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| Application Number: | P/HOU/2022/04717 |
| Webpage: | https://planning.dorsetcouncil.gov.uk/ |
| Site address: | 2A Mill Lane Charminster Dorchester DT2 9QP |
| Proposal: | Erect first floor extension over existing garage, new dormer windows and associated works |
| Applicant name: | Mr & Mrs Duke |
| Case Officer: | Emma Ralphs |
| Ward Member(s): | Cllr Taylor |

The applicant is an employee of the Council.

2.0 Summary of recommendation:

Grant permission subject to conditions

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

- 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

| Issue | Conclusion |
|---|---|
| Principle of development | This is a householder application and the principle is considered to be acceptable. |
| Scale, design, impact on character and appearance | The extension is subservient to the original dwelling, using similar materials, and having no significant impact on the character and appearance of the area. |
| Impact on amenity | The proposal would not give rise to any overlooking or overbearing concerns. |
| Impact on landscape or heritage assets | There would be no landscape harm and no harm to the significance of two designated heritage assets (listed building and conservation area). |
| Access and Parking | There will still be parking on site commensurate in scale to the extended dwelling. |

5.0 Description of Site

The site is situated on the northern side of Mill Lane, on the northern edges of Charminster. It is within the settlement boundary of Charminster. The character of the area consists mainly of detached properties varying between two storey dwellings, chalets and bungalows with a variety of building materials.

The detached dwelling is situated on lower ground than neighbouring properties to the south and east of the site, but it is situated higher than the Grade II listed building to the west called Yew House (The Yews, Mill Lane listing no. SY6810392766). The ground floor windows on the proposed dwelling are slightly higher than the first floor windows of Yew House.

Boundary treatment consists of a mix of wooden fencing, walls and hedgerows. A large quantity of vegetation delineates the plot with a tree situated on the boundary between Yew House and the proposed site.

6.0 Description of Development

The proposed development consists of a small extension to the north western corner of the existing building with a first floor extension situated above, set back from the principal elevation. The ground floor extension would include floor to ceiling folding doors and a new access point where the garage door is located currently. At first floor, dormer window is proposed on the front elevation with a large dormer along the rear of the original roofscape. A window on the first floor side elevation is also included (underneath the integrated bird box). The first floor window on the southeast elevation is proposed to be bricked up.

Internal alterations are proposed to convert the garage into a store and utility room as well as the reconfiguration of the playroom/kitchen/dining room. At first floor, alterations to the layout of the existing bedrooms, additional ensuite to bedroom one and the proposed ensuite bedroom 4.

7.0 Relevant Planning History

Planning application P/HOU/2021/02560

First Floor extension over existing garage, new dormer windows and associated works.

Granted 30th November 2021

8.0 List of Constraints

1. Within the Charminster Conservation Area (statutory duty to preserve or enhance the significance of heritage assets under the Planning (Listed Buildings & Conservation Areas) Act 1990)
2. Within a SSSI impact risk zone; River Frome; Langford Meadow.

3. Landscape Chara; Chalk Valley and Downland; Cerne and Piddle Valleys and Chalk Downland
4. Adjacent to, but not attached to a Grade II listed building - Yew House. Grade II listed building (statutory duty to preserve or enhance the significance of heritage assets under the Planning (Listed Buildings & Conservation Areas) Act 1990)
5. Right of Way- present along the eastern boundary at a slight distance from the curtilage of the property.
6. Wessex Water: High Risk of Foul Sewer Inundation
7. EA - Poole Harbour Catchment Area
8. EA - Groundwater Source Protection Zone

9.0 Consultations

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

Consultees

1. DC - Rights of Way Officer

No comments received

2. Ward ember - Charminster St Marys Ward

No comments received

3. Charminster Parish Council

Support application subject to adequate screening between the ground floor glazed area and neighbouring property.

Representations received

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

10.0 Duties

Section 66(1) of the Listed Buildings Act 1990 applies due to the proximity of Yew House – The local planning authority shall 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(1) of the same Act applies to the location within a designated conservation area - with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

Section 38(6) of the Planning & Compulsory Purchase Act 2004 – sets out the development plan's primacy in decision making (notwithstanding the duties contained within the Listed Buildings Act 1990).

11.0 Relevant Policies

West Dorset, Weymouth & Portland Local Plan (Adopted 2015)

- ENV 2- Poole Harbour Nutrient Catchment Area; Poole Harbour
- ENV 3- Land of Local Landscape Importance; Land north of Charminster
- ENV 4- Conservation Area; CHARMINSTER CONSERVATION AREA
- ENV 9- Groundwater Source Protection Areas; LOWER MAGISTON
- ENV10- The Landscape and Townscape Setting
- ENV12- The Design and Positioning of Buildings
- ENV16- Amenity
- SUS2; Defined Development Boundary; Charminster

Other material considerations

National Planning Policy Framework (NPPF 2021) especially:

- Paragraph 55- Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations.
- Paragraph 130- Planning policies and decisions should ensure that developments:
 - a) Will function well and add to the overall quality of the area. Not just for the short term but over the lifetime of the development:
 - b) Are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
 - c) Are sympathetic to local character and history, including the surrounding built environment and landscaping setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
 - d) Establish or maintain a strong sense of place, using the arrangement of street spaces, building types and materials to

create attractive, welcoming and distinctive places to live, work and visit;

- e) Optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
 - f) Create places that are safe, inclusive and accessible and which promotes health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.
- Paragraph 199- When considering the impact of a proposed development on the significance of a designated heritage asset, great weight would be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Design and Sustainable Development Planning Guidelines (SPD) (Adopted 2009)

Cerne Abbas, Charminster, Sydling St Nicholas & Godmanstone Conservation Area Appraisal

'there are particularly good trees, along the course of the river; ... west of Yes House and at the ford end of Mill Lane. There are a number of tree preservation orders (TPOs): the grounds of Yew House...' Page 33.

