

Eastern Area Planning Committee

9 March 2022

<b>Application Number:</b>	P/HOU/2021/04823		
<b>Webpage:</b>	<a href="http://dorsetforyou.com">Planning application: P/HOU/2021/04823 - dorsetforyou.com</a> ( <a href="http://dorsetcouncil.gov.uk">dorsetcouncil.gov.uk</a> )		
<b>Site address:</b>	7 Stanbarrow Close Bere Regis Wareham BH20 7NE		
<b>Proposal:</b>	Proposed single/two storey extension to rear elevation. Extension of side boundary wall and form new pedestrian access.		
<b>Applicant name:</b>	Mr & Mrs P Macklin		
<b>Case Officer:</b>	Claire Hicks		
<b>Ward Member(s):</b>	Cllr Miller and Cllr Wharf		
<b>Publicity expiry date:</b>	9 February 2022	<b>Officer site visit date:</b>	20 January 2022
<b>Decision due date:</b>	11 January 2022	<b>Ext(s) of time:</b>	25 March 2022

1.0 This application is before the planning committee because the applicant is an employee of Dorset Council in the Planning Team and the nominated officer has judged that the triggers in the constitution are met.

**2.0 Summary of recommendation:**

Grant, subject to conditions.

**3.0 Reason for the recommendation:**

- The proposal is acceptable in its design and general visual impact – paragraph 15.3.
- There is not considered to be any significant harm to neighbouring residential amenity - paragraph 15.4.
- There are no material considerations which would warrant refusal of this application.
- There is no adverse impact on the character of the area.

**4.0 Key planning issues**

Issue	Conclusion
Principle of development	Within the settlement boundary.
Scale, design, impact on character and appearance	No adverse impact.
Impact on amenity	No adverse impact.
Impact on biodiversity	No adverse impact – negative bat certificate submitted.
Highways safety	No adverse impact - Dorset Council Highways have no objection subject to informative notes relating to land ownership.

## 5.0 Description of Site

- The site is within the settlement boundary of Bere Regis, located at the western end of Stanbarrow Close, a cul de sac.
- No. 7 is a two storey dwelling on a relatively flat, corner plot.
- The property is linked via the garage with Number 8 Stanbarrow Close, which is adjacent to the southern boundary of the site.
- The boundary treatment of the rear garden between the site and Number 8 Stanbarrow Close is a fence. The northern and half of the eastern boundary of the site is demarcated by a 1.8m high brick wall, the other half of the eastern boundary treatment is fence.
- There are no trees of any significance in the rear garden of the property and adjacent to the site.

### Description of Surrounding Area:

- In an established residential area comprising dwellings which vary in their style.
- To the west of the site, opposite the front garden, there is public open green space, and trees.
- Dwellings on Stanbarrow Close are two storey – terraced, detached and semi-detached.
- The majority of properties at Stanbarrow Close have small front gardens and off road parking.

## 6.0 Description of Development

The proposed development consists of a two-storey side extension to the south of the property and a 1.1m deep single storey rear extension along the existing and extended rear elevation. The proposed development also includes an extension of the existing side boundary wall to the north of the property and an alternative pedestrian gate.

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The original proposed plans included a single storey rear extension, extending approximately 4.0m from the rear elevation, and approximately 0.2m from the adjacent property, No. 8 Stanbarrow Close, but this was amended following the initial officer assessment.

## 7.0 Relevant Planning History

6/2004/0396 - 7 Stanbarrow Close Bere Regis - Erect two storey side extension – Granted on 25/06/2004.

## 8.0 List of Relevant Constraints

- Inside PDC Settlement Boundary: Bere Regis.
- Bere Regis Conservation Area - 31.2m to the northwest.
- Environment Agency Constraint - Groundwater Source Protection Zone

## 9.0 Consultations

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

### Consultees

#### **DC – Highways**

- No objection (received on 7<sup>th</sup> January 2022 and 27<sup>th</sup> January 2022)
- *The red line in Drawing number O1 appears to overlap the adopted and maintainable public highway. The landowner may own the subsoil but there appears to be highway rights over this.*
- *The proposal does not present a material harm to the transport network or to highway safety and consequently has no objection, subject to informative notes.*

#### **P - Bere Regis PC**

- Support (received on 18<sup>th</sup> December 2021)
- *Although the Parish Council does not object to this application, it was noted that the site is becoming too much extension on extension.*

The following objection was received after the agreed deadline extension with Bere Regis Parish Council of 14<sup>th</sup> February 2022.

