

Appeal Decisions

1. PURPOSE AND RECOMMENDATIONS

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

3.0 APPEAL DECISIONS

3.1 Appeal Reference: APP/D1265/D/21/3270480

Planning Reference: 6/2020/0261

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

Address: 5 Ballard Estate, Swanage, BH19 1QZ

Appeal: Allowed

The householder application for single storey extensions with pitched roofs, the insertion of three rooflights and the installation of a rainwater harvest tank was refused by the Eastern Area Planning Committee in February 2021. The reason for refusal was that the proposal would, by reason of the bulk of the roof, have a harmful impact on the local character of the Ballard Down area contrary to policy STCD of the Swanage Local Plan (2017) and policies LHH and D of the Purbeck Local Plan (2012).

Number 5 Ballard Estate is located on the Ballard Estate in north Swanage, within the Swanage settlement boundary and the Dorset Area of Outstanding Natural Beauty. At the site is a detached single storey dwelling that is constructed of brick with a tiled roof. The bungalow has been extended through the construction of flat roofed extensions.

In terms of the character of the area, the Inspector acknowledged that the Ballard Estate is a distinctive compact estate of bungalows which was originally an army camp that was laid out during the first world war, further that a number of the plots have been redeveloped. The Inspector confirmed that the main issue is the effect of the proposal on the character and appearance of the area.

The Inspector confirmed that the proposal would increase the overall footprint of the dwelling and the scale and mass of the roof, but judged that the proposals would relate well to the size of the dwelling and not appear overly dominant in respect of the overall size of the plot. Additionally, the shape of the proposed roof along with the overall scale would ensure that the proposal does not appear overbearing within the street scene. The form and scale of the proposal, plus the retention of the current eaves height would result in the building retaining the external appearance of a single storey property. The extending of the ridge of the dwelling, without raising the ridge height is such that the proposal would respect the prevailing form of development on the estate and protect the distinctive character of the area.

The Inspector confirmed that the proposal would be to extend an existing dwelling in a manner that is limited in scale and extent, within the context of surrounding residential development. On this basis the proposal would conserve the landscape and scenic beauty of the Area of Outstanding Natural Beauty.

Regarding the installation of a rainwater harvest tank, the Inspector confirms that there is no evidence that this would be unacceptable in this location. Due to the information being limited to the position of the proposed rainwater harvesting tank, a condition was imposed to secure further details.

Regarding the effect of the proposals upon the living conditions of the occupants of neighbouring properties as raised by third parties, the Inspector considered the issues of the sense of overbearing, overshadowing and loss of daylight and sunlight. The Inspector confirmed that due to the relationship between the appeal dwelling and the neighbouring properties, combined with the overall scale and height of the proposal, the proposals would not result in significant harm to living conditions.

The proposed rooflights would provide views of the garden and south west elevation of number 7 Ballard Estate, however overlooking would be exacerbated if the loft space were used as a bedroom or additional living area. The Inspector confirmed that the overlooking could be negated by the rooflights being of obscure glass and fixed shut by condition.

The Inspector determined that the proposal was in accordance with the NPPF and Local Plan so allowed the appeal and granted permission subject to conditions. The conditions include submission of details of the rainwater harvesting tank, a scheme for dealing with surface water, details of the external materials and finishes, that the three rooflights be glazed with obscure glass and fixed shut, that permitted development rights be removed for any further extension of the roof and that no further rooflights be inserted within the roof.

The applicants did not submit an appeal for costs against Dorset Council.

3.2 Appeal Reference: APP/D1265/D/20/3248112

Planning Reference: 6/2019/0337

Proposal: Erect a single storey rear extension

Address: Misty Cottage, Worth Matravers, BH19 3LQ

Appeal: Allowed

The householder application for a single storey extension with a flat sedum roof was refused by the Eastern Area Planning Committee in January 2020. There were three reasons for refusal.

