


Application Number:	P/FUL/2023/04646		
Webpage:	Planning application: P/FUL/2023/04646 - dorsetforyou.com (dorsetcouncil.gov.uk)		
Site address:	Cefyn Bryn, 3 Ballard Estate, Swanage, BH19 1QZ		
Proposal:	Demolition of existing single storey dwelling and erection of new single storey dwelling		
Applicant name:	Mr and Mrs Parton		
Case Officer:	Cari Wooldridge		
Ward Member(s):	Cllr Suttle and Cllr Trite		
Publicity expiry date:	28 September 2023	Officer site visit date:	Familiar with site from former visits.
Decision due date:	3 November 2023	Ext(s) of time:	3 November 2023
No of Site Notices: 3			
SN displayed reasoning:	Visible to all entering Ballard Estate, on south boundary of site and at main entrance to property (east boundary).		

1.0 The Nominated Officer has identified this application to come before the Planning Committee on request of ward members and as the officer recommendation of approval is contrary to objections received from Swanage Town Council.

2.0 Summary of recommendation:

The committee be minded to GRANT planning permission subject to conditions as set out in Section 18 of this report.

3.0 Reason for the recommendation: as set out in paras 16 – 17 of this report and summarised as follows:

- Section 38(6) of the Planning and Compensation Act 2004 provides that determinations must be made in accordance with the development plan unless material considerations indicate otherwise.

- Paragraph 11 of the National Planning Policy Framework (NPPF) sets out that decisions should apply a presumption in favour of sustainable development where it accords with an up-to-date development plan.
- The principle, scale, design, and impact of the development is acceptable and would not result in significant harm to the general character and appearance of the area.
- The proposal is acceptable in respect of impacts on parking, highway safety, public rights of way, flood risk and drainage, and the Dorset AONB.
- There is considered to be no 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 within settlement boundary.
Scale, design, impact on character and appearance of the area and the Dorset AONB	Acceptable subject to condition.
Impact on the living conditions of the occupants and neighbouring properties	Acceptable.
Flood Risk and drainage	Acceptable.
Highway impacts / safety and car parking	Acceptable subject to condition.
Impact on trees	Acceptable subject to condition.
Biodiversity Impacts	Acceptable subject to condition.

5.0 Description of Site

- 5.1 Ballard Estate is a private residential estate located in north Swanage with adjoining residential development to the south and west, countryside to the north, and the coast to the east. The application site is located to the east of Ballard Lee (private estate road) and is located to the north of the main entrance road to the Ballard Estate. The site is rectangular in shape and approximately 837 sqm in area. It includes the existing bungalow, a detached flat roof garage, parking and a garden that is largely lawn to the south. Boundary treatments include mature evergreen hedging and fencing inside a Purbeck Stone Wall with traditional cock and hen coping. The site is relatively level.
- 5.2 The site is within the settlement boundary with adjacent development being single storey in height. There have been a number of demolitions and re-builds across the estate in recent years, all of which have retained the single storey character of the estate originating from 1920s army camp origins which is most evident on the eastern section of the estate.

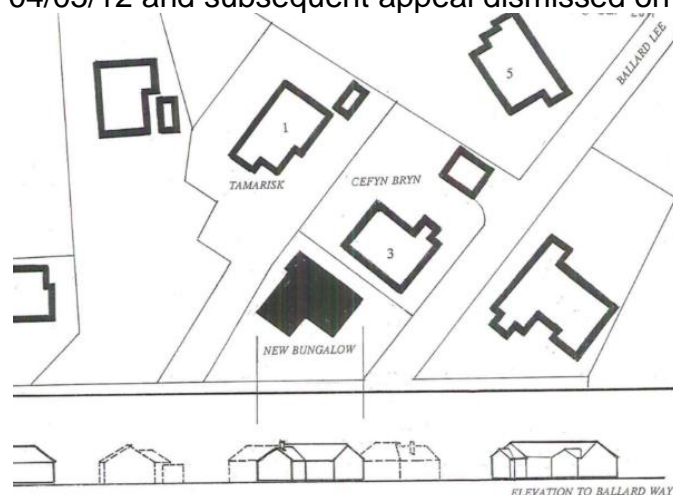
5.3 As with the entire settlement of Swanage, the application site and Ballard Estate are located within the Dorset AONB and views of the surrounding landscape – in particular Ballard Down to the north - can be glimpsed between existing buildings.

6.0 Description of Development

6.1 The proposal is for the demolition of the existing bungalow and detached garage and the construction of a replacement single storey dwelling and detached garage.

7.0 Relevant Planning History

6/2011/0598 – Sever land and erect a detached dwelling; widen existing vehicular access – Refused 04/05/12 and subsequent appeal dismissed on 09/05/13.



Reasons for refusal:

1. The positioning of the proposed dwelling will encroach into an existing open area which contributes to the spacious character of the entrance to the Ballard Estate. Its positioning fails to respect the layout of numbers 1 and 3 Ballard Estate. In its prominent forward positioning, the height, bulk, and mass of the proposed bungalow would dominate the street scene. The design approach lacks visual unity and symmetry. This leads to a detailed design that is not integral and has no overall defining character. The removal of the existing stone boundary walling results in the loss of a feature that defines the character of the estate. The continued use of timber fencing along the southern boundary is unsympathetic and harmful to the character and appearance of the area. In conclusion it is considered that the proposals would result in a form of development that fails to integrate with or complement the neighbouring buildings and the local area in terms of layout, scale, and design. This would be especially evident from public views along the estate entrance road and the South West Coast path.....

