

<b>Application Number:</b>	P/FUL/2022/07443		
<b>Webpage:</b>	<a href="https://dorsetcouncil.gov.uk/planning-application/P/FUL/2022/07443">Planning application: P/FUL/2022/07443 - dorsetforyou.com (dorsetcouncil.gov.uk)</a>		
<b>Site address:</b>	Warlands, 71 Burnbake Road, Verwood BH31 6ES		
<b>Proposal:</b>	Erect 3 dwellings (amended scheme)		
<b>Applicant name:</b>	Dorset Developments J and R Limited		
<b>Case Officer:</b>	Fiona McDonnell		
<b>Ward Member(s):</b>	Cllr Coombs, Cllr Flower and Cllr Gibson		
<b>Publicity expiry date:</b>	13 March 2023	<b>Officer site visit date:</b>	8 February 2023
<b>Decision due date:</b>	14 April 2023	<b>Ext(s) of time:</b>	4 May 2023

1.0 The application has been referred to committee by the nominated officer

**2.0 Summary of recommendation:**

GRANT 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.
- There are no material considerations which would warrant refusal of this application

**4.0 Key planning issues**

Issue	Conclusion
Principle of development	In accordance with policies

Impact on character and appearance of area	Acceptable in respect of its layout, scale, appearance -compatible with surroundings
Impact on residential and neighbours' amenity	Acceptable- acceptable separations distances, no harmful overlooking- compatible with surroundings
Impact on highways	No harm- adequate on site parking, unlikely to result in an adverse impact on road safety
Impact on potential flood risk, trees, and biodiversity	Acceptable- Flood risk low, DCNET certificate of approval issued, tree officer content.

## 5.0 Description of Site

- 5.1 The site is located on the north side of Bugdens Lane to the rear of 71 Burnbake Road. The rectangular plot of 0.18ha would be created by demolishing out-buildings and the rear return of 71 Burnbake Road. The existing bungalow at 71 Burnbake Road would be retained. The site is flat with amenity grassland. It is enclosed on three sides by mature hedgerow.
- 5.2 Bugdens Lane is an established residential private laneway defined by modest, rhythmically spaced bungalows facing towards the north and south, set back behind front gardens displaying a high level of landscaping. The exception is No.8 Bugdens Lane which is a 2-storey cottage orientated to face east.
- 5.3 The private laneway has a strong rhythmic building line with consistent eaves heights. There is no footpath or street lighting along the lane. The prevailing built form of bungalows sets the context for the development and helps to maintain a sense of openness and a rural-like ambience.

## 6.0 Description of Development

- 6.1 3 x chalet bungalows with 2 in-curtilage parking spaces each are proposed. Properties are orientated to face onto Bugdens Lane. There is separation distance of at least 4m between dwellings; and the chalet bungalows have a height of 5.6m. Each bungalow is different in design.
- 6.2 Plot one is closest to Burnbake Road, a 3 x bedroom chalet bungalow with an integral garage measuring 3m x 6m is proposed. A master bedroom with ensuite bathroom is located on the ground floor and 2 x bedrooms are accommodated at first floor level served by a front and rear dormer window and a rooflight. Ground floor accommodation measures 100sqm and first floor measures 40sqm totalling 140sqm. Rear private amenity space measures 130sqm.
- 6.3 Plot two, the middle plot, again has a master bedroom with ensuite at ground floor level and 2 x bedrooms at first floor level served by front and rear dormers and side rooflights. The house is bigger than plot one with ground floor measuring 120sqm and first floor 55sqm totalling 175sqm. 2 parking spaces are included; and rear amenity space provision is 136sqm.

6.4 Plot three is situated adjacent to number 8 Bugdens Lane. It has 4 x bedrooms. 3 bedrooms are located on the ground floor (GF) and 1 x master-en suite bedroom is situated at first floor (FF) level served by a front and rear dormer and rooflight. The total floorspace of the dwelling is 155 sqm (115sqm GF & 40sqm FF). Rear amenity space provision is 160sqm. 2 in-curtilage parking spaces are included.

