to open and enclose the driveway. Planting is also proposed.

7.0 Relevant Planning History

No relevant planning history.

8.0 List of Constraints

SUS2; Defined Development Boundary; Dorchester

ENV 4; Conservation Area; DORCHESTER CONSERVATION AREA

ENV 2; Poole Harbour Nutrient Catchment Area; Poole Harbour

DOR3; Dorchester Roman Town Area; Dorchester

Landscape Chara; Urban Area; Dorchester

Boundary; West Dorset District Boundary; West Dorset

Article 4 Direction

SGN - High pressure gas pipeline 1km or less from Regional High Pressure Pipelines (>7 bar);

NE - SSSI impact risk zone;

NE - SSSI: River Frome ;

EA - Poole Harbour Catchment Area

9.0 Consultations

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

Consultees

1. DC - Highways – No objection (comment)
2. DC - Conservation Officers- No objection
3. P - Dorchester Town Council- No objection
4. W - Dorchester East Ward- No objection

Representations received

No letters of representation received.

Total - Objections	Total - No Objections	Total - Comments
0	0	0

Petitions Objecting	Petitions Supporting
0	0
0 Signatures	0 Signatures

10.0 Relevant Policies

Adopted West Dorset and Weymouth & Portland Local Plan:

The following policies are considered to be relevant to this proposal:

INT1 - Presumption in favour of Sustainable Development

ENV1 - Landscape, seascape & sites of other geological interest

ENV2 - Wildlife and habitats

ENV4 - Heritage assets

ENV10 - The landscape and townscape setting

ENV12 - The design and positioning of buildings

ENV16 - Amenity

SUS2 - Distribution of development

DOR 3 – Dorchester Roman Town Area

Material Planning Considerations

National Planning Policy Framework

- The relevant chapters of the NPPF include:
- Part 2- Achieving sustainable development.
- Part 4- Para 38 - Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.
- Part 12- Achieving well-designed places.
- Part 15- Conserving and enhancing the natural environment
- Part 16- Conserving and enhancing the historic environment

The Planning (Listed Buildings and Conservation Areas) Act 1990- section 66:

Includes a general duty to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Section 72 requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of conservation areas.

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 Planning Assessment

Principle of development

The proposed development requires planning permission due to permitted development rights being removed under the Article 4 Direction in place in Dorchester’s Conservation Area. The Article 4 Direction aims to prevent the loss of features which contribute positively to the character of Dorchester Conservation Area, but is limited to any gate, fence, wall or other means of enclosure adjacent to a highway or open space.

The proposed development is considered acceptable as this row of terraces does not make a significant contribution to the character of the conservation area and the site forms part of a row of terraces where similar work has taken place. Therefore, the impact of such development is not considered detrimental. The principle of development is acceptable and complies with the relevant policies of the Local Plan and NPPF.

Design

The proposed surface materials and gate/wall materials are in keeping with the site and locality. The addition of planting helps to soften the impact of the driveway and access. The proposed development would not have an adverse impact on the visual amenities of the site or locality.

Amenity

The proposed development would not have a significant adverse impact on the living conditions of occupiers of residential properties.

Conservation Area

In terms of heritage, the Dorchester Conservation Area is a designated heritage asset, in which the site lies. Special regard must be given to safeguarding such assets. Paragraph 193 of the Framework states that when considering the impact of a proposed development on the significance of designated heritage assets, great weight should be given to the assets' conservation. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm.

The application site as a whole has a relatively neutral impact to the character of Dorchester Conservation Area. Other dwellings within the street have carried out similar development. The proposed materials are in keeping with the character of the conservation area. It is not considered that the proposals will result in harm to the significance of the identified heritage assets and the consulted Conservation Officer raises no objection. In view of the neutral impact upon the designated Conservation Area that would result, the presumption in favour of sustainable development is engaged. The proposal would comply with the policy requirements of Policy ENV.4 of the West Dorset and Weymouth Local Plan, and the NPPF.

This conclusion has been reached having regard to: (1) section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 that requires special regard to be paid to the desirability of preserving or enhancing the character or appearance of a conservation area; and (2) Local Plan policy.

Highways impact

The consulted highways officer did not raise an objection to the proposed development but comments that only medium-small cars would fit within the proposed driveway and the proposed gates should not be able to open outwards onto the highway (a condition will be added to ensure the latter). The onus is on the applicant to ensure that their vehicle does not obstruct the highway and is parked safely. It is considered that the proposal will not compromise road safety.

14.0 Conclusion

The proposed development complies with the policies of the adopted Local Plan and the relevant sections of the National Planning Policy Framework as already listed.

15.0 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 (as amended).

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

Location Plan, Existing & Proposed Site Plan, Elevations and Sections
(received 01/04/2021)

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

3. Before the development hereby approved is occupied or utilised any entrance gates must be hung so that the gates do not open over the adjacent public highway.

Reason: To ensure that any gates do not cause a safety hazard on the highway.

Informative Notes:

1. National Planning Policy Framework Statement

In accordance with paragraph 38 of the NPPF the council, as local planning authority, takes a positive approach to development proposals and is focused on providing sustainable development.

The council works with applicants/agents in a positive and proactive manner by:

- offering a pre-application advice service, and
- as appropriate updating applications/agents of any issues that may arise in the processing of their application and where possible suggesting solutions.

In this case:

-The application was acceptable as submitted and no further assistance was required.

2. 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 Highway Authority in order to comply with Section 184 of the Highways Act 1980. The applicant should contact Dorset Highways by telephone at 01305 221020, by email at dorsethighways@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.