2. It is considered that the proposed dwelling due its proximity, width and height would appear as dominating and overbearing to the occupants of number 3 Ballard Estate. This would be harmful to their living conditions.....

Reasons for refusal (3) and (4) related to development contributions towards transport infrastructure and Dorset Heathland mitigation and the requirement to formally complete a Planning Obligation to secure payment.

Key issues raised in the appeal decision included:

- Undeveloped nature at front of plot and set back from road forming a spacious area at estate entrance forming an important element of the character and appearance of the area from which the proposal would detract.
- Adverse impact on neighbouring outlook of no. 3.

P/FUL/2022/06731 - Demolition of existing single storey dwelling and erection of new single storey dwelling – Refused 17/01/23 (SUBJECT OF OUTSTANDING APPEAL) for the following reasons:

1. The proposal by reason of its scale, form, mass, and positioning will encroach into an existing area of open garden character which contributes to the spacious character along the entrance road to the Ballard Estate. The positioning and mass of the lengthy eastern wing, in close proximity to the boundary with Ballard Lee, results in a proposal that would appear visually dominant and overbearing in the street scene to the detriment of the local townscape character. As such, the proposal is considered to result in a form and layout of development that fails to positively integrate with its surroundings, historic quality, and townscape character of the Ballard Estate. The proposal is contrary to the objectives of Section 12 of the NPPF including paragraphs 130 and 134; Policy D of the Purbeck Local Plan 2012; Policy STCD of the Swanage Local Plan 2017; the Purbeck District Design Guide 2014 paragraphs 20, 21, and 39; and the Swanage Townscape Character Appraisal Section 04.8 Ballard Down.

2. The application site is located within 400m of the coastline in an area known as the 400m No-water Discharge Consultation Zone where new development has potential to impact upon surface water and / or ground water drainage. The application form and supporting statement advise that surface water will be dealt with by way of a comprehensive surface water drainage strategy including on site attenuation and written agreement to discharge to a public sewer. The application is not supported by a conceptual drainage scheme or written confirmation of Wessex Water agreeing to the discharge at an attenuated rate to the existing combined sewer on Ballard Lee. In the absence of a suitable and sufficient conceptual surface water discharge strategy, the proposal is considered to result in a risk of flooding to the site and neighbouring areas and the potential for adverse impact on nearby cliff stability. As such the proposal is contrary to the objectives of the National Planning Policy Framework Section 14: Meeting the challenge of climate change; Purbeck Local Plan 2012 - Policies FR: Flood Risk; and CE: Coastal Erosion; and the Purbeck Strategic Flood Risk Assessment 2018.

P/PAP/2023/00221 – Amendments to the refused application were discussed with the applicants and their planning agent during an on-site meeting to develop a scheme that was considered acceptable by the case officer.

8.0 List of Constraints

Statutory Settlement Boundary; Swanage

Sustainable Drainage Systems (SuDs) – Policy CE

Neighbourhood Area; Name: Swanage; Status Designated 22/02/2022

Legal Agreements S106 – 6/2014/0483 9 Ballard Estate – Heathland mitigation and transport financial contributions

Right of Way: Footpath SE3/18; - Distance: 4.28 m

Right of Way: Footpath SE3/17 - Distance: 2.32 m

Poole Harbour Recreation Zone

Dorset National Landscape/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)

Site of Special Scientific Interest (SSSI) impact risk zone

Dorset Heathlands - 5km Heathland Buffer

9.0 Consultations

The application was advertised by means of three site notices.

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

Consultees

1. Natural England

No comments received.

2. Ramblers Association

No comments received.

3. Dorset Council – Highways Officer

Red line should be extended to public highway. No objection subject to turning / parking condition.

4. Dorset Council – Rights of Way Officer

Footpath SE3/17 must be maintained during work; remain open and available with no materials or vehicles stored on route.

5. Dorset Council – Dorset Waste Team

No comments received.

6. Dorset Council - Building Control

Ensure surface water/soakaways are more than 400 metres from cliff face as won't be allowed otherwise.

Ensure all inner rooms have suitable means of escape in the event of fire due to open plan layout.

Ensure glazing on boundaries are compliant with part B.

7. Dorset Council – Drainage Engineer

Verbal comments:

Attenuation on site and discharge to Wessex Water sewer (consent evidenced) acceptable. No further details required.

8. Dorset AONB Team

Do not wish to comment due to scale of application.

9. Swanage Town Council

Recommend refusal.

Improvements have been made to design and scale but still have concerns over:

Layout and density of building design / visual appearance. Prominent position and ridge height will be highly visible from road. Out of keeping with street scene and unique character of area contrary to Swanage Local Plan Policy STCD.

Roof height should be further reduced.

Solar panels and EV charging point noted.

10. Ward Members - Swanage Ward

No comments received from either ward member.

Representations received

Total - Objections	Total - No Objections	Total - Comments
25	1	1

Summary of comments of objection:

Too large, long, and bulky with harm to street scene.