#### 6.5 Proposed dwellings

	Plot Area	Plot Width	Max House width	House height	House footprint	Floor-space	Density of development DPH
Plot 1	355sqm	12.9m	10.5m	5.6m	115sqm	140sqm	28 dph
Plot 2	365sqm	13.3m	9.3m	5.6m	125sqm	175sqm	27dph
Plot 3	405sqm	15.7m	10.5m	5.6m	115sqm	155sqm	25dph

#### Existing dwellings

	Plot area	Footprint of bungalow	Density of development Dwelling per hectare
11 Bugdens Lane	455sqm	112sqm	22dph
13 Bugdens Lane	471sqm	121 sqm	21dph
15 Bugdens Lane	630sqm	141sqm	16dph

#### 7.0 Relevant Planning History

Application	Description	Decision	Date
3/13/1081/OUT 75 Burnbake Road, Verwood, BH31 6ES	Demolish Existing Dwelling And Construct Five New Two Storey Houses, Two Single Garages, One Double Garage, Along With Associated Access, Driveway And Parking (As revised by plan 4877-PL-002 Site Plan A2 Rev D to move unit 5 to the south and provide revised refuse store and turning head)	<b>GRANTED</b>	07/04/2014
3/14/1089/REM 75 Burnbake Road, Verwood, BH31 6ES	Erect 5 dwellings - Reserved Matters seeking to agree Appearance, Landscaping & Scale	<b>GRANTED</b>	10/03/2015
P/FUL/2022/05046 71 Burnbake	Erect 4no 4 bedroom detached houses with integral	<b>REFUSED</b>	10/10/2022

Road, Verwood, BH31 6ES	garages and associated parking and access		
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## 8.0 List of Constraints

Within Verwood Settlement Boundary.

Verwood: General Policies Apply.

Dorset Heathlands - 5km Heathland Buffer

Site of Special Scientific Interest (SSSI) impact risk zone; - Distance: 0m

## 9.0 Consultations

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

### Consultees

**Dorset Council - Rights of Way Officer** (received 15 December 2022)

- No objection- an informative is recommended

**Dorset Council – Highways** (received 12 December 2022)

- No objection subject to conditions

**Dorset Council Natural Environment Team** (9 January 2023)

- Certificate of approval granted for Biodiversity Plan

**Dorset Council Tree Officer** (received 14 March 2023)

- No objection subject to inclusion of a condition

**Verwood Town Council** (received 22 December 2022 & 9 March 2023)

Objection. Concerns raised are;

- Too many access points onto Bugdens Lane
- Access should be onto Burnbake Road
- Hedge should be retained
- Overdevelopment
- Height in comparison to other properties
- Visual impact

- Relationship to nearby properties

### **Dorset Council - Verwood Ward members**

No comments received.

### **Representations received**

The application was advertised by means of site notices and readvertised following amendments.

<b>Total - Objections</b>	<b>Total - No Objections</b>	<b>Total - Comments</b>
From 8 properties	0	0

Third party objections relate to the following:

- Harmful to the character of the area
- Prominent development
- Loss of privacy/ overlooking of neighbouring properties
- Dwellings too close to Bugdens Lane
- Overdevelopment
- Loss of hedge
- Harmful to character of private laneway
- Insufficient parking provision
- Photographs in Design & Access Statement not representative of area
- Access should be from Burnbake Road.

## **10.0 Relevant Policies**

### **Duties**

s38(6) of the Planning and Compulsory Purchase Act 2004 requires that the determination of planning applications must be in accordance with the development plan unless material circumstances indicate otherwise.

## **Development Plan Policies**

### **Adopted Christchurch and East Dorset Local Plan 2014:**

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

KS1 - Presumption in favour of sustainable development  
KS2- Settlement hierarchy  
KS12- Parking Provision  
LN1- Size and Types of New Dwellings  
LN2- Design, Layout and Density of New Housing Development  
HE2 - Design of new development  
HE3 - Landscape Quality  
ME1- Safeguarding biodiversity and geodiversity  
ME2- Dorset Heathlands

## **Other Material Considerations**

### **National Planning Policy Framework:**

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.

Other 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.
- Section 5 'Delivering a sufficient supply of homes' outlines the government's objective in respect of land supply with subsection 'Rural housing' at paragraphs 78-79 reflecting the requirement for development in rural areas.
- Section 11 'Making effective use of land'
- 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

### **Supplementary Planning Document/Guidance**

Dorset Heathlands Planning Framework 2020-2025 Supplementary Planning Document

## **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.

The road on which the development is to be sited is a private road without footways or streetlighting. As a cul-de-sac, it would only be used by the properties along the lane so the highway authority cannot insist upon improvements. The surface could present a limitation for access by those with mobility issues.

