

Application Number:	P/FUL/2023/04037		
Webpage:	Planning application: P/FUL/2023/04037 - dorsetforyou.com (dorsetcouncil.gov.uk)		
Site address:	Smugglers Hyde, 47 Brook Lane, Corfe Mullen, BH21 3RD		
Proposal:	Erect a new dwelling on the northern side of the land		
Applicant name:	Mr N Briant		
Case Officer:	James Brightman		
Ward Member(s):	Cllr Barron and Cllr Harrison		
Publicity expiry date:	24 August 2023	Officer site visit date:	03 August 2023
Decision due date:	10 November 2023	Ext(s) of time:	12 January 2024
No of Site Notices:	2		
SN displayed reasoning:	1 outside site access in Brook Lane 1 outside 155 Hillside Rd (which has a common boundary with the rear (east) of the site)		

1.0 The application comes to committee at the request of the Service manager for Development Management and Enforcement.

The application should be read in conjunction with applications P/FUL/2023/04067 and 04227 at the same address which are also included on this agenda for consideration.

2.0 Summary of recommendation:

GRANT subject to conditions

3.0 Reasons for the recommendation:

- 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 site is within the urban area where the principle of development is acceptable.
- 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.
- The proposal would add to housing supply where there is a current lack of 5 year housing supply
- There are no material considerations which would warrant refusal of this application

4.0 Key planning issues

Issue	Conclusion
Principle of development	<ul style="list-style-type: none"> • Site in urban area – compliant with Core Strategy Policy KS2
Current planning situation on the site	<ul style="list-style-type: none"> • Extant permission for a detached two-storey house on the land immediately to the N of the application site (P/FUL/2023/01483). • 1 extant permission for a detached house extending across both plots (A&B) which could not be built out should the current application be approved and implemented as they occupy part of the same footprint (3/15/1189).
Impact on the character and appearance of the area	<ul style="list-style-type: none"> • The proposed scale, design and external materials are considered acceptable and Core Strategy Policy HE2 is complied with as the proposal would be compatible with its surroundings
Impact on the amenity of occupants of adjacent dwellings	<ul style="list-style-type: none"> • the proposal would not result in significant harm to neighbouring amenity and is compatible with neighbouring properties as required by Core Strategy Policy HE2
Amenity for future occupants	<ul style="list-style-type: none"> • Proposal offers acceptable amenity for future occupants
Impact on road safety	<ul style="list-style-type: none"> • No road safety concerns & acceptable on-site parking provision would be provided
Other issues raised by Third Parties	<ul style="list-style-type: none"> • Proposed dwelling would be appropriate for the site in terms of its siting, scale & outdoor amenity area and no adverse

	impact on the character of the area would result.
Planning Balance	<ul style="list-style-type: none">• Benefits of the proposal outweigh the impacts

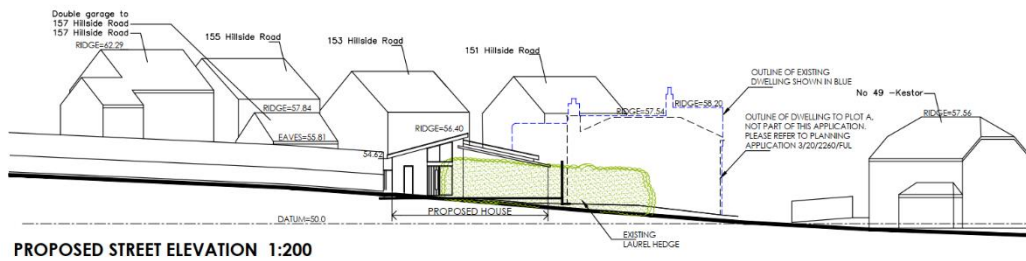
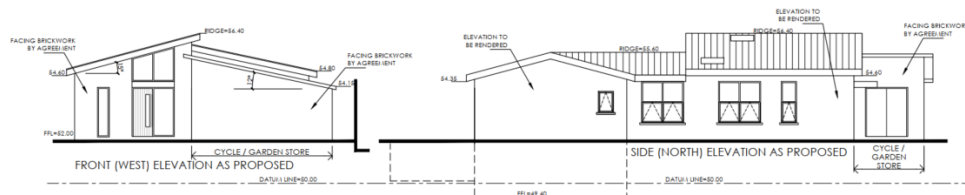
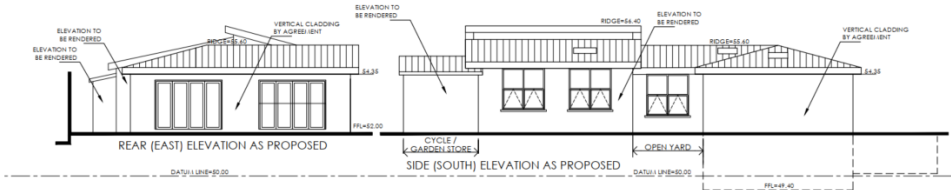
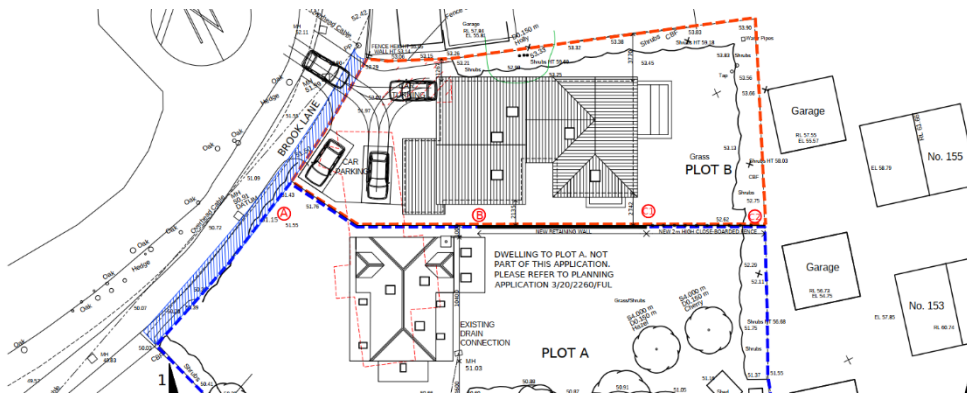
5.0 Description of Site