Disproportionately large within plot.

Poor relationship with neighbouring buildings, spaces, and grain of development.

Highly visible and overbearing on corner.

Chimney higher than necessary.

Will obstruct views of Ballard Down that are feature of estate.

Loss of views to residents, visitors, and walkers.

Barn shaped building with cathedral ceiling height will dominate landscape setting.

Unsympathetic to low impact bungalows of estate.

Lower height required.

Forward of building line.

Restrictions on triangle of land may be breached.

Encroachment onto area of open garden that contributes to street scene. Loss of spaciousness of character at entrance to estate.

Roof pitch too acute and doesn't take account of Ballard Estate Development Guidelines.

Loss of privacy if current fencing and shrubs are removed.

Loss of privacy and light amenity for neighbours.

Would set precedent.

Councillors should visit to assess impact on character.

Increased noise to neighbouring properties.

Submitted planning statement inconsistent and includes factual errors. Comparisons with neighbouring plots irrelevant and depends on a number of other considerations.

Record of discussions with Ballard Estate is incomplete, inaccurate, and misleading. Ballard Estate Company willing to work with applicants on a solution that embodies design ethos reflective of estate character.

Contrary to NPPF and Development Plan policies in respect of good design. No material considerations, evidence or justification exists to support any departure from clear, established planning principles.

Would encourage use by non-local people to make estate one of second homes.

Summary of comments of Support:

Will remain a bungalow as properties on estate should.

Roof height is not increasing and will remain in keeping.

To lower the roof would be detrimental to appearance of types of bungalows at this end of the estate.

Roof will not block views of Ballard Downs as the Downs can be seen from many different angles and positions.

Further improvement on the estate will continue to make it a desirable location.

Summary of comment received:

Planners must visit site to see situation.

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

Development Plan

Adopted Purbeck Local Plan 2012:

Policy SD: Presumption in favour of sustainable development

Policy LD: General location of development

Policy HS: Housing supply

Policy BIO: Biodiversity and geodiversity

Policy DH: Dorset Heaths International Designations Policy

Policy PH: Poole Harbour

Policy CE: Coastal Erosion

Policy D: Design Policy

Policy FR: Flood Risk

Policy LHH: Landscape, Historic Environment and Heritage Policy

Policy IAT: Improving accessibility and transport.

Adopted Swanage Local Plan:

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

Policy SS: Swanage Settlement

Policy STCD: Swanage Townscape Character and Development

Material Considerations

Emerging Local Plans:

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

- the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- 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
- 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. Further modifications have been published for consultation following the previous hearing sessions and consultation on Proposed Main Modifications which were followed by additional consultation on Further Proposed Main Modifications and a further public hearing session held on 19 July 2022. Updates on the latest position on the plan's examination and related documents (including correspondence from the Planning Inspector, Dorset Council, and other interested parties) are published on Dorset Council website (www.dorsetcouncil.gov.uk/planning-buildings-land/planning-policy/purbeck-local-plan/purbeck-local-plan-latest-news).

Having regard to the plan's progress through the examination and Dorset Council's position following consultation on the Proposed Main Modifications and the Further Proposed Main Modifications, at this stage only limited weight should be given to the 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 for the reasons set out above these policies should be accorded little weight in the determination of the application:

E1: Landscape

E4: Assessing flood risk.

E5: Sustainable drainage systems (SuDs)

E6: Coastal Change Management Areas (CCMAs)

E7: Conservation of protected sites

E8: Dorset heathlands

E9: Poole Harbour

E10: Biodiversity and geodiversity

E12: Design

E4: Assessing flood risk

H2: The housing land supply

I1: Development contributions to deliver Purbeck's infrastructure

I2: Improving accessibility and transport

Emerging Neighbourhood Plans

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

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 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.
- Section 14 'Meeting the challenges of climate change, flooding and coastal change'.
- 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.

Other material considerations

Dorset AONB Landscape Character Assessment

Dorset AONB Management Plan 2019-2024

Dorset Heathlands Planning Framework 2020-2025 Supplementary Planning Document

The Bournemouth, Poole, and Dorset Residential Car Parking Guidance 2011

Purbeck District Design Guide SPD

Managing and using traditional building details in Purbeck

Poole Harbour Recreation 2019-2024 SPD

Purbeck Townscape Character Appraisal Supplementary Planning Document adopted August 2012.

Purbeck Strategic Flood Risk Assessment 2018

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.

It is considered that the proposed development would not disadvantage persons with protected characteristics.

14.0 Financial benefits

What	Amount / Value
Material Considerations	
N/A	N/A
Non-Material Considerations	
CIL	Liable
Council Tax	£2,442.95 (based on average Council tax Band D)

15.0 Environmental Implications

15.1 The proposal is for a single replacement dwelling which will be constructed to current building regulations standards, and which will be served by PV Panels on the garage roof and an EV charging point. Suitable drainage will prevent any additional impact on terms of flood risk and nearby coastal erosion that may be exacerbated by climate change.

16.0 Planning Assessment

Principle of development

16.1 The application site is located within the Swanage settlement boundary and the proposed redevelopment is acceptable in principle as it accords with policies SD: Presumption in favour of sustainable development and LD: General location of

development of the Purbeck Local Plan 2012 (PLP) and Policy SS: Swanage Settlement of the Swanage Local Plan 2017 (SLP).