## **13.0 Financial benefits**

<b>What</b>	<b>Amount / value</b>
Non Material Considerations	
Council Tax	£12,288 per annum
	Total £78,222

## 14.0 Planning Assessment

14.1 The proposal seeks approval to erect 3 dwellings. The main planning issues for this application are:

- Whether the development is acceptable in principle
- Impact on the character of the area
- Impact on residential amenity
- Impacts on highways
- Impact on flood risk, biodiversity and trees

These and other issues will be considered below.

### Principle of Development

14.2 The site lies within the Verwood urban area and so the principle of development of the site for additional dwellings is acceptable subject to compliance with all other relevant policies- including Local Plan policy LN2 which requires new housing development to maximise the density of development to a level that is acceptable for the locality. 71 Burnbake Road is a large plot and the principle of severance and developing the rear for housing is considered acceptable.

14.3 Notwithstanding compliance with the Local Plan housing policies, it is noted that since the East Dorset Local Plan area can no longer demonstrate a 5 year housing land supply, these policies are considered to be out of date and the presumption in favour of sustainable development set out in para 11 of the NPPF is triggered. This means that permission should be granted unless:

- i. The application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

### Impact on the character of the area

14.4 The character of the area is defined by modest, rhythmically spaced bungalows set back behind front gardens displaying a high level of landscaping. The private laneway has a strong rhythmic building line with consistent eave heights. There is no footpath or street lighting along the lane. The prevailing built form of bungalows sets the context for the development and helps to maintain a sense of openness and a rural-like ambience.

14.5 Although the proposed development sits to the rear of 71 Burnbake Road, development is orientated onto Bugdens Lane and accessed from Bugdens Lane. Objection has been received from neighbours and the Town Council to the use of Bugdens Lane. Preference has been expressed for the access of the development to



be from Burnbake Road, but that is not the proposal under consideration. The application has to be considered on its own merits.

- 14.6 The proposed layout and pattern of development is considered acceptable, with plots generally similar in size and orientation to the prevailing built form of Bugdens Lane. In existing plots opposite to the proposed development on Bugdens Lane, bungalows are set further back, however, on entering Bugdens Lane, a substantial red brick garage at no.71 sits in front of the proposed chalet bungalows. No. 8 sits approximately 1m behind the building line formed by the proposed development. This stepped arrangement is considered acceptable. The building line is considered congruous, preserving the character of the area.
- 14.7 Separation distances between the three proposed plots are now more akin with existing bungalows than the refused application, with 4m separating plot 3 and plot 2; and 3.7m between plot 2 and plot 1. Separation distances at the bungalows opposite range from 5m to 6m between plots. The shorter separation distances are considered acceptable as the new housing respects the character of the area whilst ensuring the best use is made of the land to deliver housing in accordance with CS policy LN2 - whereby it is encouraged to maximise the density of development to a level which is acceptable locally.

Separation Distances					
Existing properties	No.11- No.13 5.5m	No.13- No.15 6.5m			
Refused application	No.8 - Plot 4 8m	Plot 4 – Plot 3 1.6m	Plot 3 – Plot 2 0.8m	Plot 2 - Plot 1 0.8m	Plot 1 - no.71 2.5m
Proposed application	No.8- Plot 3 7.5m	Plot 3- Plot 2 4.1m	Plot 2 -Plot 1 4m	Plot 1 - no.71 6m	

- 14.8 Each chalet bungalow has a ridge height of 5.6m. The maximum ridge height of the existing bungalow at 71 Burnbake Road is 6.3m, and no. 8 Bugdens Lane is 5.7m. The scale, height, style and bulk of the proposed development blends with adjacent neighbouring dwellings.

- 14.9 The previous reason for refusal read:

*1. The proposed development would be harmful to the character of Bugdens Lane, which is occupied by low pitched roof bungalows. The proposed development will be highly visible, prominent and incongruous due to its layout and scale, which is indicative of a cramped and overdeveloped site. The height and spacing of the four two storey dwellings and their narrow plots will negatively contrast with and detract from the character of Bugdens Lane contrary to Policy HE2 of the Christchurch and East Dorset Local Plan and paragraph 130 of the National Planning Policy Framework.*

14.10 It is considered that with a reduction in number of dwellings from four to three, and reduction of height, scale and massing of dwellings, the proposal has overcome this reason for refusal. Plot size and increased in separation distances between plots allow the proposed development to integrate with the existing built form. The proposal is compliant with CS policies LN2- design layout and density of new development and HE2- design of new development.