- 5.1 The application site subdivides the plot at 47 Brook Lane, also known as 'Smugglers Hyde', and occupies the north-west part and is referred to as Plot B. The southern part that is also in the applicant's control is Plot A, but this is not part of the current application and the dwelling submitted under application 3/20/2260 on Plot A is shown indicatively.
- 5.2 The southern boundary of the application site is with Plot A; the eastern (rear) is with 155 Hillside Rd and the northern boundary is with No 157 Hillside Road.
- 5.3 There are two existing accesses serving Smugglers Hyde, located close to the northern and southern site boundaries. Smugglers Hyde was damaged by fire some time ago and has been partially demolished. Ground levels fall away across the site from north to south and rise from west to east.
- 5.4 The site lies within the urban area of Corfe Mullen and close to the western edge of the settlement. Land to the west of the application site is agricultural and lies within the Southeast Dorset Green Belt and within an Area of Great Landscape Value.
- 5.5 Brook Lane is also a Bridleway. The unmade section of Brook Lane in the vicinity of the site is characterised by detached dwellings, relatively well spaced apart, in a mixture of architectural styles.
- 5.6 Ground levels fall gently across the site from NE to SW and rise across the site from west to east.
- 5.6 Across the Lane and opposite to the western boundary of the site is a line of Oak trees covered by a Tree Preservation Order (TPO).

6.0 Description of Development

- 6.1 It is proposed to sever the plot and construct a detached 3 bedroom single storey dwelling facing Brook Lane with parking to the front. The proposal will necessitate the demolition of the remaining dilapidated northern part of the existing Smugglers Hyde dwelling (the central part of that dwelling has already been almost completely demolished).
- 6.2 The dwelling would have rendered, vertical timber cladding and brick walls with a composite slate tiled roof and UPVC windows. It would be set closer to Brook Lane than the dwelling at 157 Hillside Rd to the north and further back from the lane than the remainder of the existing Smugglers Hyde dwelling.
- 6.3 The design is for a single storey building with shallow pitched gabled and asymmetrical roofs with a small area of floor in a basement providing a home gym, media room, ensuite and utility room.

The proposed site plan and elevations are below:



NB: The footprint of the dwelling shown on Plot A on the site plan relates to application 3/20/2260/FUL which was refused, but the refusal was solely due to lack of submission of a legal agreement to prevent an approved dwelling on Plot B (northern plot) being built if the 3/20/2260/FUL dwelling was built as this would have resulted in a cramped relationship between the dwellings.

7.0 Relevant Planning History

7.1 The existing dwelling known as Smugglers Hyde was extensively damaged by fire in 2007. The site has since been the subject of a large number of planning applications.

Those pertinent to this application are listed below (*those that are believed to have lapsed or were refused are in italics*).

7.2 There are now 3 further applications to consider,

- 1) the application this report relates to
- 2) application P/FUL/2023/04037 for a two-storey dwelling on the southern part of the site (Plot A)
- 3) application P/FUL/2023/04227 for an alternative two-storey dwelling on the southern part of the site (Plot A)

It appears the significant number of applications are a result of the applicant attempting to satisfy a covenant on the land. This is not a material planning consideration.

Planning application	Proposal	Decision	Comments
P/FUL/2023/04227	Demolish remaining section of existing dwelling. Erect dwelling, double garage and cycle store	Pending decision	Two storey house on S part of site (Plot A)
P/FUL/2023/04067	Sever plot & erect replacement dwelling	Pending decision	Two storey house on S part of site (Plot A)
P/FUL/2023/01483	Sever plot & erect new dwelling (house)	Approved	Two storey house on N part of site (Plot B)
<i>3/21/0953</i>	<i>Sever plot, demolish remaining section of existing dwelling and garage and erect replacement dwelling on the northern side of the site.</i>	<i>Appeal Dismissed (non-determination)</i>	<i>Alternative proposal for the northern part of the plot (Plot B)</i>
<i>3/21/0603</i>	<i>Demolish remaining section of the existing dwelling & garage & erect a new dwelling on the northern side of the land</i>	<i>Appeal Dismissed (non-determination)</i>	<i>Alternative proposal for the northern part of the plot (Plot B)</i>
<i>3/21/0830</i>	<i>Sever plot, demolish remaining section of</i>	<i>Appeal Dismissed</i>	<i>Alternative proposal for the</i>