Scale, design and impact on the character and appearance of the area and the Dorset National Landscape (AONB)

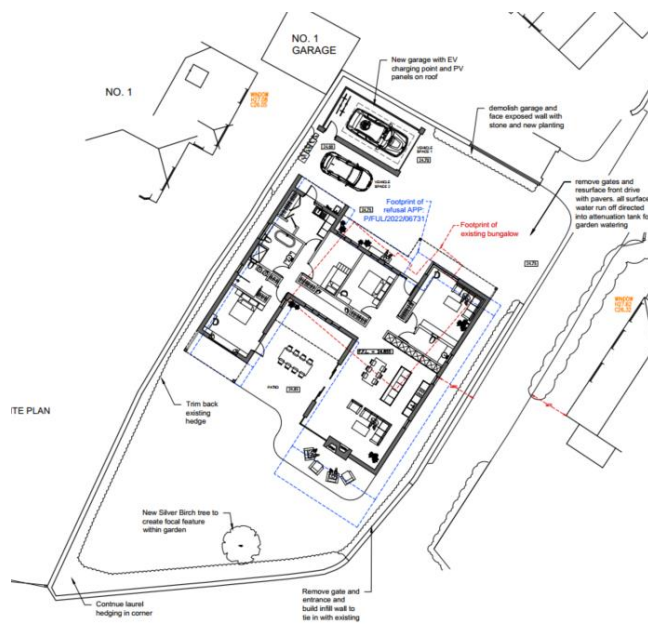
- 16.2 The application site is located in an area of Swanage known as Ballard Estate. There have been a number of demolitions and re-builds across this area in recent years, all of which retain the single storey character of the Estate.
- 16.3 Policy STCD: Swanage Townscape Character and Development of the SLP requires new development to take account of the Swanage Townscape Character Assessment (2012) and guidelines set out in the policy wording. It identifies the application site as being located in an 'Area of Distinctive Local Character'. The policy notes that in such areas, new development should protect and enhance distinctive local characteristics. Specifically, it notes that 'the Ballard Down area should continue to support single storey development only, as this area is characterised by historic bungalow development'.
- 16.4 The Swanage Townscape Character Appraisal identifies the application site as being located in the 'Ballard Down' Townscape Character Type. This characterises the area as a small and compact estate of bungalow development that originates from the 1920s. The Appraisal notes that many of the sites have been redeveloped, but a distinctive and discrete character that is reminiscent of the estate's origins (army camp) remain. In terms of the estate layout, this consists of small rectangular plots that are laid out along three parallel tracks. Garden spaces are limited with a constant house set-back and properties being located on an angle to the access tracks. Boundaries are defined by maintained hedges although there is no tree cover. The height of the development is exclusively single storey, with houses of a consistent scale and of a generally rectangular form under simple shallow pitched roofs. The simple and distinct character of the area that is reminiscent of speculative seaside development of the interwar period is considered to be a strength. Opportunities are to retain the characteristics of the estate whilst threats are related to potential two storey redevelopment that would undermine character.
- 16.5 An application in 2011 (6/2011/0598) for the subdivision of the application plot and the erection of a detached dwelling together with the widening of the existing vehicular access was refused consent in 2012 and a subsequent appeal was dismissed. Reasons for refusal of the application included the encroachment of the proposed dwelling into an existing open area which contributes to the spacious character of the entrance to the Ballard Estate. The positioning of the dwelling failed to respect the layout of numbers 1 and 3 Ballard Estate, and the prominent forward positioning, height, bulk, and mass were considered to dominate the street scene. The design approach was considered to lack visual unity and symmetry leading to a detailed design that was not integral and had no overall defining character. The removal of the existing stone boundary walling resulted in the loss of a feature that defines the character of the estate and the use of timber fencing along the southern boundary was considered unsympathetic and harmful to the character and appearance of the area.
- 16.6 Within the appeal decision, the Inspector highlighted the undeveloped nature at the front of the plot and the set back from the estate entrance road as forming a

spacious area at the estate entrance and an important element of the character and appearance of the area from which the proposal would detract.

