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| <b>Application Number:</b> | P/HOU/2021/04085  |
| <b>Webpage:</b>            | <a href="https://planning.dorsetcouncil.gov.uk/">https://planning.dorsetcouncil.gov.uk/</a> |
| <b>Site address:</b>       | 25 Herringston Road Dorchester DT1 2BS  |
| <b>Proposal:</b>           | Erect two storey rear extension, extend single storey side extension                        |
| <b>Applicant name:</b>     | Mr Tim Armstrong  |
| <b>Case Officer:</b>       | Cass Worman   |
| <b>Ward Member(s):</b>     | Cllr Jones and Cllr Rennie  |

**1.0** Scheme of Delegation referral following comments received from Cllr Rennie and Dorchester Town Council

**2.0 Summary of recommendation:**

GRANT

**3.0 Reason for the recommendation:**

- The principle of the extension is acceptable, 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

**4.0 Key planning issues**

| <b>Issue</b>                                      | <b>Conclusion</b>  |
|---|--|
| Principle of development                          | Householder extensions acceptable in principle   |
| Scale, design, impact on character and appearance | Following the existing form of the rear gables is an acceptable design approach  |
| Impact on amenity                                 | The new windows proposed are not considered to present significant harm to neighbouring residential amenity due to location, orientation and distance from neighbouring properties.<br>The extension would not result in unacceptable overshadowing, overbearing or loss of light to the significant detriment of neighbouring amenity |
| Economic benefits                                 | Support local construction industry  |
| Access and Parking                                | Not impacted   |

|              |   |
|--------------|---|
| Biodiversity | Biodiversity enhancements can be achieved via condition |
|--------------|---|

## 5.0 Description of Site

The application site is a detached dwelling in a residential area of Dorchester, on the east side of Herringston Road which runs north to south.

The dwelling sits back from the road with driveway & parking to the front (west), and a long rear garden to the east.

Herringston Road & the surrounding residential area is characterised by larger dwellings of varying styles and periods, most situated within generous plots. The road is tree lined and suburban in style. It is outside the conservation area.

## 6.0 Description of Development

Erection of two storey rear extension. The proposed extension would follow the existing form of the two rear gables, maintaining the existing eaves and ridge height of the existing building. The two storey rear extension would be an additional 5.4m in depth.

At the ends of the new gables, windows would be inserted at ground and first floor levels, the bedrooms featuring a juliette balcony.

A new window in the first floor study room would be inserted into the southern elevation.

New narrow obscured windows on the first floor northern elevation would serve bathrooms and closets.

The existing single storey extension on the northern elevation would be extended to follow the line of the new rear extension, forming an additional utility room behind the existing garage; this would be rendered to match the existing on the northern side and cedar cladding used on the rear east elevation.

The two storey extension would be clad in fibre cement cedar cladding in a cream/buff colour to compliment the existing render. Roof materials would match the existing tiles. Existing chimneys would be retained.

## 7.0 Relevant Planning History

P/HOU/2021/04085 Grant of planning permission dated 04/01/2022 QUASHED following judicial review ref CPR 54.11, 54.12 dated 01.04.2022.

The judge stating:

*...As the Claimant's objections were not taken into account by the Defendant, the grant of planning permission ought to be quashed...*

1/E/90/0811F Erect extension and pitched roof to two storey section. Granted 13/02/91

## 8.0 List of Constraints

ENV 9; Groundwater Source Protection Areas; NULL

SUS2; Defined Development Boundary; Dorchester

ENV 2; Poole Harbour Nutrient Catchment Area; Poole Harbour

Landscape Chara; Urban Area; Dorchester

Boundary; West Dorset District Boundary; West Dorset

ENV 9; Groundwater Source Protection Areas; LOWER MAGISTON

Landscape Chara; Urban area; Dorchester

Environment Agency - Areas Susceptible to Groundwater Flooding; Clearwater; >= 50% <75%;

Natural England - SSSI impact risk zone;

Natural England - SSSI (5km buffer): River Frome ;

Natural England - SSSI (5km buffer): Upwey Quarries and Bincombe Down ;

## 9.0 Consultations

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

### Consultees

#### **Dorchester Town Council**

*Object: The Committee were concerned that the neighbouring property would be severely overlooked from the office windows incorporated in the proposed South elevations resulting in loss of privacy.*

