

Application Number:	P/HOU/2023/03047		
Webpage:	https://planning.dorsetcouncil.gov.uk/		
Site address:	73 Woolcombe Road Portland DT5 2JA		
Proposal:	Erect single storey front extension and bike shed to the side.		
Applicant name:	Mr Steven Hicks		
Case Officer:	Toby Hibbs		
Ward Member(s):	Cllrs Cocking, Hughes & Kimber		
Publicity expiry date:	24 August 2023	Officer site visit	3 August 2023
Decision due date:	21 July 2023		
No of Site Notices:	1		
SN displayed reasoning:	Proposed extension & bike shed situated to the front of the property only and the site notice was erected prominently at the front of the property within the street scene to notify neighbours affected.		

1.0 Application referred to committee at the request of the Service Manager for Development Management and Enforcement following the scheme of delegation process as the officer recommendation was contrary to the view of Portland Town Council.

2.0 Summary of recommendation:

Grant subject to conditions.

3.0 Reason for the recommendation:

- Residential extensions and ancillary buildings are supported in principle by policy SUS2 of the West Dorset, Weymouth & Portland Local Plan (2015).
- Precedent is set for other ancillary sheds and front extensions within this street scene albeit all of different type and finish.
- Planning permission is not required for the wall enclosing the front store given the wall does not exceed 2m in height and is not 'adjacent' to the highway but over 1m away. Therefore, neighbouring amenity concerns are fully understood but cannot be resolved.
- The proposed single storey front house extension and store are both considered to be modest in scale and appearance being subservient to the main dwelling.

4.0 Key planning issues

Issue	Conclusion
Principle of development	Supported by policy SUS2 of the West Dorset, Weymouth & Portland Local Plan (2015).
Scale, design, impact on character and appearance	Scale, design, impact on character and appearance all considered modest and acceptable in compliance with policy ENV12 of the West Dorset, Weymouth & Portland Local Plan (2015).
Impact on amenity	It is considered that amenity impact from what has been applied for (not the wall enclosing the store) is acceptable and in accordance with policy ENV16 of the West Dorset, Weymouth & Portland Local Plan (2015).
Impact on landscape or heritage assets	The site is enclosed by residential development and not seen in the wider context of the landscape or setting of heritage assets. As such, there is a neutral impact in compliance with policies ENV1, ENV4 & ENV10 of the West Dorset, Weymouth & Portland Local Plan (2015).
Economic benefits	There will be economic benefit in the short-term employment of a construction firm to build the front single storey extension (if not undertaken by the applicant themselves).
Access and Parking	No change proposed to access & parking.

5.0 Description of Site

Number 73 Woolcombe Road is one of a terrace of properties situated on the southern side of Woolcombe Road. The house is two storey, finished in render and reconstituted stone with its front/side garden enclosed by blockwork of varying degrees. The site lies within the Defined Development Boundary, the Chesil & Fleet SPA/SAC/RAMSAR impact risk zone and within the area of archaeological importance that covers all of Portland.

6.0 Description of Development

This scheme is part retrospective in that it seeks planning permission for the detached metal shed/garage within the eastern part of the front garden and seeks to build a front single storey elongated flat roof extension facing onto Woolcombe Road.

7.0 Relevant Planning History

04/01041/FUL - Decision: GRA - Decision Date: 01/02/2005

Proposed porch

07/00141/FUL - Decision: GRA - Decision Date: 10/04/2007

Erect rear conservatory

Neighbouring scheme:

11/00988/FUL - Decision: GRA - Decision Date: 02/02/2012

Erection of a pair of semi detached houses (revised scheme)

8.0 List of Constraints

LP - SUS2; Defined Development Boundary; Easton - Distance: 0

LP - Boundary; Weymouth and Portland District Boundary; Weymouth and Portland - Distance: 0

LP - ENV4; Area of Archaeological Potential; Portland - Distance: 0

LP - ENV 1; Regionally Important Geological and Geomorphologic; The Isle of Portland, Weymouth and Portland - Distance: 0

LP - Landscape Chara; Limestone Plateau; Portland - Distance: 0

NPLA - Type: Neighbourhood Plan - Made; Name: Portland NP; Status 'Made' 22/06/2021; - Distance: 0

PAR - Portland CP - Distance: 0

WARD - Portland Ward - Distance: 0

DESI - Special Area of Conservation (SAC) (5km buffer): Chesil & The Fleet (UK0017076); - Distance: 1686.12

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

DESI - Minerals and Waste - Minerals Consultation Area - Name : Stonehills, Portland ; - Distance: 0

DESI - Minerals and Waste - Minerals Consultation Area - Name : Portland Quarries (incl Admiralty, Broadcroft, Coastal Strip, Perryfield) ; - Distance: 0

DESI - Minerals and Waste - Minerals Consultation Area - Name : Bowers Mine Extension ; - Distance: 0

RAD - Radon: Class: Less than 1% - Distance: 0

DESI - ONR portland_12km_zone - Distance: 0

9.0 Consultations

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

Consultees

Consultation Responses	No Objection	Object	Brief Summary Of Comments
Portland Town Council		x	Original application does not include wall which is now in situ and having significant impact on neighbouring amenity by blocking their light. Application is also contrary to Portland Neighbourhood Plan ENV7 paragraph 55 which states 'successful integration of new development with their surrounding context is an important design objective'
Enforcement Officer	--	---	Existing wall would be permitted development and would not require planning permission. Breach of planning control in this instance is the erection of the outbuilding.
Highways Officer	x		No objection subject to the bike shed constructed in accordance with the plans submitted. To be maintained, kept free from obstruction and available for the purposes specified.