### **Impact on neighbouring and residential amenity**

- 14.11 The proposal introduces new first floor accommodation, Numbers 2 & 3 Oakleaves are to the rear of proposed development. A separation distance is proposed of some 21m between windows, and this is considered acceptable to prevent a harmful impact on privacy. To the front, a separation distance of 24m is in place between first floor windows no. 11 Bugdens Lane and front windows of plot 3. With regards to the provision of amenity space, it is considered that the area proposed is acceptable, with the smallest of the rear gardens measuring 120sqm. This compares favourably with existing properties at nos. 11 & 13 where rear gardens cover an area of 127sqm and 135sqm respectively.
- 14.12 The second reason for refusal of application P/FUL/2022/05046 read:  
*2. The proposed dwellings on account of the close proximity to Bugdens Lane would suffer harmful levels of overlooking from those using the lane to the detriment of the amenity of future occupants of the proposed dwellings. Future occupants of the dwelling on plot 4 will suffer harmful overlooking of rear amenity space from residents at no. 8 Bugdens Lane. Outlook to the rear of 71 Burnbake Road is harmed with boundary treatment at plot 1 close to the rear elevation. The proposal is therefore contrary to HE2 of Christchurch and East Dorset Local Plan as it would be incompatible with its surroundings and paragraph 130 of the National Planning Policy Framework as it would not provide a high standard of amenity for future users.*
- 14.13 The existing dwelling at 8 Bugdens Lane to the west is a 2 storey cottage. It is orientated so a first floor window could overlook the rear gardens of the proposed dwellings, particularly plot 3. The chalet bungalow at plot 3 has been designed so that a gable-ended kitchen protrudes on the boundary with no.8, thus preventing overlooking of a section of the rear amenity space of plot 3. Overlooking issues from first floor windows at 8 Bugdens Lane have been overcome with the extended kitchen gable allowing for a private space in the rear garden of plot 3.
- 14.14 With regard to no. 71 Burnbake Road - a separation distance of 5.5m is now in place with the new boundary fence of plot one. This is considered acceptable as the refused application offered a separation distance of 2-3m. There are no rear windows at first floor level at no. 71, so overlooking of rear amenity space of plot 1 will not occur. Significant amount of amenity space remains available to the front and side on no. 71 Burnbake Road.
- 14.15 It is not considered that the outstanding issue- potential overlooking of the dwellings from those using Bugdens Lane- would sustain a refusal having regard to the separation distances and changes to the design. The proposal has overcome the previous reason for refusal and accords with policy HE2 in respect of amenity.

### **Impact on Highways**

- 14.16 The proposal has been assessed by the Highways Officer and considered in terms of its impact on highway safety and access.
- 14.17 Three new vehicular accesses will be created off Budgens Lane to service the properties. Proposed plot one offers a garage (dimensions 3m x6m) and is shown to have a single in-curtilage parking space. Plots 2 and 3 offer 2 spaces per dwelling. This level of parking provision is judged to meet the criteria set out in the Dorset Residential Parking Study Guidance and the proposal is within the settlement where refusal on the grounds of insufficient visitor parking could not be justified.
- 14.18 Neighbour comments have included concerns relating to highway safety and increased traffic as a result of the development, however the right to use the private highway and its maintenance is not a planning consideration and the Highway Officer has raised no objection on the grounds of highway safety. The proposal is judged to accord with policies KS11- transport and development- and KS12- parking provision.

### **Impact on Flood Risk**

- 14.19 The site is located in Flood zone 1 which is the lowest area of flood risk. There is a low risk of surface water flooding at the site and no risk of ground water emergence on site as water levels are 5m or more below ground. It was not considered necessary to request a flood risk assessment as the level of risk is considered to be low and the site is unlikely to flood.

