

<b>Application Number:</b>	P/FUL/2023/04227		
<b>Webpage:</b>	<a href="https://www.dorsetcouncil.gov.uk/planning-application/P/FUL/2023/04227">Planning application: P/FUL/2023/04227 - dorsetforyou.com (dorsetcouncil.gov.uk)</a>		
<b>Site address:</b>	Smugglers Hyde 47 Brook Lane Corfe Mullen BH21 3RD		
<b>Proposal:</b>	Demolish the remaining section of the existing dwelling. Erection of dwelling, double garage and cycle store (Plot A on south part of land). As amended by plans rec'd 29/11/23 to omit personnel door on southern elevation.		
<b>Applicant name:</b>	Mr Nigel Briant		
<b>Case Officer:</b>	James Brightman		
<b>Ward Member(s):</b>	Cllr Barron and Cllr Harrison		
<b>Publicity expiry date:</b>	7 September 2023	<b>Officer site visit date:</b>	16 August 23
<b>Decision due date:</b>	18 September 2023	<b>Ext(s) of time:</b>	Requested but not given to date
<b>No of Site Notices:</b>	2		
<b>SN displayed reasoning:</b>	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.
- 1.0 The application should be read in conjunction with applications P/FUL/2023/04037 and 04067 at the same address which are also included on this agenda for consideration.
- 2.0 **Summary of recommendation:**  
GRANT subject to conditions
- 3.0 **Reason 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"> <li>• Site in urban area – compliant with Core Strategy Policy KS2</li> </ul>
Current planning situation on the site	<ul style="list-style-type: none"> <li>• Extant permission for a detached two-storey house on the land immediately to the N of the application site (P/FUL/2023/01483).</li> <li>• 1 extant permission for a detached house extending across both plots (A&amp;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).</li> </ul>
Impact on the character and appearance of the area	<ul style="list-style-type: none"> <li>• 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</li> </ul>
Impact on the amenity of occupants of adjacent dwellings	<ul style="list-style-type: none"> <li>• Proposal offers acceptable amenity for future occupants</li> </ul>
Impact on road safety	<ul style="list-style-type: none"> <li>• No road safety concerns &amp; acceptable on-site parking provision would be provided</li> </ul>
Other issues raised by Third Parties	<ul style="list-style-type: none"> <li>• Proposed dwelling would be appropriate for the site in terms of its siting, scale &amp;</li> </ul>

	outdoor amenity area and no adverse impact on the character of the area would result.
Planning Balance	<ul style="list-style-type: none"> <li>• Benefits of the proposal outweigh the impacts</li> </ul>

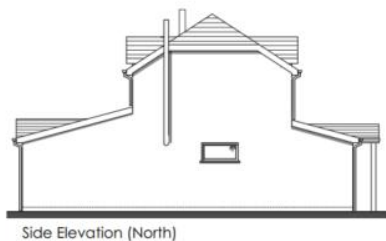
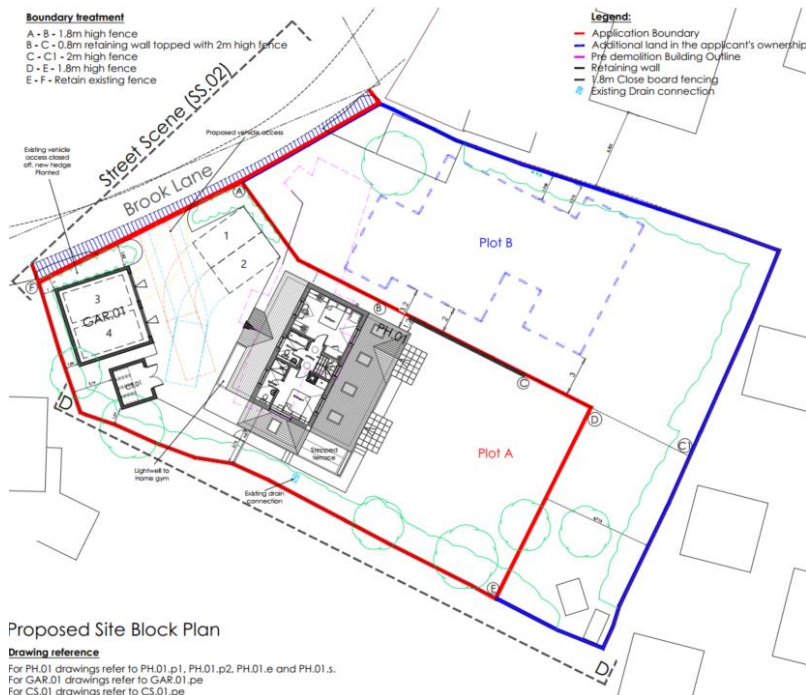
## 5.0 Description of Site