Representations received

Four objection letters have been received with the following concerns:

- Unclear plans, suggest that a structure in front of the front door and house but the information provided implies a lean to roof on current wall that is built up.
- Applicant states work has been completed however front porch has yet been built.
- Development is front of the building line.
- Single block construction with no reinforcement which could be life threatening when considering Portland winds.

The wall built 6 foot high is about a metre away from kitchen window in front and in line of sight.

No clear indication or justification why 6-foot wall close to kitchen window is needed- provides no shelter for motor bike. Greatly impacting neighbouring amenity through loss of light, noise and privacy.

- Party wall act should apply.

-Shed located in an inappropriate position, should be flush with the host building which provide a less obtrusive view for neighbour.

- Not in keeping with rest of neighbourhood.
- Dropped kerb license should be sought if intended for motorbike storage. Application states no altered vehicular access required but motorbike would need to pass public footpath to access the shed.

10.0 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.

11.0 Relevant Policies

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

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

- ENV1 - Landscape, seascape & sites of other geological interest
- ENV2 – Wildlife and habitats
- ENV4 – Heritage Assets
- ENV10 - The landscape and townscape setting
- ENV12 - The design and positioning of buildings
- ENV16 - Amenity
- INT1 - Presumption in favour of Sustainable Development
- SUS2 - Distribution of Development
- COM7 – Safe & efficient transport network

Portland Neighbourhood Plan 2017 to 2031 (made 22/06/2021):

- Policy No. Port/EN4 Local Heritage Assets
- Policy No. Port/EN6 Defined Development Boundaries
- Policy No. Port/EN7 Design and Character
- Policy No. Port/EN0 Protection of European sites

Material Considerations

National Planning Policy Framework (2021 & 2023):

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 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 173). Paragraphs 179-182 set out how biodiversity is to be protected and encourage net gains for biodiversity.
- Section 16 'Conserving and Enhancing the Historic Environment'- When considering designated heritage assets, great weight should be given to the asset's conservation, irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance (para 199). The effect of an application on the significance of non-designated heritage assets should also be taken into account (para 203).

Footnote 68: Non-designated heritage assets of archaeological interest, which are demonstrably of equivalent significance to scheduled monuments, should be considered subject to the policies for designated heritage assets.

Other material considerations:

Weymouth & Portland Urban Design (2002)

Landscape Character Assessment (Weymouth & Portland)

12.0 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.

13.0 Public Sector Equalities Duty

13.1 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.

13.2 The design proposals provide for a safe and suitable access to the application site and well located parking. Construction of the proposed extension would be subject to Building Control legislation which sets standards for the design and construction of buildings addressing various matters including accessibility and which help ensure that new buildings are safe, healthy and high-performing.

13.3 Having regard to the information provided in the current application, as well as policy requirements, consultation responses received, the regulatory requirements of the building regulations and the recommended conditions; it is satisfied that the proposed development would have no material adverse impact on individuals or identifiable groups with protected characteristics.

14.0 Financial benefits

Material considerations:

Employment created during the construction phase

15.0 Environmental Implications

Construction of the scheme will involve the use of plant, machinery and vehicles. These will generate emissions including greenhouse gases. However, this has to be

balanced against the benefits of providing a home suitable for future living for the applicant. The extension although small scale will be built to building control standards which ensure thermal efficiency and overall improvements for the environment.

16.0 Planning Assessment

16.1 Principle of development:

Policy SUS2 of the West Dorset, Weymouth & Portland Local Plan (2015) and Port/EN6 of the Portland Neighbourhood Plan supports extensions and alterations to dwellings, including new curtilage buildings, in principle subject to other material planning considerations. As such, principle support for this scheme is established.

16.2 Impact on neighbouring amenity:

In 2011 planning permission was granted for the erection of a pair of semi-detached dwellings directly east/south-east of this current application site. Unfortunately, during the consideration of that application permitted development rights belonging to number 73 Woolcombe Road (this application site) were not taken into consideration and removed; so in effect the wall that now encases the area behind the shed/garage that can be seen in place as proposed, is permitted development. It is permitted as it does not exceed 2m in height or positioned within 1m of the highway or causing highway obstruction. As such, the wall does not feature as part of this application because it does not require permission even though it quite clearly has a significant effect on the main outlook of the neighbour at 73b Woolcombe Road because of its height & extent directly in front of their kitchen street facing ground floor window. Therefore, whilst a number of concerns have been raised on this point, its construction, party wall act and the impact to this neighbour, the Local Planning Authority are unable to control the wall (including matters of its construction/party wall act) or indeed bring it to a lower height with consideration only being given to what has been applied for.