Eastern Area Planning Committee
10 January 2023

	<i>existing dwelling & erect a Replacement Dwelling.</i>	<i>(non-determination)</i>	<i>southern part of the plot (Plot A)</i>
<i>3/20/2260</i>	<i>Sever Plot, Demolish Remaining Part of Existing Dwelling & Erect Replacement Dwelling on the southern side of the site</i>	<i>Refused - as legal agreement not completed to require the permission for a dwelling on the north part of the site under application 19/0382 not to be built out.</i>	<i>Detached house on S part of site (Plot A) Would have been acceptable if legal agreement completed as in box to left</i>
<i>3/19/0382</i>	<i>Erect replacement dwelling and garden studio after demolition of existing.</i>	<i>Granted 24/04/19</i>	<i>Detached dwelling on the northern part of the plot (Plot B)</i>
<i>3/18/2945</i>	<i>Demolish existing dwelling and garage-erect replacement dwelling</i>	<i>Refused; appeal dismissed</i>	<i>Detached dwelling on the northern part of the plot refused on design grounds. (Plot B)</i>
<i>3/18/2946</i>	<i>Erect a New Dwelling and Garage on the South Side of the Land</i>	<i>Granted 13/12/18</i>	<i>Detached dwelling on the southern part of the site. (Plot A)</i>
<i>3/18/2273</i>	<i>Demolish Existing Dwelling & Erect a New Dwelling.</i>	<i>Granted 19/10/18</i>	<i>An alternative two storey replacement dwelling at the front of the site (Whole site)</i>
<i>3/18/2054</i>	<i>Demolish existing dwelling & erect new dwelling</i>	<i>Granted 24/09/18</i>	<i>An alternative two storey design for a backland dwelling at rear of site</i>
<i>3/18/0883</i>	<i>Demolish existing garage and erect an</i>	<i>Granted</i>	<i>An alternative 1 storey design for</i>

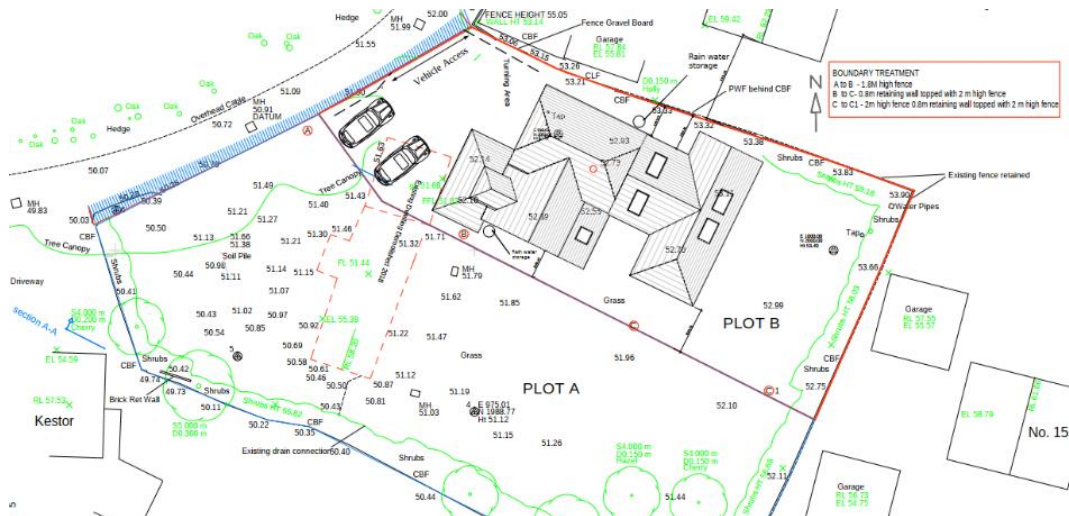
Eastern Area Planning Committee
10 January 2023

	<i>additional dwelling at the rear of the site</i>		<i>the backland dwelling</i>
<i>3/17/1556</i>	<i>Replacement dwelling and detached annex</i>	<i>Refused (appeal dismissed)</i>	<i>Two buildings, replacement dwelling including angled wing- issues of character & compatibility with rear plot</i>
<i>3/16/2307</i>	<i>Replacement 5- bedroom dwelling</i>	<i>Refused</i>	<i>5 bedroom dwelling parallel with Brook Lane with angled wing- issues of character and overlooking</i>
<i>3/16/2283</i>	<i>Replacement dwelling and attached garage</i>	<i>Refused</i>	<i>Dwelling parallel with Brook Lane with angled wing incorporating garaging- issue impact on character</i>
<i>3/16/1856</i>	<i>Sever land and erection of 1 x 3 bed dwelling</i>	<i>Appeal upheld (8.3.18)</i>	<i>Two storey backland dwelling</i>
<i>3/15/1189</i>	<i>Replacement Dwelling</i>	<i>Granted (believed to be extant; applicant states development commenced)</i>	<i>4-bedroom dwelling facing Brook Lane (over Plots A and B)</i>
<i>3/15/0348</i>	<i>Erection of three dwellings</i>	<i>Refused (appeal dismissed)</i>	<i>Issue- character (not prejudicial to living conditions)</i>
<i>3/13/1183</i>	<i>Replacement dwelling</i>	<i>Granted (lapsed)</i>	<i>The design and siting of the approved dwelling is the same as 3/11/0614</i>

