

Application Number:	P/HOU/2022/01307		
Webpage:	Planning application: P/HOU/2022/01307 - dorsetforyou.com (dorsetcouncil.gov.uk)		
Site address:	54 Sandy Lane, Upton, Poole, BH16 5LX		
Proposal:	Square off front of property, erect rear extension, with addition of new first floor accommodation to converted roof space with new dormer to side elevation.		
Applicant name:	Mr Scott Williams		
Case Officer:	Victoria Chevis		
Ward Member(s):	Cllr Brenton, Cllr Pipe and Cllr Starr		
Publicity expiry date:	22 April 2022	Officer site visit date:	21 March 2022
Decision due date:	9 May 2022	Ext(s) of time:	9 May 2022

1.0 The Nominated Officer has identified this application to come before the Planning Committee in light of the concerns raised by ward members and the town council in relation to overlooking of the property behind the development and the need for the condition to secure obscured glazing.

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 and general visual impact.
- There is not considered to be any significant harm to neighbouring residential amenity subject to a planning condition to secure obscure glazing.
- There are no material considerations which would warrant refusal of this application

4.0 Key planning issues

Issue	Conclusion
Principle of development	Acceptable development within Upton settlement boundary
Scale, design and appearance	Acceptable

Impact on neighbouring amenity	Acceptable subject to condition
Impact on the character of the area	Acceptable

5.0 Description of Site

The site lies in the urban area of Upton which has a relatively high density of development. 54 Sandy Lane is 1 of a run of 11 bungalows on the north side of the highway which have been modified and adapted in a wide range of ways, with a variety of materials used. On the south side of the highway are a mix of detached houses to the east and modified bungalows to the west.

All the bungalows on the north of the highway are detached and set back more than a car's length from the pavement. The bungalow to the east of the site (no. 52) sits slightly forward of the application property whereas the dwelling to the west (no. 56) is set back.

The site slopes up from the road with the finished floor level of no. 54 being over 1 metre higher than road level, similar to the neighbouring properties. It is also set back more than 10 metres from the pavement.

The dwelling sits on a good-sized plot with a steep drive to the east of the property and provision for parking 2 cars at the front; the dropped curb only serves the drive at present.

6.0 Description of Development

Amended plans were received 29 March 2022 which relocated the front door and access steps back to the side of the property instead of to the front. These plans supersede those originally submitted and form the basis of consideration for this application. Re-consultation was undertaken following receipt of these plans.

The proposal is to square off the front of property, erect a rear extension, and to provide new first floor accommodation by converting the roof space expanded by a new dormer to the east elevation and a new gable end formed on the north elevation.

7.0 Relevant Planning History

6/1974/0492 Decision: GRA Decision Date: 28/01/1975

Extension to bedroom.

6/1976/0853 Decision: GRA Decision Date: 17/03/1977

New roof to form additional dormer rooms.

6/2008/0672 Decision: GRA Decision Date: 24/11/2008

Erect attached double garage; lay footpath at rear.

6/2010/0392 Decision: GRA Decision Date: 03/08/2010

Erect rear timber balcony on west elevation.

P/PAP/2021/00497 Decision: RES Decision Date: 21/02/2022

Extend and square off the front of the building adding a garage and loft conversion.

The pre-application advice considered 2 proposals, A to extend forward of the principle elevations and add an additional storey and B, to square off the property and extend to the rear with an additional storey. The conclusion was that proposal A would not be considered acceptable due to the impact on the street scene and character of the area. Proposal B was considered more favourable with further assessment needed to fully consider any impacts on amenity for neighbouring properties.

8.0 List of Constraints

- Within Upton settlement boundary.
- Within an area susceptible to groundwater flooding.
- Registered wildlife species nearby - West European Hedgehog.
- Road class: D – Sandy Lane

9.0 Consultations

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

Consultees

1. P - Lytchett Minster & Upton TC (received 23/03/2022)

- Object: support neighbour's objection on overlooking

2. W - Lytchett Matravers and Upton Ward

Cllr Pipe – 23/03/2022

- Object due to overlooking of bungalow to the rear

Cllr Brenton – 21/04/2022

- Object due to overlooking of bungalow to the rear
- No clear drawing of street scene

Representations received

The application was advertised by means of site notices.

One member of the public has submitted representations objecting to the proposal on the following grounds:

- Rear gable end window will overlook the property to the rear of the site causing a loss of privacy.
- Work has already started.
- No details of roof height.