*The proposal would have a significant adverse effect on the living conditions of the neighbouring residential property, contriving ENV.16 of the adopted Local Plan.*

#### **Dorchester East Ward Member**

*I would like to request there is a site visit or an opportunity for this application to go to committee.*

*Considering it has already has been subject to a Judicial review and returned to the planning process it make sense to me to give it a full and open discussion*

*I visited the site and feel the neighbours in 27 will be in the position of being overlooked from the widows in the upper floors of the South elevations most importantly the office windows and as it is described in the documents as an office to support home working we may consider it as a primary room due to the amount of*

usage as home working. The neighbours in 27 have their dining /living room which is obviously well used as living space through out the year. This room has a windowed roof giving full access to the space from above.

The use of home offices may in the future cause this issue as more people will continue to work from home and this to be encouraged

### **Representations received**

Objection received from Turner Associates representing a neighbouring property, their comments are considered below

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

## **10.0 Development Plan Relevant Policies**

### Adopted West Dorset and Weymouth & Portland Local Plan (2015)

- INT1- Presumption in favour of Sustainable Development
- ENV2 – Wildlife & Habitats
- ENV10 - The landscape and townscape setting
- ENV 12 – The design and positioning of buildings
- ENV 16 – Amenity
- SUS2 - Distribution of Development

### **Material Considerations**

#### National Planning Policy Framework

2. Achieving sustainable development
4. Decision-making
12. Achieving well-designed places
15. Conserving and enhancing the natural environment

WDDC Design & Sustainable Development Planning Guidelines (2009)

National Design Guide, Ministry of Housing, Communities and Local Government (2019)

## **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. Officers are not aware of protected characteristics of either the applicant or 3<sup>rd</sup> parties that would require specific consideration.

## **13.0 Financial benefits**

Support of local construction sector

## **14.0 Climate Implications**

Proposed works would comply with relevant building regulations

## **15.0 Planning Assessment**

### **Design**

The proposed extension would follow the existing form of the two rear gables, maintaining the existing eaves and ridge height of the existing building. The two-storey rear extension would be an additional 5.4m in depth.

The two-storey extension would be clad in fibre cement cedar cladding in a cream/buff colour to complement the existing render.

Roof materials would match the existing tiles. Existing chimneys would be retained.

The existing single storey extension on the northern elevation would be extended to follow the line of the new rear extension, forming an additional utility room behind the existing garage; this would be rendered to match the existing on the northern side

and cedar cladding used on the rear east elevation, matching the cladding of the gables of the new two storey extension.

It is acknowledged that this continuation of the existing ridge and eaves height, rather than stepping the proposed extension “down and in” (as typical for domestic two storey extensions), results in the proposed extension seeming somewhat bland and doesn’t help the reading of the proposed extension as a legible new addition.

Following officer discussion as to the proposed design, the applicant has investigated breaking up the design in this way, however constraints of the previous alterations of the roof and construction of the building are cited as preventative to this design approach.

There would be no perceptible or harmful impact to visual amenity of the street scene by retaining the existing ridge and eaves at the rear of the dwelling.

The resultant depth of two storey extension is not considered to be overly bulky nor dominating of the host dwelling; the retention of the existing rendered gable on the south side and the rendered single storey addition on the north side breaks up the design sufficiently so as not to result in such a boxy & dominating form which would represent such poor design as to warrant refusal of the application.

The southern elevation of the proposed extension would be visible in glimpsed views from the street, there would be a mix of materials visible from the street, the cladding combined with the existing render to the front and existing southern elevation, so that this would not be an overly incongruous addition to the street scene, Herringston Road being a mixture of styles and periods of dwellings.

The rear of the dwelling is not visible from any public vantage points, and the use of cladding broken up by changes in depth and fenestration would not adversely impact on the character of the immediate area to such a degree as to warrant refusal of the application.

## **Amenity**

At the ends of the new gables, windows would be inserted at ground and first floor levels, the bedrooms featuring a Juliette balcony.

A new window in the first-floor study room would be inserted into the southern elevation.

The secondary window in the first-floor southern elevation for the new bedroom has been omitted from the scheme.