3/11/0911	Replacement dwelling on the northern part of the site	Granted (lapsed)	Subdivision of the plot and dwelling facing Brook Lane to north (Plot B)
3/11/0614	Replacement dwelling	Granted (lapsed)	Replacement for original
3/10/0939	Replacement dwelling	Refused (appeal dismissed)	Issue- out of keeping with character due to scale
3/09/0083/RM	Demolish existing dwelling and erect two dwellings	Granted (but lapsed)	Two dwellings facing Brook Lane

Extant permission on the application site

7.3 The extant permission P/FUL/2023/01483 at the application site is for a detached house occupying a similar position on the site as the current proposal - approved plans below:



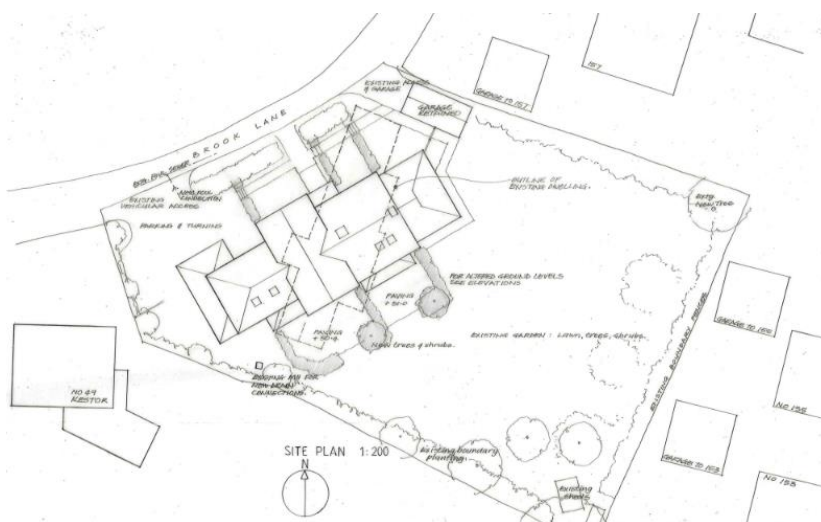
Eastern Area Planning Committee
10 January 2023

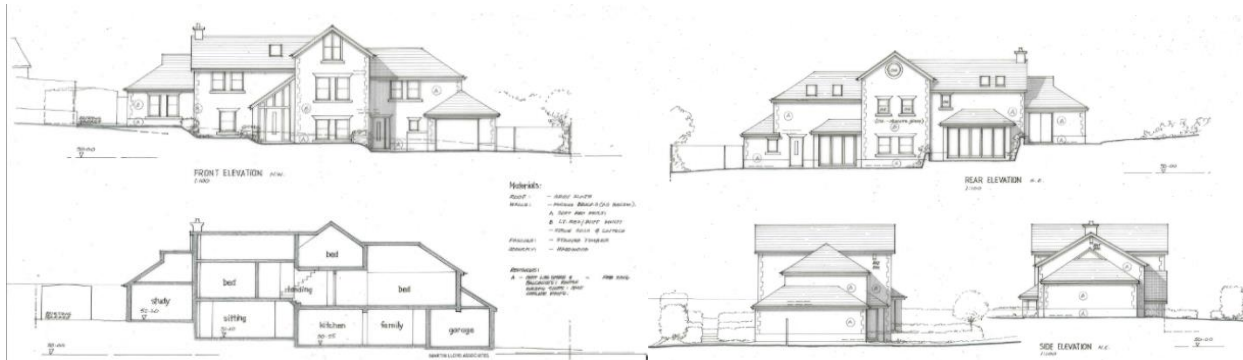


Below: Street scene from Brook Lane:



7.4 There is also an extant permission 3/15/1189/FUL for a two storey replacement dwelling on the front of plot. Extant permission and could be implemented. Approved plans below:





8.0 List of Constraints

Within Settlement Boundary; Corfe Mullen

Tree Preservation Order - TPO (EDDC/CM/104)

Dorset Heathlands - 5km Heathland Buffer

Legal Agreements S106 – heathland contribution and prevention of other planning permissions being implemented re: 18/2946

PROW - Rights of Way near the site: Footpath E37/19; Bridleway E37/18; Bridleway E37/17

Risk of Surface Water Flooding Extent 1 in 1000 – in Brook Lane and over small area of south boundary of site

Natural England Designation - RAMSAR: Poole Harbour (UK11054) and Dorset Heathlands (UK11021) within 5km

Wildlife Present: S41 - bat

Site of Special Scientific Interest (SSSI) impact risk zone

Groundwater Source Protection Zone

Radon: Class: Less than 1%

9.0 Consultations

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

Consultees

1. Natural England

- No objection provided mitigation secured for the proposal's impact on the Dorset Heathlands. NB: This would be secured via the Community Infrastructure Levy.

2. Dorset Council - Rights of Way Officer

- The proposed works are in the vicinity of the public right of way; bridleway E37/18, as recorded on the County Definitive Map and Statement of rights of

way. Rights of Way requirements listed for when work starts to ensure right of way remains open – to be an informative note on the decision.

3. Dorset Council - Highways

- Proposal does not present a material harm to the transport network or to highway safety. Condition advised to require parking & turning to be provided in accordance with block plan & informative note regarding the provision of Building Regulations re: electric vehicle charging.

4. Dorset Council - Building Control East Team

- Building Regulations Requirement B5 (Fire Service Access) to be considered. Brook Lane appears too narrow & unlikely to take fire appliance loads. Means of escape from basement to be carefully considered.