- *In response to this re-submission for consultation, we have reviewed the plans again, along with the response submitted by a neighbour subsequent to our first response.*
- *In the light of this, we now feel that it is appropriate to modify our response and, despite the reduction in size of the proposed extension, Bere Regis Parish*

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*Council consider the proposals are out of scale to all neighbouring properties and the application should be refused.*

### **Representations received**

The application was advertised by the erection of site notices on 8 December 2021. The parish and the objector were reconsulted on 24 January following amendments.

<b>Total - Objections</b>	<b>Total - No Objections</b>	<b>Total - Comments</b>
<b>1</b>	<b>0</b>	<b>0</b>

One objection was received on 22 December 2021 in response to the original plans with the single storey element adjacent to the site boundary raising the following concerns.

- *Significant alterations to the street scene when viewed from the west.*
- *Harm to neighbouring amenity (8 Stanbarrow Close) due to visual intrusion and loss of light as a result of the height due to height.*
- *Over development of the plot - adding to the bulk and mass of a property which was previously extended in 2004 on the north elevation.*

The neighbour comments can be viewed in full on the website.

## **10.0 Relevant Policies**

### **10.1 Development Plan Policies**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning applications must be determined in accordance with the development plan for an area, except where material considerations indicate otherwise.

#### **Adopted Purbeck Local Plan Part 1:**

- Policy SD - Presumption in favour of sustainable development
- Policy LD - General location of development
- Policy D – Design
- Policy BIO - Biodiversity and geodiversity

### **Neighbourhood Plans**

Bere Regis Neighbourhood Plan

### **10.2 Material considerations:**

Emerging Purbeck Local Plan:

Officers have considered the emerging Purbeck Local Plan when assessing this planning application. The plan was submitted for examination in January 2019. At the point of assessing this planning application the examination is ongoing following hearing sessions and consultation on proposed Main Modifications (carried out between November 2020 and January 2021). An additional consultation on Further Proposed Main Modifications is scheduled to open in December 2021 and close early in January 2022. The council's website provides the latest position on the plan's examination and related documents (including correspondence from the Planning Inspector, council and other interested parties). Taking account of Paragraph 48 of the National Planning Policy Framework, the plans progress through the examination and the council's position following consultation on proposed Main Modifications and the scheduled consultation on Further Proposed Main Modifications, at this stage only very limited weight can be given to this emerging plan.

The following policies of the emerging Local Plan are considered relevant to the application but cannot be given any significant weight in the decision-making process:

- E12: Design
- E10: Biodiversity and geodiversity

#### Supplementary Planning Documents/Guidance

Purbeck District Design Guide Supplementary Planning Document 2014

Purbeck Townscape Character Appraisals – Bere Regis (SPD)

#### National Planning Policy Framework revised July 2021

Paragraph 11 sets out the presumption in favour of sustainable development. Development plan proposals that accord with the development plan should be approved without delay. Where the development plan is absent, silent or relevant policies are out-of-date then permission should be granted unless any adverse impacts of approval would significantly and demonstrably outweigh the benefits when assessed against the NPPF or specific policies in the NPPF indicate development should be restricted.

Relevant NPPF sections include:

Section 4. Decision taking: 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...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.

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Section 12 'Achieving well designed places indicates that all development to be of a high quality in design, and the relationship and visual impact of it to be compatible with the surroundings. In particular, and amongst other things, Paragraphs 126 – 136 advise that:

- The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.
- It is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes.
- Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design.

Section 15 'Conserving and Enhancing the Natural Environment'- In Areas of Outstanding Natural Beauty great weight should be given to conserving and enhancing the landscape and scenic beauty (para 176). Decisions in Heritage Coast areas should be consistent with the special character of the area and the importance of its conservation (para 178). Paragraphs 179-182 set out how biodiversity is to be protected and encourage net gains for biodiversity.

## **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.

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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**

N/A

### **14.0 Climate Implications**

There are not considered to be any significant climate implications for the proposed extensions which will be constructed in accordance with the latest Building Regulations.