New narrow obscured windows on the first-floor northern elevation would serve bathrooms and closets.

## Overlooking

Objections have been received on the grounds that the new window in the first floor study room proposed to be inserted into the southern elevation would result in unacceptable overlooking into the neighbouring property to the south.

It is acknowledged that the insertion of a window into this first floor southern elevation would result in a limited degree of mutual overlooking into the kitchen-diner of the neighbouring dwelling to the south from this new window, and vice versa. It should however be noted that the dwellings are detached, set in generous plots, and are well separated by side amenity space on both sides; neither dwelling abuts the boundary.

The orientation of the neighbouring kitchen-diner window to the south is set back from the proposed new first floor window so that any resultant overlooking which would result from this window would not be 'direct', being at an oblique, 'back & down' angle – there would be no direct 'across' views into the main body of the kitchen-diner room from this new window, and any overlooking would largely be limited to the area immediately adjacent to the window (kitchen sink area) only.

Due to the distances involved and this oblique angle, it is considered that the proposed first floor window in the southern elevation would not result in unacceptable overlooking to the kitchen-diner room of the neighbouring property, and that the new window would not result in significant overlooking to neighbouring rooms so as to warrant refusal of the application.

Similarly, due to the distances involved, is it not considered that any resultant overlooking of the ground floor utility room of the neighbouring property from the proposed first floor southern elevation window would result to the detriment of neighbouring amenity, especially when considering this is a non-habitable room.

Due to distances between the proposed first floor southern elevation window and the angle between this proposed window and the glass roof of the neighbouring sunroom extension, it is considered that there would be no significant overlooking into this neighbouring room through the glass roof which would be of detriment to occupiers of the neighbouring dwelling.

The removal from the scheme of the secondary bedroom window in the first-floor southern elevation has removed any potential overlooking into the neighbouring sunroom and patio area. The proposed gable windows to the rear (with Juliette balconies) would look down the host dwelling's garden and due to distance, position and orientation of the new windows, these rear first floor windows would not result in unacceptable overlooking to amenity areas of the neighbour to the south, nor to the amenity areas of the neighbouring bungalow to the southeast.

New first floor windows to the northern elevation are all small narrow windows serving bathrooms and closets – these are marked as obscured glazed on the submitted plans and a condition would ensure these openings remained as such. Therefore, the insertion of these windows are not considered to result in unacceptable overlooking to the neighbouring property to the north, and the proposal would comply with the requirements of policy ENV 16 of the Local Plan .

## Loss of Light & Overbearing

It should be noted that the application site and neighbouring dwellings on either side are detached, in generous plots, and are well separated by side amenity space on both sides; no dwellings abut their boundaries.

Taking these separation distances into account, and the 'side by side' relationship of the application dwelling with the neighbouring dwellings on both sides, it is considered that there would be no significant resultant overshadowing or loss of light experienced by neighbouring properties as a result of the proposals.

The dwelling to the north would experience a change in outlook as a result of the proposals, there being south facing windows looking into the application site from this dwelling; the additional mass of the proposed two storey extension would be perceptible, but this neighbour is well separated from the application site, and is offset & 'buffered' from the two storey addition by the single storey side extension - this would break up any bulk or perception of overbearing which may result from the new addition. Being to the north, there would be some degree of additional overshadowing to the garden area of this property as a result of the new two storey extension, however due to the orientation and distances between the application site and the neighbouring northern dwelling, any overbearing or overshadowing which may be experienced would be to such a slight degree that any negative impact to the northern dwelling is considered to be so slight as to be negligible and therefore acceptable.

To the south, and southeast, the distances between the proposed extension and the neighbouring dwellings are well enough removed so as not to result in any adverse perception of overbearing or overshadowing as a result of the proposed scheme. The proposal would comply with the requirements of policy ENV 16 of the Local Plan.