5. Corfe Mullen Town Council

- Access is dangerous as Brook Lane is a single track, un-adopted gravel lane which will not cope with additional traffic.
- Contrary to Christchurch and East Dorset Core Strategy (CS) Policy LN2 - Potential severing of plot to result in high density housing for remainder of plot.
- Contrary to CS Policy HE2 - Size of the proposed dwellings are overlarge for the severed plot and unsympathetic to the more spacious character and appearance of existing development in the unmade part of Brook Lane. This will result in a cramped development which is out of character with the immediate area of Brook Lane.

Representations received

Total - Objections	Total - No Objections	Total - Comments
1	0	0

Precis of comments

- Site has restrictive covenant
- A more modest dwelling would more closely resemble the former position on the site.

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 Christchurch and East Dorset Local Plan (2014):

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

KS1 - Presumption in favour of sustainable development

KS2- Settlement hierarchy

KS11 - Transport and Development

KS12- Parking Provision

LN1- Size and Types of New Dwellings

LN2- Design, Layout and Density of New Housing Development

HE2 - Design of new development

HE3 - Landscape Quality

ME1- Safeguarding biodiversity and geodiversity

ME2- Dorset Heathlands

ME6- Flood Management, Mitigation and Defence

Other Material Considerations

National Planning Policy Framework:

Paragraph 11 sets out the presumption in favour of sustainable development. Development plan proposals that accord with the development plan should be approved without delay. Where the development plan is absent, silent or relevant policies are out-of-date then permission should be granted unless any adverse impacts of approval would significantly and demonstrably outweigh the benefits when assessed against the NPPF or specific policies in the NPPF indicate development should be restricted.

Other relevant NPPF sections include:

- Section 4. Decision taking: Para 38 - Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available...and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.
- Section 5 'Delivering a sufficient supply of homes' outlines the government's objective in respect of land supply.
- Section 6 'Building a strong, competitive economy'.
- Section 11 'Making effective use of land'
- Section 12 'Achieving well designed and beautiful 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 131 – 139 advise that:

The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development.

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.

National Planning Practice Guidance

Emerging Dorset Council Local Plan:

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.

Emerging Neighbourhood Plans

Corfe Mullen Neighbourhood Plan- In preparation – limited weight applied to decision making

Supplementary Planning Documents/Guidance

Dorset Heathlands Planning Framework 2020-2025 Supplementary Planning Document

Poole Harbour Recreation 2019 to 2024 Supplementary Planning Document

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 the proposed construction works those living in the vicinity who are less mobile may be more impacted by the associated noise and disturbance, but this would be for a limited duration. The proposed single storey dwelling with basement may not be suitable for some disabled people. No other disadvantages have been identified.

14.0 Financial benefits

What	Amount / value
Material Considerations	
None	
Non Material Considerations	
Council Tax	Council Tax (based on band D) £2294.07
Community Infrastructure Levy	£39,265.65

15.0 Environmental Implications

Carbon emissions will arise during the demolition of the existing property and in the construction stage of the proposed development. The proposal is for one new

dwelling which will be constructed to current building regulation requirements and which will be serviced by suitable drainage to prevent any additional impact on terms of flood risk that may be exacerbated by future climate change.

16.0 Planning Assessment

Principle of development

16.1 The site lies within the urban area where the principle of additional development is acceptable under Core Strategy policy KS2. The proposal would make a modest contribution to housing provision sought by policy KS4 and as a two bedroom property, it accords with the Strategic Housing Market Assessment (SHMA) as required by policy LN1.

Current planning situation on the site

16.2 Planning permission for a detached two storey house on the application site was granted recently under P/FUL/2023/01483 on 28/7/23 and this remains extant. A previous permission for a dwelling on the northern part of the site granted under reference 3/19/0382 has expired.

Latest appeal

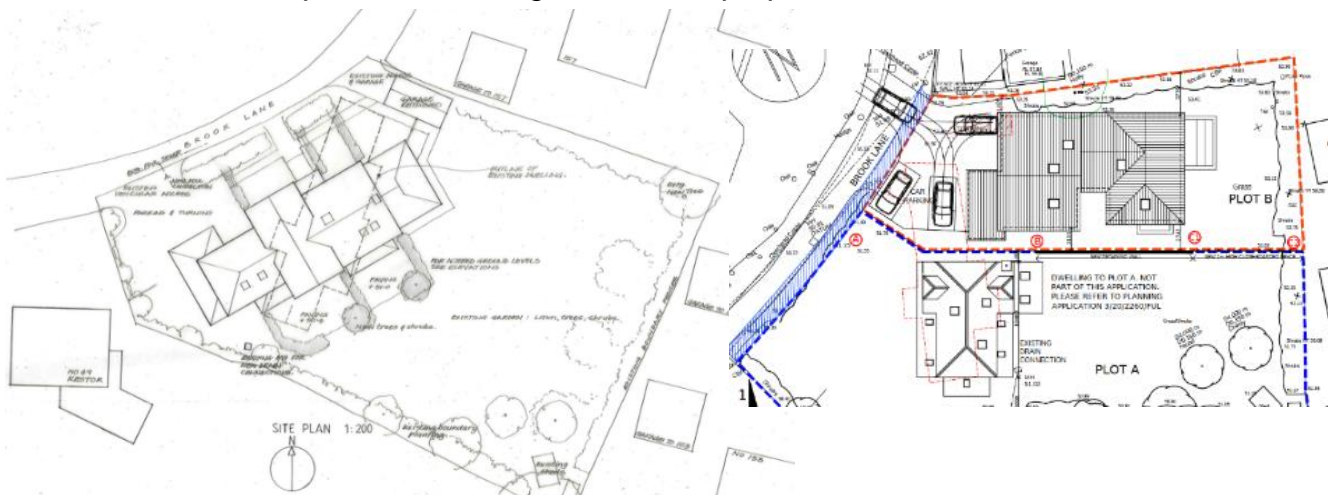
16.3 The latest appeal decision dated 17/11/2022 (dismissed) concerned refused applications 21/0953 (on northern part of site as the current proposal); 21/0603 (on northern part of site as current proposal) & 21/0830 (on southern part of site). The proposal differs from these in its design and form and the proposed bungalow design and scale are considered to be acceptable.