Firstly, the location and proximity of the proposed extension to Rose Cottage would have an overbearing impact upon the neighbours at Rose Cottage to the detriment of the setting of the Grade II Listed Building, contrary to policies LHH and D of the Purbeck Local Plan (2012) and the National Planning Policy Framework.

Secondly, the design and form of the flat roof of the proposed extension would result in harm to the designated heritage asset and the character and appearance of the Worth Matravers Conservation Area, contrary to policies LHH and D of the Purbeck Local Plan (2012) and the National Planning Policy Framework.

Thirdly, within the flat roof of the proposed extension the eight rooflights would adversely impact upon the character of the village and have a harmful impact upon the dark skies within the Dorset Area of Outstanding Natural Beauty, contrary to policy D of the Purbeck Local Plan (2012), the National Planning Policy Framework, the Dorset AONB Management Plan 2019 – 2024 and guidance contained within the Planning Practice Guidance on light pollution.

Misty Cottage is located in the middle of Worth Matravers, within the Worth Matravers settlement policy boundary, the Worth Matravers Conservation Area and the Dorset Area of Outstanding Natural Beauty. At the site is a detached house that dates from the 1960s and has walls constructed of Purbeck stone. Misty Cottage is set amongst a collection of dwellings of various ages, to the west of the Mill Pond within the centre of the village. In terms of land levels, Misty Cottage is set on a plot that is higher than Rose Cottage to the east, a property that includes a Grade II Listed Building.

In terms of the character of the area, the Inspector acknowledged that Misty Cottage is located within the Worth Matravers Conservation Area and the setting of the Grade II Listed Buildings, namely Rose Cottage and Cobblers Cottage. The Inspector confirmed that whilst the proposed single storey flat roofed extension would be constructed on the rear elevation, the area of land upon which it would be constructed is higher than some of the surrounding areas and would be visible from the public open space to the east.

Regarding the inclusion of a flat roof on the proposed extension, the Inspector acknowledges that flat roofs are not typical within the village, further that more traditional pitched roofs are common. It was noted that the flat roof is detailed as giving the proposed extension a more contemporary form and helps to keep the height of the extension low. The Inspector confirms that whilst the proposed extension would be visible, due to the proposed extension being single storey and relatively modest in size it would not be prominent within its setting.

Regarding materials, the Inspector notes the use of traditional materials for the walls, confirms that the fenestration is appropriate and that the rooflights would be positioned so as not to be prominent, thus the “extension would visually blend well with the existing cottage”.

With regard to Rose Cottage, the Inspector acknowledges the difference in ground levels, but confirms that the scale of the proposed extension would not be an overbearing or dominant feature in terms of the setting of this listed cottage. Additionally, the design and scale of the proposed extension is confirmed as being such that it would not have a negative impact upon any other listed buildings. Together the appropriate scale and design of the proposed rear extension are such that it would preserve the significance of the Worth Matravers Conservation Area and the setting of neighbouring listed buildings.

The Inspector recognises that the application site is located within the centre of the village, where there is likely to be some light from other dwellings and that there is no substantive evidence that the proposed extension would have a material impact on the objective of having dark skies. Indeed, it is confirmed that the scale and design of the proposed extension would not be harmful to the Dorset Area of Outstanding Natural Beauty.

The Inspector recognises that the proposed extension would be visible from Rose Cottage, for this is set at a lower level, but on the basis that the proposed extension would be single storey and include a flat roof, it would not be dominant, overbearing or cause significant overshadowing. Additionally, the use of obscure glass within the side elevation window would safeguard the privacy of the occupants of Rose Cottage.

The Inspector allowed the appeal and granted permission subject to conditions which include that the glazing in the window within the north east (side) elevation be of obscure glass and fixed shut and a condition removing permitted development rights for the installation of any further windows, glazed doors or openings within the north east (side) elevation.

The applicants did not submit an appeal for costs against Dorset Council.