10.0 Relevant Policies

Adopted Purbeck Local Plan Part 1:

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

- Policy SD - Presumption in favour of sustainable development
- Policy LD - General location of development
- Policy D - Design

Material Considerations

Emerging Local Plans:

Paragraph 48 of the NPPF provides that local planning authorities may give weight to relevant policies in emerging plans according to:

- (a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- (b) the extent to which there are unresolved objections to relevant plan policies (the less significant the unresolved objections, the greater the weight that may be given); and
- (c) the degree of consistency of the relevant policies in the emerging plan to the NPPF (the closer the policies in the emerging plan are to the policies of the NPPF, the greater the weight that may be given).

The Dorset Council Local Plan Options Consultation took place between January and March 2021. Being at a very early stage of preparation, the Draft Dorset Council Local Plan should be accorded very limited weight in decision making.

The *Purbeck Local Plan (2018-2034) Submission January 2019* ('the Submitted Draft Purbeck Local Plan') was submitted for examination in January 2019. At the point of assessing this application, examination of the Submitted Draft Purbeck Local Plan is ongoing, hearing sessions and consultation on *Proposed Main Modifications* and additional consultation on *Further Proposed Main Modifications* having been undertaken and a further public hearing session scheduled to be held on 22 July 2022. Updates on the latest position on the plan's examination and related documents (including correspondence from the Planning Inspector, Dorset Council and other interested parties) are published on Dorset Council website (www.dorsetcouncil.gov.uk/planning-buildings-land/planning-policy/purbeck-local-plan/purbeck-local-plan-latest-news).

Having regard to the plan's progress through the examination and Dorset Council's position following consultation on the Proposed Main Modifications and the Further Proposed Main Modifications, at this stage only limited weight should be given to the

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Emerging Draft Purbeck Local Plan. In the preparation of this report, account has been taken of the following draft policies of the Emerging Draft Purbeck Local Plan, but these policies should be accorded little weight in the determination of the application

- E12: Design
- E4: Assessing flood risk
- E10: Biodiversity and geodiversity

National Planning Policy Framework

Section 2: Achieving sustainable development

Section 4: Decision-making

Section 11: Making effective use of land

Section 12: Achieving well-designed places

Other Material Considerations

Purbeck District Design Guide supplementary planning document adopted January 2014.

Townscape Character Appraisal

National Planning Practice Guidance

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.

It is not considered that the proposed extension and alterations to the dwelling would result in any disadvantage to persons with protected characteristics once the construction phase has been completed. During construction those with limited mobility may be more affected by any noise and disturbance.

13.0 Financial benefits

There are no financial benefits relating to this householder application. The proposal is not liable for a CIL payment.

14.0 Climate Implications

The proposal is for extensions and alterations to a dwelling. These will be constructed to current building regulation requirements and will be serviced by suitable drainage to prevent surface water flooding.

15.0 Planning Assessment

Principle of development

- 15.1 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.
- 15.2 The site is situated within the settlement boundary of Upton. As such, the principle of the proposed development is acceptable in accordance with Purbeck Local Plan Policies D, SD and LD. There is no ‘in principle’ objection to the proposed development, subject to the consideration of all other material planning issues.

Impact on the character of the area

- 15.3 The existing bungalow sits on a modest sized plot with sufficient space to accommodate the proposed extensions without overwhelming the existing building in terms of scale. The retained rear garden area will be over 12 metre in depth. The design and materials maintain a domestic character and appearance. The existing ridge height will be retained and extended to the rear so that the property will not appear higher than those around it and the introduction of a rear gable and dormer can be achieved without harm to the overall residential character of the area in which there are variations in architectural style and materials.
- 15.4 The proposals will be compatible with and maintain the character and qualities of this part of Upton which accords with policy D: Design, of the Purbeck Local Plan and E12: Design, of the Emerging Local Plan.