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 any persons with protected characteristics that would be adversely impacted by this proposal.

13.0 Planning Assessment

Principle of development

This is a householder application, extending an existing dwelling within the settlement of Charminster. There is an extant permission already and this application reflects upon this approval (P/HOU/2021/02560).

Scale, design, impact on character and appearance

The proposal consists of a first floor extension to the chalet style dwelling, additional two dormers to the front roof scape and a large rear dormer with a slight increase at ground floor. The c.7sqm increase at ground floor remains in line with the external built form and provides a more modern element to the dwelling. The footprint of the building would slightly increase to allow for the roof form of the chalet dwelling, but would remain in keeping with the design of the existing dwelling. This alteration would be subservient to the existing dwelling and would retain the appearance of the detached dwelling, remaining in scale with the rest of the built form (Policy ENV12).

The proposal would be visible from the highway and affect the visual amenity of the street scene. However, the alterations would reflect the character of the principal elevation and would not significantly impact the design of the dwelling as a whole. The proposed palette of materials matches the existing with self-finish brick walls, brown concrete pantiles with windows and doors of powder coated aluminium. The choice of materials respects the existing dwelling and retains the character and appearance of the building, supporting policy ENV12.

This proposal differs to the existing with a singular long dormer to the rear of the property however, this would not affect the overall scale of the development and would comply with policy HOU6, not significantly extending the original dwelling's size. The roof of the dormers will be standing seam zinc, reflecting upon the colour of the roofscape of the roof form and would illustrate its subservience to the main built form.

Impact on amenity

Even though the proposal would increase the size of the dwelling, this would not appear to be overbearing on the neighbouring property. This is due to the existing relationship, difference in topography and stepped approach for the principle elevation when compared to the neighbouring properties to the west.

Other than the proposed dormer on the front and the new window for bedroom four, the proposed new dormer windows will be facing north away from the neighbouring properties, respecting the neighbouring private amenity space. The dormer window for bedroom four would look over the street scene and would reflect the design of the dormer window for bedroom one, retaining the amenity relationship between the two properties, according with Policy ENV16. Considering that two windows are present on the existing north-west elevation, the new window at first floor (northwest) at a higher level would not give rise to any overlooking concerns above the existing, maintaining the existing neighbouring relationship.

Impact on landscape or heritage assets

The small additional built form would not significantly impact the landscape in the area as the proposal relates mainly to the existing built form. Special reference was made in regard to trees in the Conservation Appraisal. However, this made reference to the trees to the west of Yew House, not to the east which is where the site is located. Queries were raised about the tree on the shared boundary of Yew House but the proposed development would not significantly affect it. The agent has confirmed that an application will be submitted to remove this tree at a later point.

The two assets which the proposed development would impact are Charminster Conservation Area and the Grade II listed building - Yew House (The Yews).

The proposal would result in no harm and preserve the character and appearance of the Conservation Area by reason of its scale, design and choice in building material. The proposal will continue the pitched roof form for the chalet dwelling and would reflect the design and fenestration details of the existing built form (Policy ENV4). The proposal would improve the quality of the building as a whole whilst reflecting on the design features of the dwelling as no prominent building style can be followed.

The proposed development would result in no harm and preserve the setting of the Grade II Listed building (The Yews) given that the proposed development is situated higher than this heritage asset and is visually separated by a dwelling (the converted stables). The stables were already in different ownership and not subservient to the use of The Yews at the time of listing in 1987 so they are not curtilage listed. The proposed development remains slightly lower than the existing ridge height and would partially be visible to the listed building. However, this would not harm the

setting of the listed building as this relationship exists already, with the proposed dwelling at a higher topographic level, complying to policy ENV4 and paragraph 199 of the NPPF.

Access and Parking

The proposed development removes the single vehicular parking space and replaces this with a utility/store room. This however would not impact the vehicular parking provision on site because of the forecourt to the front of the property, providing off-road parking for the residents, complying to Policy ENV11.

14.0 Conclusion

After giving significant weight to the development plans, the proposal complies to the planning policies and the design of the developments reflects well with the existing building. Mitigation by the installation of a bird box has been included within the proposal therefore, the proposed development can be approved with no additional conditions required.

15.0 Recommendation

Grant, subject to 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:
GRN-3-01 Location/Block Plan
GRN-1-01/02/02/04/05 Existing Elevations/Floor Plans
GRN-3-01a/02b/03a/04b/05a Additional plans

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

Informative Notes:

1. The applicant is advised that for applications such as this, which involve works to the roof of the existing property where bats may be present, Natural England has advised that the development should not proceed unless and until it has been demonstrated that the works would not have an adverse impact on bats which are a protected species. In this regard, the applicant is advised to engage a suitably licenced and experience ecological consultant prior to works commencing. A list of consultants is available on the following website: <https://cieem.net/i-need/finding-a-consultant/>.

Further information about the law and bats may be found on the following website <https://www.gov.uk/guidance/bats-protection-surveys-and-licences>.

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
- 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.