Whether proposal would allow previous permissions to be built out

16.4 The proposal would prevent vehicular access to the rear of the plot so a dwelling at depth as previously approved by lapsed permissions 16/1856; 18/0883 & 18/2054 could not be achieved.

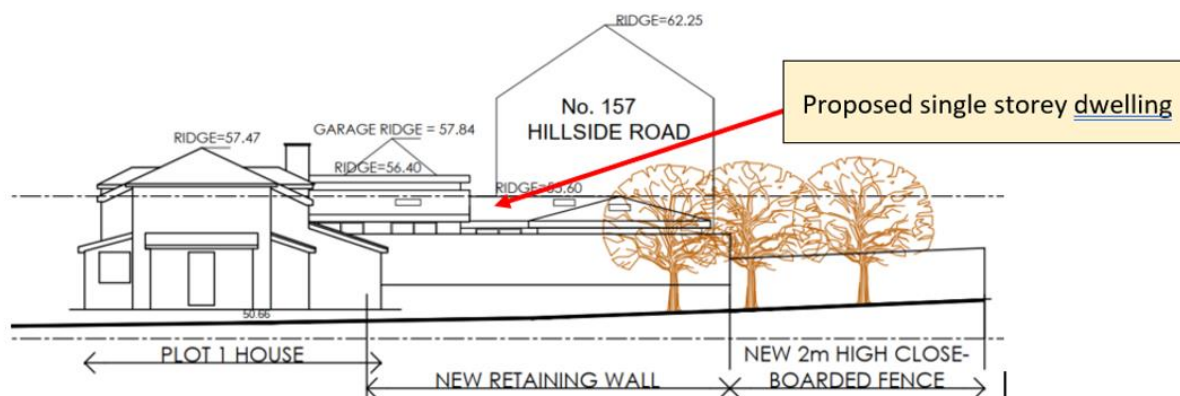
16.5 The current proposal would prevent the large detached house permitted by application 15/1189 from being built out as it overlaps the current application site and proposed dwelling.

Below: Extant permission alongside current proposal:



Impact on the character of the area

- 16.6 In determining the latest appeal at the site in November 2022 and making an assessment of the character of the area, the Inspector noted that the original dwelling had been damaged by fire and has been partially demolished and the site is situated along an un-made section of Brook Lane which, in the vicinity of the appeal site, is a narrow lane lined with mature trees and hedges and characterised by detached dwellings of various designs which are irregularly spaced. Dwellings in surrounding roads are visible from Brook Lane and the range of different orientations is clear. Dwellings along these roads have an apparently tighter urban grain with smaller plot sizes.
- 16.7 Local Plan Policy HE2 requires that development is compatible with or improves its surroundings in relation to 11 criteria including layout, architectural style, scale, bulk visual impact.
- 16.8 The proposed dwelling would be set back from Brook Lane with a parking area at the front served by a vehicular access in the same position as the existing northern access to the site. The span of the access is shown on the submitted site plan and would allow a section of hedge to be retained along the site's front boundary.
- 16.9 The proposed dwelling would be set further back from the lane than the part demolished building that was formerly a dwelling at the site and would not project beyond the rear elevation of 157 Hillside Rd to the north.
- 16.10 The land on the application site is higher than that immediately to the south on Plot A and the southern boundary of the proposed curtilage for the dwelling immediately adjacent to the proposed dwelling would be formed by a fence on top of a retaining wall as shown in the submitted section below (drawing 22-129/P/10) which shows the view from the south. The remainder of this boundary between the rear of the fence on top of the retaining wall and the site boundary with 155 Hillside Rd would be formed by a 2m high close-boarded fence.



- 16.11 This proposed boundary treatment would ensure no harmful overlooking of the rear garden of any dwelling approved on the southern site (Plot A) from the south facing windows in the proposed dwelling.
- 16.12 The proposed single storey dwelling would be appropriate in scale and height for its context and the submitted street elevation supports this view. Although the dwelling is deep, this would be similar to the extant permission and not excessive given the overall plot depth. The single storey nature of the design would not result in substantial massing and height and there would be no harm to the character of the immediate area. It is to be noted that the planning inspector considered a single storey dwelling to be acceptable in design terms on this plot.
- 16.13 The proposed design and external materials are considered acceptable here and Core Strategy Policy HE2 is complied with as the proposal would be compatible with its surroundings in terms of design, scale and materials.

