

<b>Application Number:</b>	P/HOU/2022/06153		
<b>Webpage:</b>	<a href="https://dorsetforyou.com">Planning application: P/HOU/2022/06153 - dorsetforyou.com</a> <a href="https://dorsetcouncil.gov.uk">(dorsetcouncil.gov.uk)</a>		
<b>Site address:</b>	10 Court Road Swanage BH19 1JE		
<b>Proposal:</b>	Two storey rear extension with dormer window and internal alterations		
<b>Applicant name:</b>	Mr & Mrs Weeks		
<b>Case Officer:</b>	Victoria Chevis		
<b>Ward Member(s):</b>	Cllr Suttle and Cllr Trite		
<b>Publicity expiry date:</b>	6 July 2023	<b>Officer site visit date:</b>	27 July and 8 August
<b>Decision due date:</b>	23 August 2023	<b>Ext(s) of time:</b>	15 September 2023

**This application was deferred from consideration at the 13 September Eastern Area Planning Committee meeting for a committee site visit to take place. The application is returned to Committee for consideration following a site visit by the Eastern Area Planning Committee scheduled for 11<sup>th</sup> October 2023.**

### 1.0 Reason application is going to committee

The Nominated Officer has identified this application to come before the Planning Committee in light of the concerns raised by the Town Council in relation the scale of the design, the proposed materials, possible loss of light, impact on the character of the area and overlooking.

### 2.0 Summary of recommendation:

Grant planning permission subject to conditions.

### 3.0 Reason for the recommendation: as set out in section 16

- Para 11 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	Acceptable development within Swanage settlement boundary
Scale, design and impact on the character of the dwelling and the wider locality	Acceptable
Impact on neighbouring amenity	Acceptable
Biodiversity	Acceptable

#### 5.0 Description of Site

The proposal is within a residential location with a high density of built development.

The site is located to the west side of Court Road, characterised by a terrace of 6 dwellings in a similar style.

The site comprises the main two storey dwelling with stone brick and rendered walls, with concrete tiles and UPVC windows, set back from the highway behind a small front garden.

To the rear of the dwelling is a rear garden area, with outbuilding attached to the dwelling with pitched roof in slate.

The garden is enclosed by a large stone wall and fencing. There is a separate access to the dwellings from a path situated at the northeast side of the garden. The site is located within the settlement boundary of Swanage and within the Dorset Area of Outstanding Natural Beauty.

#### 6.0 Description of Development

The proposal is for the erection of a two storey, flat roofed, 3m deep rear extension and the addition of a dormer window to the rear elevation on the second floor.

The proposed rear extension is comprised of stone brick and rendered walls with UPVC windows to match the existing. The proposed dormer is under a flat roof with pre-patinated zinc and vertical larch cladding.

#### 7.0 Relevant Planning History

6/2019/0189 - Decision: GRA - Decision Date: 29/04/2019

Erect single storey rear extension – Certificate of Lawfulness (Proposed)

P/PAP/2022/00375 - Pre-application advice provided-Response Date: 03/08/2022

Two storey rear extension and dormer window to be added to existing loft room.

Summary: The proposal for the two-storey extension and the dormer window are acceptable in principle, however, the proposed scale and materials of the dormer window do not meet planning policy guidance for good design. The scale and design would need to be amended to make the development acceptable.

## 8.0 List of Constraints

- Within Swanage settlement boundary.
- Within an area susceptible to groundwater flooding.
- Area of Outstanding Natural Beauty (AONB): Dorset (statutory protection in order to conserve and enhance the natural beauty of their landscapes - National Parks and Access to the Countryside Act of 1949 & Countryside and Rights of Way Act, 2000)

## 9.0 Consultations

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

### Consultees

#### 1. Dorset AONB – 06/06/2023

No wish to comment due to scale of proposal.

#### 2. Dorset Council Conservation – 06/08/2023

no major impact on the setting or significance of the conservation area and no harm to any listed buildings.

#### 3. Swanage Town Council – 04/07/2023

Concerns over; Scale of design, materials, loss of light, context, impact on surrounding properties, impact on setting of Court Farmhouse, accuracy of the block plan and overlooking.

### Representations received.

The application was advertised by the posting of 2 site notices on 15/06/2023 with an expiry date of 06/07/2023. As the proposal ties into the neighbouring property, notice was also served on the adjacent owner.

Total - Objections	Total - No Objections	Total - Comments
8	0	0

Concerns included, scale of design, materials, loss of light, impact on surrounding properties, impact on setting of Court Farm House, impact on the character of the area, accuracy of the block plan, overlooking, over development, encroaching on public land, overbearing, use as a second home and structural issues that may result to include blocked drains, damp, noise and footing issues.