16.3 When considering the impact of the shed/garage itself to neighbouring amenity, it is clear that the rear wall blocks any associated impact to the nearest neighbour 73b even though that wall clearly has an effect. Had the wall not been there, the modest height and scale, set in positioning away from the neighbouring boundary and limited fenestration of the shed/garage would have meant that even though it remains quite close to the neighbour's kitchen window, it would be far enough away and low enough to on balance, be acceptable to amenity and not have such a significant effect to warrant refusal. However, the fact remains that the wall in place and permitted by permitted development legislation, reduces impact from the actual shed/garage and does appear to improve privacy for 73b in that users of the garden area cannot look directly into their kitchen window although it is overbearing in height and proximity. It is also clear that the wall will help to block any noise concerns although the shed/garage is modest in scale in that noise intrusion would not be expected to be significantly more than the garden area being used generally in any event.

16.4 In regards to the front single storey extension, the limited depth and height as well as the distance from neighbouring windows ensures there is no significant neighbouring amenity impact. As such, overall, the scheme (which does not include the walling) does comply with policy ENV16 of the West Dorset, Weymouth & Portland Local Plan (2015).

16.5 Impact on visual amenity within the street scene:

Whilst there are other examples of sheds and various curtilage buildings seen within the surrounding street scenes, it is acknowledged that the metal shed/garage type put forward in this scheme and now seen on site is different to the normal timber type structures elsewhere. However, consideration has to be given to what harm having something visually different is to the street scene. The rear walling that encloses the shed/garage goes some way to conceal its full extent when moving along the street but ultimately, whilst its appearance is modern/shiny and unageing, it is considerably low scale, will not require significant maintenance and wont visually age and become any eyesore in future. It does utilise an area of relatively unused and non-private front garden area which makes effective use of the land and whilst it appears different and quite utilitarian, it is not overwhelmingly out of place in the context of surrounding modern development to be harmful. Had it been larger, then a different view may have been taken. Its position extending forward of the building line, but not as forward as the single storey extension, is acceptable given its not setting precedent.

16.6 The front single storey extension to the main house will appear like many others within the surrounding streets (including next door) and even though it does extend off of the front wall of the house, it is modest in scale, does not extend over the full width of the house and will be contained within the established front garden area (set in from the line of the existing low front boundary wall to be removed).

16.7 As such, it is considered that both aspects of this scheme (the shed/garage and front single storey extension) are acceptable and comply with policy ENV12 of the West Dorset, Weymouth & Portland Local Plan (2015) and Port/EN7 of the Portland Neighbourhood Plan.

16.8 Given it is surrounded by other densely populated residential development, the scheme will not be seen from a wider landscape perspective and therefore, there is a neutral landscape impact in accordance with policy ENV1 of the West Dorset, Weymouth & Portland Local Plan (2015).

16.9 Impact on highway safety:

The applicant has applied for a shed/garage which does not automatically require vehicular access in itself and even if used for a motorbike, these can be wheeled on and off of the highway without immediate concern. The highways team has raised

no objections and therefore, it is considered that policy COM7 of the West Dorset, Weymouth & Portland Local Plan (2015) is complied with.

16.10 Other matters:

All of Portland falls within an area of archaeological interest; however, given the shed/garage is now placed on the land and is in situ and the small scale nature of the single storey house extension and limited excavations overall; this scheme has not been commented on by the archaeology team nor raises concerns in this regard.

16.11 The site does fall within SSSI impact risk zone with Portland being generally protected for ecological interests; however, again given the urban context and the proposals being within the residential curtilage, there are no concerns raised in regards to impact on protected species, European protected sites or ecology generally.

17.0 Conclusion

Whilst the concerns raised in regards to neighbouring amenity are fully acknowledged, unfortunately the main component of this impact is outside of the LPA's control and therefore, when considering the shed/garage and front single storey extension as required, both aspects are considered appropriate in scale, mass, design, siting and appearance, in accordance with policies SUS2, ENV1, ENV10, ENV12, ENV16 of the West Dorset, Weymouth & Portland Local Plan (2015) and policies Port/EN0, EN6 & EN7 of the Portland Neighbourhood Plan 2017 to 2031 (made 22/06/2021).

18.0 Recommendation

GRANT planning permission 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 PP-12118855v1

Proposed elevations / floor / site plans: Drawing No. 2904:507/001 A

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

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any order revoking and re-enacting that Order with or without modification), no additional window(s) or other opening(s) permitted by Class A of Schedule 2 Part 1 of the 2015 Order shall be constructed in the south elevation of the shed/garage building hereby approved.

Reason: To protect amenity and the character of the area.