### **15.0 Planning Assessment**

The main issues concerning this application are:

- The principle of development
- Scale, design, impact on character and appearance
- Impact on amenity
- Impact on biodiversity
- Highway safety

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

#### **15.1 Principle of development**

The application site is situated in the urban area of Bere Regis where the principle of development is acceptable.

#### **15.2 Scale, design and impact on character and appearance**

The area is characterised by two storey dwellings with side gables benefiting from front and rear gardens. The size of the properties and the spacing between properties varies. A previous two storey extension to the dwelling is subordinate to the original form and fits appropriately within the streetscene.

The proposal under consideration would further increase the bulk of the dwelling but can be accommodated on the site without representing over development of the plot. It will extend the existing front pitch of the garage up into the plot to a subordinate ridge height and the two storey element is no deeper than the existing dwelling so will not be prominent in views within the streetscene. The single storey garage at no. 8 and the higher ridge of that property will continue to provide visual distinction between the two dwellings. The modest single storey rear extension will retain

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appropriate garden space and will provide visual cohesion between the existing and new elements.

The proposed extensions are appropriate and sympathetic in terms of their size, scale and design in relation to the existing dwelling, and subject to a condition requiring similar materials (no. 3), would have no adverse impact on the character of the area.

### 15.3 Impact on amenity

The proposal has been designed to respect the amenities of neighbouring properties avoiding unreasonable loss of light or an overbearing impact for the occupiers of no. 8. A new rooflight/window serving a bedroom will be installed closer to the boundary with no. 8 but it is set further east, into the plot, than the neighbouring property so would not result in overlooking of the most sensitive part of the garden to the immediate rear and no demonstrable harm to the amenity of the neighbouring occupiers has been identified.

### 15.4 Impact on biodiversity

The bat survey was carried out on 15<sup>th</sup> November 2021, by KP Ecology, and was negative so no protected species are likely to be harmed by the proposal. This satisfies the requirements of the Dorset Biodiversity Protocol, Policy BIO of the Adopted Purbeck Local Plan and Policy E10 of the Emerging Purbeck Local Plan.

### 15.5 Highway Safety

Dorset Council Highways have no objection subject to informative notes relating to land ownership. The repositioning of the fencing and gate would not result in any harm.

### 15.6 Other issues

No harm to protected ground water is anticipated from the extension but an informative note is proposed.

## 16.0 **Conclusion**

Amended plans have overcome initial amenity issues relating to unreasonable loss of light or an overbearing impact and have also scaled back the proposal which can be accommodated on the site without harm to the character of the area. The proposal accords with the policies of the local plan and approval is recommended.

## 17.0 **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 - Drawing number S2105-01
  - Amended Site Plan - Drawing number S2105-02, revision A
  - Amended Proposed floor plans - Drawing number S2105-04, revision A
  - Amended Proposed elevations (sheet 1 of 2) - Drawing number S2105-05, revision A
  - Amended Proposed elevations (sheet 2 of 2) - Drawing number S2105-06, revision A

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

3. The external materials to be used for the walls and roofs shall be similar in colour and texture to the existing dwelling.

Reason: To ensure a satisfactory visual appearance of the development.

### **Informative Notes:**

1. The applicant is advised that, notwithstanding this consent, before commencement of any works Dorset Highways MUST be consulted to agree the precise position of the boundary. They can be contacted by telephone at 01305 221020, by email at [dorsethighways@dorsetcouncil.gov.uk](mailto:dorsethighways@dorsetcouncil.gov.uk), or in writing at Dorset Highways, Dorset Council, County Hall, Dorchester, DT1 1XJ.
2. The applicant should contact Dorset Highways by telephone at 01305 221020, by email at [dorsethighways@dorsetcouncil.gov.uk](mailto: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, to ensure that the appropriate licence(s) and or permission(s) are obtained.

### **3. 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:

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- The applicant/agent was updated of any issues and provided with the opportunity to address issues identified by the case officer.

4. 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.
  
5. The applicant(s) is (are) advised that the proposed development is situated in close proximity to the property boundary and "The Party Wall etc. Act 1996" is therefore likely to apply.
  
6. The applicant is advised that the site lies within an area of ground water protection. Care should be taken during the construction to avoid any contaminants entering the ground water.

**Background Documents:**

Case Officer: Claire Hicks

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