Impact on the amenity of occupants of adjacent dwellings

- 16.14 The proposed dwelling would have a single floor of accommodation at ground level and no upper floors. The main outlook would be to the rear (east) and sides (north & south). Given the dwelling's lower level than the house at 157 Hillside Rd to the north, there would be no harmful impact from its massing or windows for the occupants of 157.
- 16.15 With the proposed retaining wall and fence boundary on the southern boundary of the application site in position, there would be no harmful overlooking to the south over Plot A and the dwelling at 'Kestor'. There would also be no harmful impact from the scale of the proposed bungalow on occupants of any dwelling approved on the southern plot.
- 16.16 The windows in the rear elevation would look towards the rear boundary of 155 Hillside Rd but would be some 10.5 metres from this boundary and 19 metres from the rear windows in number 155. Given that there are no upper floor windows proposed and the presence of the fenced rear boundary, this is an appropriate relationship in terms of overlooking and no harmful loss of privacy would result for the occupants of 155 or 153 Hillside Rd to the rear.
- 16.17 The roof lights proposed would light the ground floor and no overlooking would be possible from them.

- 16.18 The modest massing and height of the proposed dwelling would prevent any harmful impact from the physical presence of the dwelling on the occupants of 155 & 153 Hillside Rd and no overbearing impact would result.
- 16.19 There are no extant planning permissions solely on Plot A to the south of the proposed dwelling. Therefore, the impact on this plot in terms of planning applications previously determined does not need to be considered under the current application. The proposed dwelling is a sufficient distance from the boundary with Kestor to the south so as to prevent any adverse impact on the occupants of this property.
- 16.20 For the above reasons, the proposal is not found to result in significant harm to neighbouring amenity and is compatible with neighbouring properties in terms of impact on amenity, as required by policy HE2.

Amenity for future occupants

- 16.21 The lower ground floor is essentially a basement, and its rooms would have a limited outlook and receive limited light. However, the rooms would not be principal rooms and would not require the same standard of outlook as bedrooms or living rooms and it is considered that the home gym, media room, utility room and ensuite proposed are acceptable and there is no objection on the grounds of poor living conditions.
- 16.22 The study, bathroom and bedroom on the N elevation would receive low levels of light given they would face a fence and gable wall of the garage at 157 Hillside Rd and the outlook would be limited. The study and bathroom are not principal rooms, and their outlook would be acceptable.
- 16.23 The window to the bedroom (a principal room) would be approx. 2.5m from the fence boundary and this would have a limited outlook and light entering it would also be restricted.
- 16.24 The proposal would offer acceptable outlook and light to the other principal rooms and it is considered that the restricted outlook from the bedroom window on the north elevation is not reason enough to warrant refusal of the application.
- 16.25 The amount of outdoor amenity space provided is adequate and the proposal does not conflict with Policy HE2 of the Core Strategy.

Impact on road safety

- 16.26 The vehicle access would be in a similar position to the existing access shown on plans and the site would provide off-street parking for two vehicles. As such the proposal is in accordance with the guidance set out in the Council's document *Residential Car Parking Provision Local Guidance for Dorset*.
- 16.27 DC Highways has stated no objection subject to a condition regarding provision of parking/turning and this will be imposed.
- 16.28 It is noted that the Town Council has objected due to additional traffic generated by the proposal. However, it is considered that a refusal of the application on the grounds of harmful impacts to the highway could not be substantiated with no objection from the Highways team and because the traffic generated by the proposed dwelling would not be substantial. The proposal accords with policies KS11 and KS12 of the Local Plan.

Impact on Habitats Sites

- 16.29 There is an existing dwelling on the site and two extant permissions, either to replace the building across the site or to replace with one dwelling on the northern part of the site. The proposal would prevent either of those two permissions from being completed and therefore it is judged that the proposal would represent a replacement dwelling. As there is no net increase in dwellings, no potential for significant harm to protected Dorset Heathland or Poole Harbour Special Protection Area has been identified.
- 16.30 Notwithstanding the above, since there is the potential that a dwelling could be constructed on the other part of the site as a replacement prior to commencement of this permission, if granted, an Appropriate Assessment has been undertaken in accordance with requirements of the Conservation of Habitats and Species Regulation 2017, Article 6 (3) of the Habitats Directive having due regard to Section 40(1) of the NERC Act 2006 and the NPPF. This concludes that mitigation set out in adopted Dorset Heathland Planning Framework 2020-2025 Supplementary Planning Document and Poole Harbour Recreation 2019 to 2024 Supplementary Planning Document can be secured via the Community Infrastructure Levy, namely Heathland Infrastructure Projects and Strategic Access Maintenance and Management projects, which will ensure that there is no unmitigated harm generated by the proposal to interests of nature importance. The proposal therefore complies with policy ME2 of the Local Plan.

Biodiversity

- 16.31 Annex A to the consultation response letter from Natural England advises that biodiversity enhancement should be sought in new development and to satisfy this requirement, Condition 9 will secure biodiversity enhancement measures at the site and the proposal complies with Policy ME1 of the Core Strategy.

Other issues raised by third parties

- 16.32 Officers are aware of the covenant issue but this is not a material consideration in the planning assessment and cannot be considered.
- 16.33 It is considered that the proposed dwelling would be appropriate for the site and the massing and scale of the south elevation is not significant given the single storey massing and the proposal would not have an adverse impact on the character and appearance of the area. The plot is large enough to accommodate the proposed dwelling and provide suitable parking and garden areas and accords with policy HE2 of the Core Strategy.