## Other matters

The Turner Associates letter of 4 March 2022 raised the following additional points, not specifically addressed above:

- Elevations do not include relationship with adjacent property which is required for the 45 degree test
  - o The Council does not consider that the 45-degree test is appropriate in relation to detached properties which are at an appropriate separation distance such as here
  - o Notwithstanding this, Block Plan 004-2019-002 shows the relationship between the proposed extension and the properties on either side of the application site. On the block plan provided, the proposed extension does not fall within the 45-degree line limits on either side
  - o Notwithstanding this, drawing a 45-degree line down from the top corners of the proposed extension, the line does not extend beyond the



boundaries of the host dwelling's curtilage on the southern side, and does not touch the dwelling on the northern side

- The plans do not have site levels
  - o Site levels are not a validation requirement for householder applications.
  - o The plans show the proposed extensions in relation to the existing dwelling. The proposals maintain the existing ridge and eaves height; the site does not significantly slope. Therefore, it is considered to be acceptable that the plans accurately represent the extensions proposed and that a fully informed planning judgement can be made using the plans provided.
  - o It is not considered reasonable nor necessary for the provision of street scene drawings, the extension being to the rear and following the existing ridge and eaves height.
  
- The new first floor bedroom has two windows
  - o The secondary south facing window has been removed from the scheme.
  
- The kitchen-diner and sunroom are principle, habitable rooms of the neighbouring dwellinghouse
  - o The impact of the proposed development is considered in light of the use of these rooms as discussed above.
  
- Construction hours condition
  - o For a relatively small-scale householder extension, it is considered that adding a construction hours condition would not pass the 6 tests as outlined in Para 56 of the NPPF. This states that;  
*Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.*  
As discussed above, the application site is detached and well separated from neighbouring dwellings; it is not anticipated that construction would result in such a degree of disturbance to warrant a working hours condition so in this instance a condition would not be reasonable nor necessary.
  
- Traffic Management Plan condition
  - o For a relatively small scale householder extension, it is considered that adding a construction traffic management plan (CTMP) condition would not pass the 6 tests as outlined in Para 56 of the NPPF, there is room to the front and side of the existing dwelling for storage of materials

and parking of vehicles. There is no restriction on who can and can't park on the public highway and all drivers when parking on the public highway have a responsibility to park in a safe manner (or face enforcement action).

- The Council's Highways Engineer has confirmed in this instance a CTMP would not be considered necessary in highway safety terms, and if temporary highways restrictions would be required to facilitate the development, then this would be dealt with via the Highways Licensing process under the Highways Act.

## **Biodiversity**

One cherry tree has been removed to facilitate the development; the existing boundary vegetation is to be retained. 3 No. bird boxes are proposed as a means of biodiversity enhancement which can be secured by condition.

## **16.0 Conclusion**

The application site and neighbouring dwellings on either side are detached, in generous plots, and are well separated by side amenity space on both sides; no dwellings abut their boundaries. The proposed extension is not considered to result in any significant overshadowing or overbearing to occupants of neighbouring dwellings.

The secondary first floor window in the southern elevation has been removed from the scheme which has addressed concerns with regards to potential overlooking of the rear amenity space of the dwelling to the south. The new first floor window proposed in the existing southern elevation would result in a new relationship with the dwelling to the south, however due to the distances and orientation involved, this relationship is not considered to be significantly harmful to occupants of this neighbouring dwelling.

The design is considered to be acceptable and would not result in an adverse impact on the character & appearance of the area.

## **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 004-2019-001

Proposed Block Plan 004-2019-002

Existing & Proposed Front & Side (North) Elevations 004-2019-003 Rev B

Existing & Proposed Front & Side (South) Elevations 004-2019-004 Rev B

Existing & Proposed Ground Floor Plan 004-2019-005 Rev B

Existing & Proposed First Floor Plan 004-2019-006 Rev B

Proposed Sections 004-2019-007 Rev A

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

3. The external render for the walls, and roof tiles, shall be similar in colour and texture to the existing building.

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

4. The bird boxes as shown on the approved plans shall be erected as agreed prior to first occupation or use of the development hereby approved.

Reason: To enhance or protect biodiversity.

5. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) (England) Order 2015 as amended (or any order revoking and re-enacting that Order with or without modification), before the development hereby approved is first occupied or brought into use, the windows serving the first floor bathrooms and closet in the north elevation shall be permanently glazed with obscured glass of a minimum obscuration of level (4/5) and shall be non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed; and these windows shall be retained as such thereafter in perpetuity

Reason: To protect amenity and privacy.