- 5.1 The application site 'Plot A' subdivides land at 47 Brook Lane, (also known as 'Smugglers Hyde'), and occupies the south-east part of the land. The northern part of the land, 'Plot B' is also in the applicant's control, but that site lies outside the red line of the current application. The footprint of a dwelling approved on 'Plot B' under application P/FUL/2023/01483 is shown indicatively.
- 5.2 The southern boundary of the application site is with 'Kestor' a residential dwelling; the eastern (rear) boundary adjoins a narrow strip of land within 'Plot B' with the property at 153 Hillside Rd beyond (the rear boundary to Plot A measures approx. 8.7m to the boundary with 153 Hillside Rd). The site's northern boundary is with Plot B.
- 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 South East Dorset Green Belt and within an Area of Great Landscape Value.
- 5.5 Brook Lane is 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 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

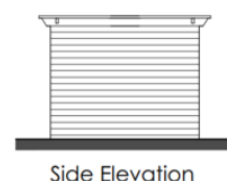
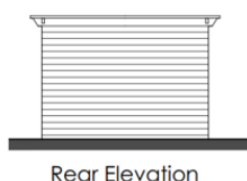
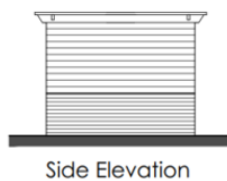
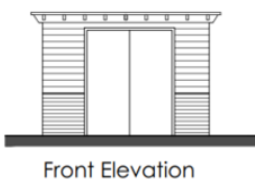
- 6.1 It is proposed to sever the plot and construct a detached 2-bedroom (with ground floor study) two storey dwelling facing Brook Lane with parking and a detached double garage and detached cycle store at the front. The proposal will necessitate the demolition of the remaining Smugglers Hyde dwelling
- 6.2 The dwelling would have render walls with a brick plinth, concrete tiled roof and UPVC windows. It would be sited a similar distance from Brook Lane than the adjacent house at Kestor to the SW and further back from the lane than the remainder of the existing Smugglers Hyde dwelling.
- 6.3 The design is for a two-storey building with a shallow pitched and cropped gable roof. A lower ground floor (underground) would provide a home gym, media room and bathroom.

6.4 The proposed site plan and elevations are below. The footprint of the extant two storey dwelling approved under application P/FUL/2023/01483 is shown on Plot B by a dashed blue line:



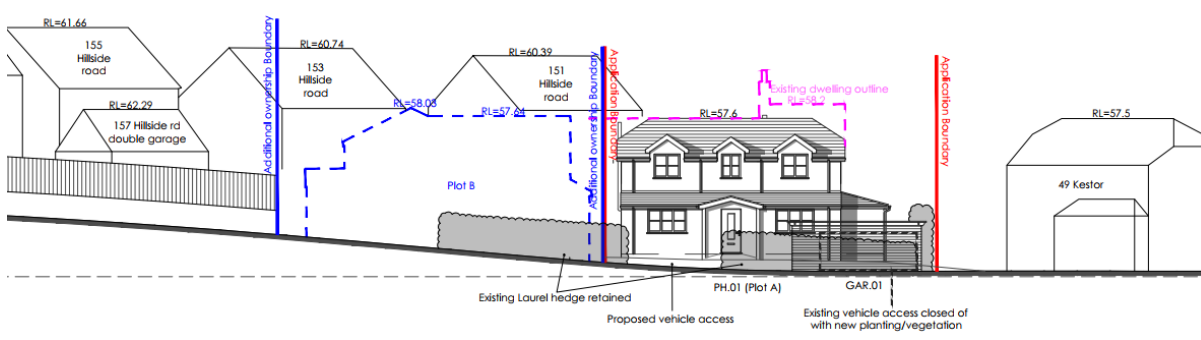
Legend

*Bin store elevations below:*

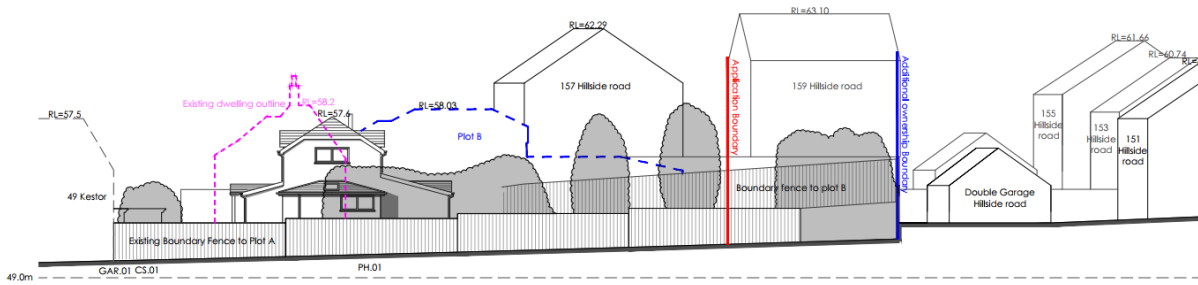


*Proposed street scene below:*

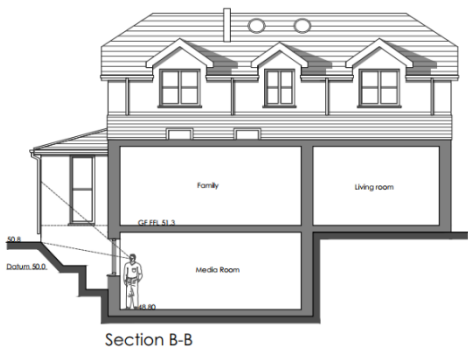
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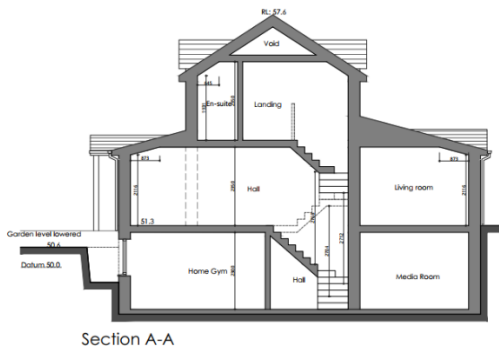
Proposed Cross-section D-D below (view from boundary with Kestor):



Section B-B below (view from rear of plot to rear of dwelling):



Section A-A below (View from boundary with Kestor):



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 applications pending:
- 1) the application to which this report relates (P/FUL/2023/04227)
  - 2) application P/FUL/2023/04037 for a two-storey dwelling on the application site (Plot A).
  - 3) application P/FUL/2023/04037 for a single-storey dwelling on Plot B (the N plot).

<b>Planning application</b>	<b>Proposal</b>	<b>Decision</b>	<b>Comments</b>
P/FUL/2023/04067	Sever the plot and erect a replacement dwelling to southern side of land (Plot A). As amended by plans rec'd 29/11/23 to omit personnel door on S elevation.	<b>under consideration</b>	Two storey house on S part of site (Plot A)
P/FUL/2023/04037	Erect a new dwelling on the northern side of the land.	<b>under consideration</b>	Single storey dwelling on N part of site (Plot B)
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 &amp; garage &amp; 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>

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<i>3/21/0830</i>	<i>Sever plot, demolish remaining section of existing dwelling &amp; erect a Replacement Dwelling.</i>	<i>Appeal Dismissed (non-determination)</i>	<i>Alternative proposal for the southern part of the plot (Plot A)</i>
<i>3/20/2260</i>	<i>Sever Plot, Demolish Remaining Part of Existing Dwelling &amp; 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 northern 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 &amp; 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 &amp; 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>

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	<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 &amp; 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>