Impact on neighbouring amenity

- 15.5 The Town Council, Ward Member Cllr Pipe and the residents at 28 Greenacre Close have all objected to the proposal on the grounds that the proposed first floor rear windows intended to serve a bedroom will directly overlook the lounge, dining room and kitchen windows in the property directly behind the site, 28 Greenacre Close.
- 15.6 Number 54 Sandy Lane and adjoining properties are sited on a hillside so that the properties are higher than Sandy Lane highway and land level continue to rise across the rear garden to the back boundary of 28 Greenacre Close. The bungalow at 28 Greenacre Close is at a slightly higher level, as land levels continue to rise, so the 2m high boundary fencing between the properties is not entirely effective at screening the windows on the southern elevation facing the application site. The garden of no. 28 is on the western side and is approximately 2-3 metres lower.
- 15.7 There is a fall-back position for the applicant to construct a rear roof extension incorporating first floor windows under permitted development rights, but it is noted that the proposal under consideration will bring those windows approx. 3.5m closer to the rear boundary. It is necessary to assess whether the positioning would result in demonstrable harm to neighbouring amenity that would warrant refusal.
- 15.8 The Council's District Design Guide SPD (para 35) suggests generally a distance of 21 metres between buildings on similar levels with windows facing back to back. The distance from the proposal as it stands is approx. 15m building to building and approx. 17-18.5 metres from the rear first floor windows to the living and dining room windows of 28 Greenacre Close (approximately). However, the Design Guide goes on to note that this 21m distance may be reduced provided it does not result in significant loss of neighbour privacy in certain cases which are comparable to this application.
1. Where an area is established as high density.

Upton is regarded as a high-density residential area which is supported by the 'Townscape Character Appraisal' (TCA) for Upton;

'since 2000 development has mostly comprised small scale infill and redevelopment of existing properties at higher densities, with houses and flats in order to make the best use of land (2.5.5).'
 2. Where the buildings are offset so that direct overlooking is avoided.
- 15.9 The siting of 28 Greenacre Close is offset to the east of the rear of 54 Sandy Lane, although that property has been extended east with an attached double garage which includes a rear window (6/2008/0672). Officers consider that oblique views towards the rear (south facing) windows of no. 28 from one of the bedroom windows proposed in no. 54 would be acceptable.

- 15.10 Officers also note the existing potential for overlooking in the locality from both 54 and 56 Sandy Lane. 56 Sandy Lane has a first-floor window that looks directly into the lounge and dining room windows of 28 Greenacre Close, although local knowledge suggests that to date this has not served habitable accommodation. The existing property at 54 Sandy Lane sits slightly lower than 28 Greenacre Close but prior to the erection of higher boundary fencing there was already a line of sight from the existing ground floor windows into the lounge and dining room windows of 28 Greenacre Close which are slightly elevated. The garden level at 54 Sandy Lane also rises from the property to the rear fence and a clear view of the windows in question can also be taken from this raised position.
- 15.11 During the course of the application, in response to concerns raised, the applicant has agreed that the western element of the rear first floor window could be obscure glazed to reduce the potential for overlooking. The other triangular window to the east on the same elevation would provide the necessary outlook to secure appropriate amenity for the future occupiers of the room and this would ensure that any views are oblique.
- 15.12 It is acknowledged that there will be a degree of overlooking of no. 28 as a result of this proposed development. Due to the distances involved it is considered necessary and reasonable to secure the obscure glazing of half of the first-floor window, the half closest to the western boundary. That and its use as a bedroom reduces the potential for significant overlooking, which otherwise might be expected from additional habitable living areas within the property. The degree of overlooking arising from the clear glazed element is not judged to result in a harmful degree of overlooking taking account of the oblique angles and location within the urban area. It is recognised that a perception of overlooking can be unneighbourly, but the degree of harm is not judged to necessitate refusal.
- 15.13 Cllr Pipe also references a loss of privacy to the garden of number 28 Greenacre Close but the garden in question is located on the western side of the property and is at a considerably lower level such that any views towards it will be obscured by the property itself and the boundary fence.
- 15.14 The obscure glazing of the proposed dormer windows in the east of the property which are to serve bathrooms is also considered necessary and reasonable to protect the amenity of future residents. Rooflights serving bedrooms in the western elevation are not judged to result in harmful overlooking.

16.0 Conclusion

For the reasons set out above the proposal is considered to accord with national and local planning policies and therefore approval is recommended subject to the conditions as set out below.

17.0 Recommendation

To grant planning permission subject to the following conditions:

Recommendation: Approve 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: (041-03, 041-04A, 041-05A and 041-06A)

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

- 3.Prior to the first use of the Master Bedroom the first floor window in the north elevation closest to the west boundary must be glazed with obscure glass to a minimum industry standard privacy level 3 and any opening part shall be top hung or fitted with an opening restrictor limiting the opening to 150mm. The window shall thereafter be retained in this manner.

Reason: To safeguard the amenity and privacy of the occupiers of adjoining residential property

- 4.In the first instance and on all subsequent occasions the windows in the east elevation must be glazed with obscure glass to a minimum industry standard level 3.

Reason: To safeguard the amenity and privacy of the occupiers of adjoining residential property

Informative Notes:

1. 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.

2. Informative: 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

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

Background Documents:

Case Officer: Victoria Chevis

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

The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.