Planning balance

Housing supply

- 16.34 The Council cannot presently show a 5 year housing supply and the supply is currently 4.15 years. The East Dorset area of Dorset Council has also failed the Housing Delivery Test. The development plan (Core strategy) is therefore out-of-date and the 'tilted balance' is engaged under NPPF paragraph 11 d).

16.35 Therefore, planning permission must be granted unless one of the following situations apply:

(i) the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

(ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

Adverse impacts from the proposal

- Restricted outlook for the bedroom window on the north elevation of the proposed dwelling

Benefits of the proposal

- The addition of one dwelling to the Council's housing land supply
- Employment from the construction of the development and associated future repairs/maintenance and improvements
- Some benefit to the local economy from the spending from the occupants of the proposed dwellings as well as the spending from construction workers and this would benefit local businesses
- Some benefit to the vitality and viability of local services and facilities
- The sustainability benefits of the proposal in respect of the site being adjacent to the urban area with opportunities for future residents of the proposed dwellings to walk/cycle to the facilities and services that Corfe Mullen offers.

16.36 Therefore, it is considered that planning permission should be granted.

17.0 Conclusion

For the above reasons it is judged that the proposal accords with the Development Plan as a whole, there are no material considerations indicating that permission should be refused, and it is recommended that planning permission is granted.

18.0 Recommendation: Grant subject to the following conditions:

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date of this permission.

Reason: This condition is required to be imposed by Section 91 of the Town and Country Planning Act 1990 (as amended).

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

Drawing SMH/LC/9/3/23: Location Plan

Creation Design Drawing 22-129/P/01: Site location plan

Creation Design Drawing 22-129/P/03: Site plan as proposed

Creation Design Drawing 22-129/P/04: Proposed ground floor plan

Creation Design Drawing 22-129/P/05: Lower ground floor plan

Creation Design Drawing 22-129/P/06: Proposed roof plan

Creation Design Drawing 22-129/P/07: Proposed sections

Creation Design Drawing 22-129/P/08: Proposed elevations

Creation Design Drawing 22-129/P/09: Street elevation as proposed

Creation Design Drawing 22-129/P/10: Site sections as proposed

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 (or any order revoking, reenacting, or modifying that Order), there shall be no extensions to the property under Schedule 2, Part 1, Classes A, AA (additional storeys) and B (extensions to the roof).

Reason: In the interests of the character and appearance of the area and to protect neighbouring amenity.

4. The development shall be undertaken in accordance with the finished floor levels shown on the approved plans.

Reason: To protect the character of the area and the amenity of neighbouring residents

5. Prior to first occupation of the dwelling hereby approved the lych gate shall be removed and the front boundary hedge shall be reinforced with Laurel or Burberis Juliana and thereafter retained .

Reason: To protect the character and visual amenities of the area.

6. Before using any external facing and roofing materials in the construction of the development, details of their manufacturer, colour and type shall have been submitted to and approved in writing by the Local Planning Authority (LPA). All works shall be undertaken strictly in accordance with the details as approved.

Reason: To ensure the development uses external materials appropriate for its context

7. The dwelling hereby approved shall not be occupied unless and until the boundary fencing shown on the southern boundary on Creation Design Drawing 22-129/P/10 has been erected and this fencing shall be retained as approved for the lifetime of the development.

Reason: To prevent harmful overlooking of the southern plot by windows in the south elevation of the approved dwelling.

8. Any hard surfacing on the site shall be permeable.

Reason: To avoid increasing the risk of flooding

9. Prior to occupation of the dwelling hereby approved, biodiversity enhancement measures shall be installed at the site, details of which shall first be submitted to and approved by the Local Planning Authority. Such enhancement measures could include bee bricks, bat tiles, bat boxes, bird boxes and new planting. The approved measures shall be retained for the lifetime of the development.

Reason: To enhance biodiversity at the site.

10. Before the development hereby approved is occupied or utilised the turning/manoeuvring and parking shown on Drawing Number 22-129/P/03 must have been constructed. Thereafter, these areas, must be permanently maintained, kept free from obstruction and available for the purposes specified.

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

Informative Notes:

1. 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 application was acceptable as submitted and no further assistance was required.

2. The applicant is advised that prior to the development being brought into use, it must comply with the requirements of Building Regulations Approved Document S: Infrastructure for the charging of electric vehicles.
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. 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.
5. 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.
6. A group Tree Preservation Order EDDC/CM/104 covers the trees situated to the north of the site on the other side of Brook Lane and the applicant/developer is advised that these trees are duly considered when large vehicles are accessing the site to ensure damage to the lower canopies is limited.
7. The proposed works are in the vicinity of public right of way bridleway E37/18, as recorded on the County Definitive Map and Statement of rights of way.

Throughout the duration of the development the full width of the public bridleway must remain open and available to the public, with no materials or vehicles stored on the route

It should be noted that the use of this bridleway by vehicular traffic without lawful authority is an offence contrary to the Road Traffic Act 1988. Any damage to the surface of the path attributable to the development must be repaired to Dorset Council's specification, in accordance with Section 59 of the Highways Act 1980.

The free passage of the public on all rights of way must not be obstructed at any time. If the public are unlikely to be able to exercise their public rights on the above bridleway, then a Temporary Path Closure Order must be obtained. This can be applied for through this office, but the application must be

Eastern Area Planning Committee

10 January 2023

completed and returned at least thirteen weeks before the intended closure date. It should be noted that there is a fee applicable to this application. [OBJ]