- 16.7 The recent refusal in January 2023 for the demolition of the existing single storey dwelling and erection of new single storey dwelling (P/FUL/2022/06731) also reasoned that the scale, form, mass, and positioning of the proposed dwelling would encroach into an existing area of open garden character that contributes to the spacious character along the entrance road to the Ballard Estate. The positioning and mass of the lengthy eastern wing, in close proximity to the boundary with Ballard Lee, were considered to result in a proposal that would appear visually dominant and overbearing in the street scene to the detriment of the local townscape character. As such, the proposal was considered to result in a form and layout of development that failed to positively integrate with its surroundings, historic quality, and townscape character of the Ballard Estate. An appeal has been submitted to the Planning Inspectorate against this decision and remains outstanding.
- 16.8 Alongside the appeal, pre-application advice was also sought by the applicants in respect of design amendments to the refused scheme to make it acceptable. This included a reduction in the length of the dwelling to avoid encroachment into the area of garden that historically formed part of the 'triangle'; re-siting further away from the boundary with Ballard Lee, a reduction in ridge height and dwelling mass; incorporation of renewable energy. The amendments were considered acceptable by the case officer as detailed below.
- 16.9 The existing building on the site consists of a small (approx. 92sqm) 1930s 2-bedroom bungalow with plain tiled hipped roof and pebble dash walls, with the main entrance facing north-east onto the property driveway and garage as opposed to facing the access road of Ballard Lee. The site is enclosed by a Purbeck Stone wall of approx. 1m in height and boundary fencing and hedge behind. There are two existing vehicular accesses to the site – the main access being located to the north of the dwelling and serving a garage and the second being located to the south. The bungalow forms a grouping with nos. 1, 1A and 11 at the entrance to Ballard Estate, all of which retain a visual character of openness when progressing along Ballard Lee. It is however noted that the application bungalow and adjacent properties – some of which have been extended and / or redeveloped - did not form part of the original army camp layout which dictates much of the character of the rest of the estate. Instead, the application bungalow and adjacent bungalows in the group form later 1930s / 1940s development of different character and layout that was originally sited around and accessed from a triangular piece of open land. There is variation amongst the dwellings with regard to their size, form and materials and the application dwelling, in terms of its design and form, does not reflect that of the former barracks block to the east.
- 16.10 The proposed replacement 3-bedroom dwelling would be single storey in height which is in keeping with the overall character of the estate and in accordance with Swanage Local Plan Policy STCD for the Ballard Down area. As with the refused scheme, it would consist of two main rectangular sections linked to form a 'H' shape. The replacement dwelling would be significantly larger (approx. 253sqm including covered external areas) than the existing bungalow with a footprint that would extend approx. 6.5 m further south-west within the plot than the existing building. It would also be substantially wider than the existing bungalow retaining distances of approx. 1.6 m to the western boundary with 1 Ballard Estate and 2.2m to the Purbeck Stone

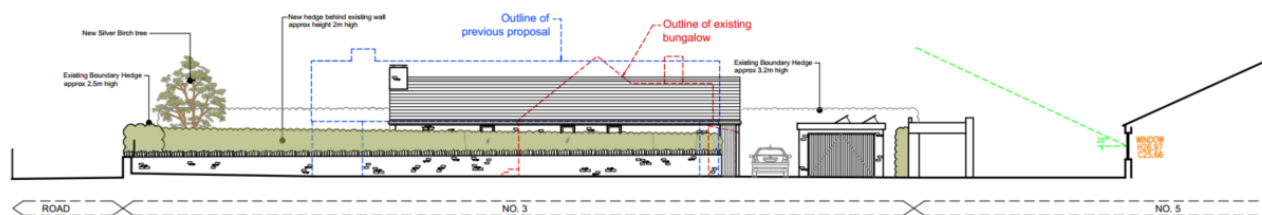
boundary wall extending along Ballard Lee on the eastern site boundary. It is noted that following pre-application advice, the current proposal has a reduced footprint, is sited slightly further north-west within the plot and further away from the Ballard Lee boundary, has a lower ridge height and includes an eastern wing of reduced length.

- 16.11 Objections have been received from neighbours, visitors to the area and the Ballard Estate Company in respect of the layout, scale, height, mass and design of the proposal and related impacts on the character and appearance of the area and neighbouring amenity. The comments are summarised above, and the key issues raised are addressed in the officer assessment below.
- 16.12 The application site consists of a corner plot with a dual frontage. The existing bungalow respects the established building line of Ballard Estate, being at a right angle to the lane (Ballard Lee) on the eastern side. The bungalow is set north-eastwards within the plot with the garden to the south-west retaining an open and green character along the estate entrance road and the southernmost part of Ballard Lee. As such, the existing bungalow does not have a significant visual impact on views when entering the estate from the Ballard Way entrance. Nevertheless, the positioning of the proposed dwelling within the application site and its relationship with the layout of the surrounding plots has a clear influence on the local character of the estate.
- 16.13 In comparison with the former refused scheme, the proposed dwelling has been positioned slightly further north westwards within the plot, and this combined with a reduced length of the eastern wing (including removal of overhangs) means that the dwelling would be located approx. 8m away from the southern boundary from its south-eastern corner, and approx. 13m away from its south-western corner. The amendments mean that no development would take place within the historic 'triangle' of land at the entrance to the estate which would be retained as garden.



The ridge height of the eastern wing has been lowered to be approx. 1m below the existing hipped roof ridge and approx. 0.7m lower than the former refused ridge

height. In addition, the overall length of the eastern wing has been reduced by approx. 3m (17.5m) and set away from the boundary wall by a further metre (2.2m).



As a result, the bulk, height, and mass of the proposal on the boundary with Ballard Lee and in respect of the open corner at the estate entrance has been substantially reduced and would appear less visually intrusive, overbearing, and harmful to the character and appearance of the estate and the Ballard Lee street scene.