## 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.

The Planning (Listed Buildings and Conservation Areas) Act 1990- Section 72 requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of conservation areas.

Section 85 of the Countryside and Rights of Way Act (2000) requires that regard is had to the purpose of conserving and enhancing the natural beauty of the AONB.

## 11.0 Relevant Policies

### Development Plan

#### **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

#### **Adopted Swanage Local Plan:**

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

Policy STCD - Swanage Townscape Character and Development

### Material Considerations

#### **Emerging Purbeck Local Plan:**

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](http://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 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

- E2: Historic Environment
- E12: Design
- E4: Assessing flood risk – Surface water flooding risk - Low.

### **Emerging Neighbourhood Plans**

Swanage Neighbourhood Plan- In preparation – very limited weight applied to decision making

### **Other Material Considerations**

#### **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

Purbeck District Design Guide supplementary planning document adopted January 2014.

Swanage Townscape Character Appraisal

Purbeck District Design Guide SPD

National Planning Practice Guidance

## **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**

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.

During construction the proposal could have greater impacts for those with protected characteristics, for instance those who are housebound but following construction no material impacts are anticipated.

### **14.0 Financial benefits**

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

### **15.0 Environmental 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.

### **16.0 Planning Assessment**

16.1 The main planning considerations are:

- Principle of development
- Scale, design and its impact on the Dorset AONB and character of the area
- Impact on neighbouring amenity

16.2 These and other considerations are assessed below.

#### **Principle of development**

- 16.3 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.
- 16.4 The site is situated within the settlement boundary of Swanage. As such, the principle of the proposed development is acceptable in accordance with Purbeck Local Plan Policies SD and LD. There is no 'in principle' objection to the proposed development, subject to the consideration of all other material planning issues.

**Scale, design and impact on the Dorset AONB and character of the area**

- 16.5 The site lies within the Dorset AONB where great weight is to be given to conserving and enhancing landscape and scenic beauty. The Dorset AONB Management Plan objective C1 is that the AONB and its setting is conserved and enhanced by good planning and development.
- 16.6 In this case, 10 Court Road, is an end of terrace property within an urban setting. The regularity of the design of the front elevations of dwellings in the terrace contributes to the townscape but this is a localised impact as the building is screened by other built form in all directions.
- 16.7 The property is not a listed building and is located outside of the Swanage Conservation Area which is to the east of Court Road. The front (east) elevation is to remain unchanged so the proposal will not result in harm to the setting of the Conservation Area. There are no listed buildings within the immediate vicinity of number 10.
- 16.8 The scale of the proposed rear extension is subservient and will not overwhelm the form of the existing dwelling or constitute over-development; the dwelling will retain over 12 metres of garden length.
- 16.9 The matching materials of the rear extension will ensure a good visual relationship with the existing dwelling. The design is functional, with a very limited pitch on the lean-to roof but this limits the bulk and, given the limited depth of the extension, its location to the rear of the dwelling and that there are other flat roofed extensions on the terrace, the form would not result in any demonstrable harm. Views from public vantage points are limited (mainly from Princess Road to the West). From there the extension will be viewed in its context alongside the existing two-storey extensions in the terrace and will not conflict with the overall defining character of the area as a whole nor diminish the scenic beauty of the AONB.
- 16.10 The applicant has responded to the pre-application advice received by reducing the size of the rear dormer by over 2m in length and altered the proposed materials. The size of the dormer is now in proportion with the scale of the roof and will not appear

dominating in the roof scape. Its positioning has symmetry with the alignment of the windows in the lower floors of the rear of the house.

- 16.11 Although different to the existing roof materials, the chosen zinc and larch boarding will complement the roof in colour and tone. This, along with the scale and proportions of the dormer means it will visually integrate into its surrounding and not look out of keeping with the domestic character and appearance of the rear of the terrace and neighbouring properties. Although there are no other dormer windows on this short terrace of dwellings, they can be seen in the immediate area on both front and rear elevations.
- 16.12 Purbeck Townscape Character Appraisal states that "*The Edwardian and inter-war estate development north and south of the town centre are constant areas where limited change is acceptable provided its overall character is maintained*". The introduction of a rear dormer would not be visible from the street scene and would not alter the character of the dwelling or its positive contribution to the street scene.
- 16.13 The proposals will be compatible with and maintain the character and qualities of this part of Swanage which accords with policies LHH: Landscape, Historic Environment and Heritage, D: Design of the Purbeck Local Plan, policy STCD: Swanage Townscape Character and Development of the Swanage Local Plan and E12: Design, of the Emerging Local Plan.