### **Impact on Biodiversity and Trees**

- 14.20 The application site lies within 5km but beyond 400m of Dorset Heathland which is designated as a Site of Special Scientific Interest and as a European wildlife site. The proposal for a net increase of 3 residential units, in combination with other plans and projects and in the absence of avoidance and mitigation measures, is likely to have a significant effect on the site. It has therefore been necessary for the Council, as the appropriate authority, to undertake an appropriate assessment of the implications for the protected site, in view of the site's conservation objectives.
- 14.21 The appropriate assessment has concluded that the mitigation measures set out in the Dorset Heathlands 2020-2025 SPD can prevent adverse impacts on the integrity of the site. The SPD strategy includes Heathland Infrastructure Projects (HIPs) and Strategic Access Management and Monitoring (SAMM). In relation to this development the Council will fund HIP provision and SAMM via the Community Infrastructure Levy.
- 14.22 With the mitigation secured the development will not result in an adverse effect on the integrity of the designated site so in accordance with regulation 70 of the Habitats Regulations 2017 planning permission can be granted; the application accords with Policy ME2.

- 14.23 The ecological impact appraisal and biodiversity mitigation plan (BMP) has been submitted and found to be acceptable by DCNET. A DCNET certificate of approval was issued on 09.01.2023. The BMP recommends that two bat boxes and two bird boxes will be incorporated into the design proposals. This will provide additional roosting and nesting opportunities for bats and breeding birds in the area.
- 14.24 A new native hedgerow along the northern site boundary and between the new residential units will include species *Acer campestre*, *Viburnum opulus*, *Ligustrum vulgare*, *Taxus baccata*, and *Prunus spinosa*. The existing hedge along Bugdens Lane is to be retained in part and retention of amenity grassland will result in an increase in habitat that is of ecological value.
- 14.25 The submitted arboricultural method statement and plan indicates there are no significant trees on site. The tree officer is content with the proposal but has conditioned a soft landscaping plan to be submitted and implemented prior to occupation.

## 15.0 Conclusion

The proposal is considered to be acceptable in respect of its layout, scale, appearance. Acceptable separations distances are in place to ensure no harmful overlooking and that the proposed development is compatible with its surroundings. Adequate on-site parking has been provided and no adverse impact on road safety is anticipated.

The proposal is judged to overcome the reasons for refusal of the previous scheme. The development will make a positive contribution to housing land supply to which weight is given, and no harm has been identified which would significantly and demonstrably outweigh this benefit. The application accords with the Development Plan as a whole.

## 16.0 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: S201-Site location plan, Proposed site plan P 201G, Proposed Plot 1 P210C, Proposed plot 2 P211D, Proposed Plot 3 P212C, Proposed street scene C202B Reason: For the avoidance of doubt and in the interests of proper planning.
3. Before the development hereby approved is occupied or utilised the turning/manoeuvring and parking shown on Drawing Number P201 G must have been

constructed. Thereafter, these areas, must be permanently maintained, kept free from obstruction and available for the purposes specified.

Reason: To ensure the proper and appropriate development of the site and to ensure that highway safety is not adversely impacted upon

4. Prior to development above damp proof course level, a soft landscaping and planting scheme shall be submitted to, and approved in writing, by the Local Planning Authority. The approved scheme shall be implemented in full during the planting season November – March following commencement of the development or within a timescale to be agreed in writing with the Local Planning Authority. The scheme shall include provision for the maintenance and replacement as necessary of the trees and shrubs for a period of not less than 5 years.

Reason: In the interest of visual amenity.

5. Prior to development above damp proof course level, details (including colour photographs) of all external facing materials for the walls and roofs shall have been submitted to, and approved in writing by the Local Planning Authority. Thereafter, the development shall proceed in accordance with such materials as have been agreed.  
Reason: To ensure a satisfactory visual appearance of the development.

6. The detailed biodiversity mitigation, compensation and enhancement/net gain strategy set out within the approved Biodiversity Plan certified by the Dorset Council Natural Environment Team on 09.01.2023 must be strictly adhered to during the carrying out of the development.

The development hereby approved must not be first brought into use unless and until the mitigation, compensation and enhancement/net gain measures detailed in the approved biodiversity plan have been completed in full, unless any modifications to the approved Biodiversity Plan as a result of the requirements of a European Protected Species Licence have first been submitted to and agreed in writing by the Local Planning Authority.

Thereafter approved mitigation, compensation and enhancement/net gain measures must be permanently maintained and retained in accordance with the approved details, unless otherwise first agreed in writing by the Local Planning Authority.

Reason: To mitigate, compensate and enhance/provide net gain for impacts on biodiversity

Planning Committee  
3 May 2023