- 16.14 The siting of the eastern wing further away from the Purbeck Stone boundary wall along Ballard Lee (2.2m), in combination with the reduced ridge height and mass extending along the boundary, would result in a reduced perception of dominance and enclosure within the street scene. When viewed within the street scene from both the north and south of Ballard Lee, the eastern wing would extend no closer to the access road than the built form of no. 5 to the north and would not appear incongruous within the existing built form of development.
- 16.15 The reduced footprint, height, and siting in respect of the plot boundaries and retention of the historic area of open space (the triangle) would result in a proposal that would be proportionate to its plot size and which would not appear out of character in respect of the variations in footprint, size and form of development in proximity of the application site. This is subject to the removal of permitted development rights for the extension and alteration of the building, including outbuildings, by way of a condition on the decision notice to prevent future intrusion on the garden and historic 'triangle' of open space.
- 16.16 The contemporary design and external finish of the proposed bungalow is considered to be acceptable within the setting and it is noted that other replacement dwellings within the locality also have modern finishes. Proposed materials include a mixture of traditional Purbeck Stone walls in a coursed random rubble finish with powder coated metal frames and timber louvre finishes to covered external areas. Pitched slate roofs would serve the two wings with a zinc standing seam roof finish forming the flat roof link between the two wings. Powder coated aluminium glazing will serve rooms with some floor to ceiling glazing proposed. A modern chimney provides interest in the design. Full details of materials can be dealt with by way of a condition on the decision.
- 16.17 A replacement flat roof garage is also proposed, and this is considered to be of an acceptable design, scale and siting.
- 16.18 Neighbour objections – including comments provided by the Ballard Estate Company Ltd and their representatives – identify concern over the issues addressed above and contravention of estate design guidelines. The comments have been considered by the Case Officer and it is noted that the estate guidelines do not form adopted planning policy and do not therefore form a material consideration in the determination of the application.

- 16.19 Planning policy at national and local level expects new development to positively integrate with its surroundings and incorporate a high quality of design (NPPF Section 12 and Policy D of the PLP). NPPF paragraph 130 requires planning decisions to be sympathetic to local character and history, including the surrounding built environment and landscape setting; add the overall quality of the area; and maintain a strong sense of place. Paragraph 134 advises that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design.
- 16.20 No officer objection is raised to the contemporary design approach and use of materials, including the incorporation of Purbeck Stone. The overall scale, form, and mass of the amended proposal is considered compatible with the character and appearance of this particular area of the Ballard Estate which varies from the distinctive character and pattern of development of the former barracks block to the east. On this basis, a further refusal of the proposal on grounds of adverse impact upon the character and appearance of the area is considered difficult to warrant.
- 16.21 In summary, the proposed development is considered to be acceptable in accordance with the objectives of the NPPF Section 12: Achieving well-designed places, Policy D: Design of PLP, Policy STCD of the Swanage Local Plan, the Purbeck District Design Guide Supplementary Planning Document and the Swanage Townscape Character Appraisal.
- 16.22 The application site is located within the Dorset National Landscape (AONB). It is not considered that there would be any material impact on the landscape and scenic beauty of the designation due to the application site being located within the built-up area of Swanage, and the proposed low level single storey development retaining wider views to the north towards Ballard Down. It is noted that there will be some loss of views towards Ballard Down within the immediate vicinity of the site and to direct neighbours. However, the loss of views from individual properties does not form a material planning consideration. The proposal is therefore considered to accord with the objectives of Policy LHH of the PLP and paragraph 176 of the NPPF.
- Impact on the living conditions of the occupants of neighbouring properties
- 16.23 The application site is surrounded by residential development and the impact of the proposal on the living conditions of the occupants of neighbouring properties is a key consideration.
- 16.24 The proposed dwelling will be located to the southeast of 1 Ballard Estate. No. 1 is a detached bungalow with living accommodation in the roof space. It is set back from the estate road at the northern end of its plot with a driveway leading to a detached garage in the northeast corner. The front elevation of no. 1 is roughly in line with the existing south elevation of no. 3. The proposed replacement dwelling will be positioned approximately 4.6 m closer to the boundary with no. 1 retaining a gap of approx. 1.2m to the boundary wall. It will extend southwards of the existing bungalow footprint by approximately 7.6 metres off the boundary with number 1.
- 16.25 The boundary consists of a Purbeck stone wall with fencing and trellis. No. 1 has windows which serve a lounge and a kitchen/ utility room in its eastern and southern elevations. The proposed dwelling has been designed to limit the openings in the western elevation to those of non-habitable rooms only (serving en-suite and bathroom). As these windows look onto the existing boundary treatments and can be conditioned to be fitted and retained in obscure glazing, it is considered that there

would be no harmful loss of privacy to the occupiers of no. 1. Given that the outlook from side facing windows serving no. 1 would be onto a single storey side elevation at a distance of approx. 8m, with boundary treatments between the two properties, it is considered that the proposal would also be acceptable in terms of light, overshadowing and overbearing impacts. Whilst the new dwelling would alter the outlook of windows on the south elevation of no. 1, the impact is again considered to be acceptable.