#### **Impact on neighbouring amenity**

- 16.14 Properties 23 and 25 Princess Road are two storey dwellings with limited rear gardens (approx. 4m deep). High rear boundary fences and a back access path provide separation with the rear of the application site at 10 Court Road and there is a building-to-building distance of approximately 21m. As a result, existing overlooking to the rear is limited.
- 16.15 The proposal will replace a rear rooflight with a dormer window serving a bedroom and en-suite on the second floor and will bring first floor bedroom window 3m closer to the boundary. Whilst this may result in a greater perception of overlooking, it is anticipated that the fence will remain effective in screening overlooking so the changes are judged unlikely to result in demonstrable harm compared to the existing relationship. **Obscure glazing of the window serving the en-suite can reasonably be required in the interests of amenity.**
- 16.16 There is an existing high level of mutual oblique overlooking between properties in Court Road, and into the garden of 17B to the northwest from the existing bedroom window at first floor and the existing roof light on the second floor. The new bedroom windows in the extension and dormer window are not judged to result in any significant increase in the opportunity to overlook given that a similar degree of separation with adjoining properties is retained.



- 16.17 The position of the extension will not cause any direct loss of light due to the dwelling's northern position in relation to its adjoining neighbour No. 12 and the angle at which No. 8's rear elevation faces slightly more north-westerly away from No.10.
- 16.18 Residents at No. 12 Court Road have raised concerns that the proposed two-storey rear extension would appear overbearing. 12 Court Road has a rear, pitched roof, single storey projection which adjoins No. 10 Court Road and a rear two storey flat roof extension. It also has a shed behind the single storey washroom (shown as one building on the block plan). This proposal would replace no. 10's section of the rear projection with a flat roof extension an additional 1.7m high. This would not result in any demonstrable overshadowing since the proposed extension would lie to the north and the degree of loss of natural light to the first-floor window in no. 12 would be limited as the two projections have flat roofs.
- 16.19 It is acknowledged that the extension, in combination with the existing two storey extension at no 12 will result in a 'tunnelling effect' for that property, but the outlook from the ground floor is already significantly compromised by existing built form and at first floor no significant harm to amenity has been identified due to the limited depth of the exiting extension to no. 12 (1.3m) and the position of the window approx. 1.5m away from the new extension.
- 16.20 For the above reasons the proposal is judged to accord with policy D: Design of the Local Plan.

### **Biodiversity**

- 16.21 A Preliminary bat roost appraisal was completed in May in the existing building and no evidence of bat roosts or bats entering the building was found. Whilst there may be bats hunting and foraging in the area there is no evidence to suggest bats are using this building.
- 16.22 Other issues raised in representations**
- 16.23 The Party Wall Act would apply to the proposed extension. The adjacent owners are aware of the application and have submitted comments. Requirements to comply with the Party Wall Act are not a planning matter.
- 16.24 This dwelling is not being used as a second home therefore these concerns are not valid planning matter.
- 16.25 The structural integrity of the building, blocked drains and damp arising as a result of this development is a building control or civil issues and not a planning matter.
- 16.26 The proposed development is contained within the redline plan and will not encroach on the shared access footpath to the north and west of the boundary.

## 17.0 Conclusion

For the reasons set out above the proposal is considered to accord with the development plan and national planning policies with no material considerations indicating that permission should be refused and therefore approval is recommended subject to the conditions as set out below.

## 18.0 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:

22/014/D1 - Location plan submitted 06/10/2022

22/014/D2 - Block plan submitted 06/10/2022

22/014/SK1 - Proposed floor plans and elevations submitted 06/10/2022

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

3. The materials to be used on the proposed development shall accord with those identified on plan 22/014/SK1 with the render finish to match the existing dwelling.

Reason: In the interests of the amenity of the area

4. **In the first instance and on all subsequent occasions the window in the rear dormer at second floor level serving the en-suite shall be obscure glazed to at least Industry Standard level 3 obscurity.**

**Reason: In the interests of amenity**

### Informative Notes:

1. The applicant(s) is (are) advised that the proposed development is situated in close proximity to the property boundary and "The Party Wall etc. Act 1996" is therefore likely to apply.
2. The applicant is advised that bats are protected in the UK by Schedule 5 of the Wildlife and Countryside Act 1981 and Part 3 of Conservation of Habitats and Species Regulations 2017 (as amended). Work should proceed with caution and if any bats are found, all work should cease, the area in which the bats have been found should be made secure and advice sought.

from Natural England (tel: 0300 060 3900), website [www.naturalengland.org.uk](http://www.naturalengland.org.uk) before proceeding.

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

3. 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.

#### 4. 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 applicants/agents of any issues that may arise in the processing of their application and where possible suggesting solutions.

In this case:

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