- 16.26 To the north, no. 5 is located approx. 17.5m away from the proposed front elevation of the new dwelling with a front garden and garage to be retained between the two properties. Given the single storey nature of the proposal and the distances retained between the two properties, impacts in terms of neighbouring amenity are considered to be acceptable.
- 16.27 To the east, the neighbouring property of 11 Ballard Estate would be most closely impacted by the proposal. This bungalow is set back from the access road (Ballard Lee) by approx. 3m at its closest, with habitable rooms (living room) in the western elevation facing onto the road and the existing bungalow at no. 3. Comments have been received from the occupants raising concern over the mass and scale of the proposal and the overbearing impact of the eastern elevation and loss of views to their amenity.
- 16.28 Whilst the windows serving no. 11 would look onto part of the proposed east elevation of the new dwelling, they would also retain a more open outlook towards the front garden of the proposed dwelling (north-west) and the access driveway. The application is supported by a shadow analysis plan of the proposed development at different times of the year and day. This indicates that even in the worst-case scenario (winter solstice) the level of shadow that would result to the side facing windows of no. 11 throughout the day would not be so demonstrably more harmful than existing as to form a reason for refusal of the proposal. Given that the proposal retains a single storey dwelling and would be distanced from the nearest side facing window by approx. 9.7m with an access road in between, impacts in terms of loss of light and the overbearing nature are considered to be acceptable. Side facing windows serving the new dwelling with an outlook towards no. 11 would result in offset views towards the living room windows. Given the public access along the Ballard Lee located between the two properties, it is considered that an existing level of impact on privacy already exists, and it is not therefore considered necessary or reasonable to require the proposed east facing windows to be obscure glazed.
- 16.29 No. 2 Ballard Estate is located on the opposite side of the estate road approximately 17 metres away from the southern elevation of the proposal. Although the new dwelling would be visible to the occupants of this dwelling and would impact on outlook and views, due to the distances involved and existing boundary treatments, it is not considered that there would be any demonstrable harm to their occupier amenity in terms of loss of light or privacy.
- 16.30 In summary, the proposed development is considered to be acceptable in terms of impacts on neighbouring amenity in accordance with the NPPF, Policy D: Design of PLP, and the Purbeck District Design Guide Supplementary Planning Document and subject to condition requiring the west facing windows to be obscure glazed.

Flood risk and drainage

- 16.31 The application site is located in Environment Agency Flood Zone 1, and in this respect, the proposed development is acceptable. It is also located outside areas of Surface and Ground Water flood risk and is acceptable in terms of all sources of flood risk.
- 16.32 Following the former reason for refusal on grounds of risk of flooding to the site and neighbouring areas and the potential for adverse impact on nearby cliff stability, the current application is supported by a proposed Drainage Plan and attenuation details.
- 16.33 Consultation has taken place with the Council's Drainage Engineer who has confirmed that the attenuation of surface water within the site followed by discharge to a foul sewer (as consented by Wessex Water within the 400m no surface water discharge zone) is acceptable – as are the provided details. A condition on the decision will ensure compliance with the submitted details. The proposal is considered to accord with Policy FR and CE of the PLP.

Highway impacts / safety and car parking

- 16.34 There are two existing accesses to the site off the Ballard Lee access road. This is a single lane access road that serves all properties located on Ballard Lee. The northern access and an area of driveway with parking and garage will be retained as part of the proposal. The southern access will be closed with the boundary wall infilled to match existing. The Council's Highway Engineer has been consulted on the proposal in terms of highway safety and has raised no objection subject to a condition in respect of turning and parking construction. A request was made that the red line of the application site be extended the boundary of the adopted maintainable public highway. However, given that Ballard Lee consists of a permanent tarmac access to the application site, Officers consider that this is not necessary to enable the determination of the application.
- 16.35 In terms of parking provision, the driveway would provide sufficient room for at least two vehicles. The proposal is therefore acceptable in terms of parking provision and is in accordance with the Bournemouth, Poole, and Dorset residential car parking guidance.
- 16.36 In summary, the impact of the proposed development on highway safety and car parking is considered to be acceptable in accordance with Policy IAT: Improving infrastructure and transport of PLP.

Impact on trees

- 16.37 The application site includes a number of smaller trees, shrubs and hedges within the boundary. None of the trees are subject to a Tree Preservation Order or considered to be of visual significance to the surroundings and could be removed from the site at any point in time. An Arboricultural Method Statement and Tree Protection Plan are not therefore considered necessary for the determination of the application. The proposed site plan indicates the extent of existing hedging and bushes to be retained and trimmed back together with the planting a new Silver Birch tree within the garden. A condition can require full details of soft landscaping, including a planting plan, to be submitted to the Council for future approval.
- 16.38 On this basis, the proposal is considered to be acceptable in accordance with policy LHH of PLP.

Biodiversity Impacts

- 16.39 The proposal for the demolition of the existing bungalow may impact on bat roosts and nesting birds. In accordance with the Dorset Biodiversity Appraisal Protocol a bat survey has been undertaken and a negative certificate has been submitted as part of the application. The certificate includes details of proposed biodiversity net gain including one integral bat brick and bird brick. Implementation of this biodiversity net gain can be conditioned.
- 16.40 In accordance with the ruling of ECJ C-323/17 People Over Wind, Sweetman v Coillte Teoranta, the Council is required to undertake an Appropriate Assessment (AA) in accordance with Regulation 63. The AA is to enable full consideration of the proposed development and any likely adverse effects on the integrity of European and internationally designated Dorset Heathland sites and recreational pressures on Poole Harbour, which may remain if avoidance / mitigation measures are carried out as proposed. An AA has been undertaken in advance of the planning application being determined by the Council. This shows that suitable mitigation measures in respect of impacts on Dorset Heaths and Poole Harbour Recreation can be secured through CIL and adherence to relevant SPDs to address likely adverse effects.
- 16.41 The proposal is considered to accord with policies BIO: Biodiversity and geodiversity, DH: Dorset Heaths International Designations and PH: Poole Harbour of the Purbeck Local Plan Part subject to subject to a condition requiring full implementation of the biodiversity net gain.

Other considerations

- 16.42 **Renewable Energy Provision** –The applicants have included PV panels on the replacement flat roof garage and an EV charging point as part of the proposal.
- 16.43 **Public Rights of Way** – The application site is located in proximity of a public right of way. Informative notes on the decision are sufficient to alert the applicants to potential impacts and the need to ensure no closure or obstruction.
- 16.44 **Noise Impacts** – The application proposes a replacement residential dwelling of C3 use. It is considered that any noise associated with the use would be no different to that already experienced within the residential area and would not result in sufficient adverse impact on neighbouring amenity to form a reason for refusal.
- 16.45 **Second Home Use** – Impacts of second home usage are not currently a material planning consideration. Emerging planning policy (H14) does not currently have sufficient weight to apply to the determination of applications and would not apply to a replacement dwelling.

Housing Delivery Test

- 16.46 In July 2023 it was reported that for the period 2022 to 2027, the Purbeck Local Plan area does not have sufficient deliverable supply to meet the five-year supply requirement as required by national policy and can demonstrate a supply of deliverable sites equivalent to 3.66 years. Therefore, in accordance with NPPF paragraph 11, it is necessary to consider whether the application of policies in the NPPF that protect assets or areas of particular importance (i.e. Dorset National Landscape/AONB) provides a clear reason for refusing the development or if the proposal would result in adverse impacts that would significantly and demonstrably outweigh the benefits.
- 16.47 The proposed replacement dwelling would not result in a net gain of residential development towards the Purbeck Area housing land supply. However, no harm to

the AONB has been identified. The site is located within the settlement boundary and forms a replacement dwelling. The proposal would be acceptable in terms of the character and appearance of the area and would conserve the landscape and scenic beauty of the AONB. There would be no demonstrable harm to the amenity of the occupants of neighbouring properties. Therefore, approval is recommended.

17.0 Conclusion

17.1 For the above reasons, the development proposed accords with the development plan and the NPPF. The proposal is considered to form sustainable development for the purposes of NPPF paragraph 11. There are no material considerations which indicate that permission should be refused. Approval is recommended subject to conditions.

18.0 Recommendation

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:
20 Location & Block Plan
24 A Proposed Block Plan
25 B Proposed Floor Plan
26 A Proposed East & North Elevations
27 A Proposed West & South Elevations
28 Proposed Sections & Garage Elevations
29 A Proposed Street Scene Elevation
35 A Proposed Drainage Plan

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

3. Prior to development above damp proof course level, details, and samples of all external facing materials for the walls, roofs, windows and doors shall be 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.

4. Prior to development above damp proof course level, a sample panel of the proposed external facing Purbeck Stone coursed random rubble stonework finish measuring at least 1 metre by 2 metres, demonstrating the proposed coursing, mortar mix and pointing detail, shall be erected on site, and approved in writing by the Local Planning Authority. Thereafter, the development shall proceed in accordance with details of the sample panel as have been agreed and the sample panel shall remain on site until the external walls have been constructed to eaves height.

Reason: To ensure a satisfactory visual appearance of the development.

5. Before the dwelling is brought into use, the windows in the west elevation must be glazed with obscure glass to a minimum industry standard privacy level 3. Thereafter the obscure glazing shall be retained as such.

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

6. Prior to first occupation or use of the development hereby approved the mitigation measures as detailed in the Negative Bat Survey by KP Ecology dated 24th August 2022 shall be completed in full.

Reason: To minimise impacts on biodiversity.

7. Prior to the commencement of any development hereby approved above damp 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 first 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.

8. Before the development hereby approved is first occupied or utilised the turning and parking areas shall be constructed in accordance with the approved plans. 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 in the interest of highway safety.

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) (with or without modification) no enlargement(s) of the dwellinghouse hereby approved, permitted by Class A of Schedule 2 Part 1 of the 2015 Order, shall be erected or constructed.

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

10. 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 east and west elevations of the buildings hereby approved.

Reason: To protect neighbouring amenity.

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) (with or without modification) no garages, sheds or other outbuildings permitted by Class E of Schedule 2 Part 1 of the 2015 Order shall be erected or constructed.

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

12. The development hereby approved shall proceed only in accordance with the proposed drainage scheme drawing reference 2122132 dated 10th July 2023.

Reason: To avoid drainage problems as a result of the development with consequent flood risk.

Informative Notes:

1. 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 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>
2. 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.
3. Informative: This development constitutes Community Infrastructure Levy 'CIL' liable development. CIL is a mandatory financial charge on development and you will be notified of the amount of CIL being charged on this development in a CIL Liability Notice. To avoid additional financial penalties it is important that you notify us of the date you plan to commence development before any work takes place and follow the correct CIL payment procedure.
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 application was acceptable as submitted and no further assistance was required.