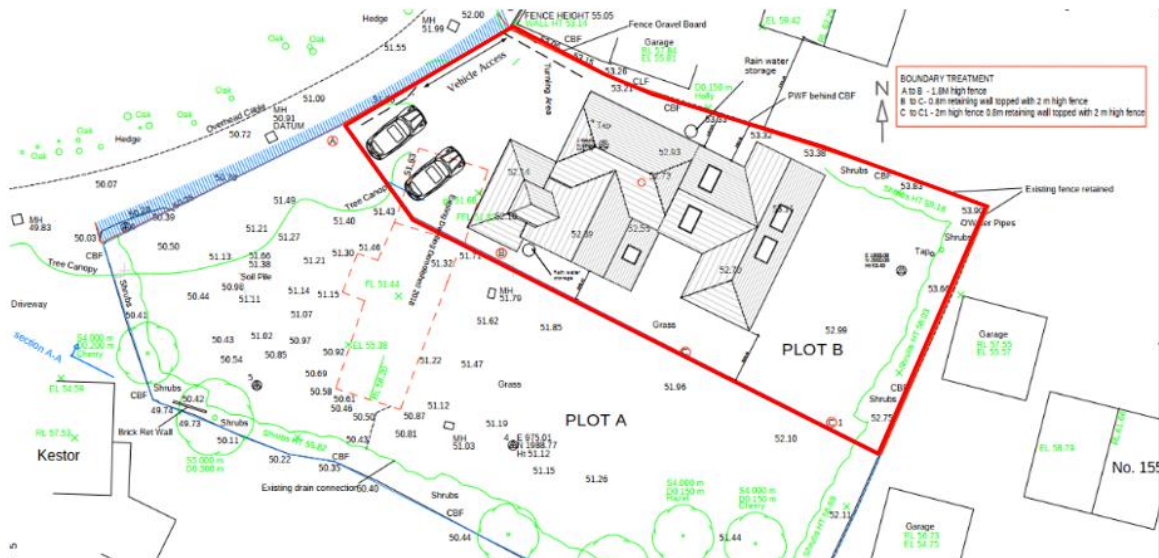
3/11/0911	Replacement dwelling on the northern part of the site	Granted (lapsed)	Subdivision of the plot and dwelling facing Brook Lane to north (Plot B)
3/11/0614	Replacement dwelling	Granted (lapsed)	Replacement for original
3/10/0939	Replacement dwelling	Refused (appeal dismissed)	Issue- out of keeping 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 permissions on and adjacent to the application site*

7.3 The extant permissions at the site that are capable of being built (and have not lapsed) are:

1) Application P/FUL/2023/01483 at Plot B for a detached two storey house occupying a similar position on the site as the proposed single storey dwelling sought under application reference P/FUL/2023/04037.

The approved plans for 'plot B' are below:



*Below: Approved elevations for dwelling at Plot B (N.B: S elevation to face current application site):*

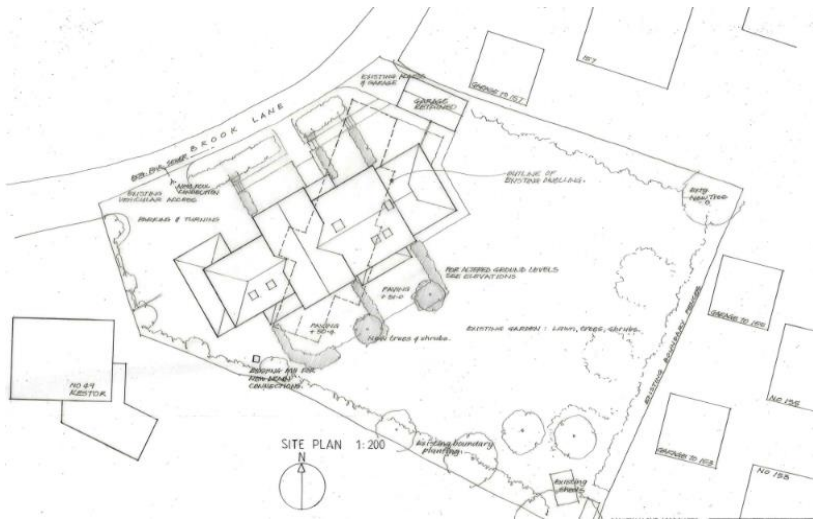
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*Below: Street scene from Brook Lane:*



2) Application 3/15/1189/FUL on Plots A & B for a two-storey replacement dwelling  
 Approved plans below:



8.0 List of Constraints

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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; and  
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

### Consultees

#### 1. **Dorset Council - Rights of Way Officer**

Site in vicinity of a right of way and this must be kept open during the development works

#### 2. **Dorset Council - Highways**

The proposal does not present a material harm to the transport network or to highway safety. No conditions suggested.

#### 3. **Dorset Council - Building Control East Team**

No response received

#### 4. **Dorset Council - Trees (East & Purbeck)**

No objection subject to the following information being conditioned:

- Details of any access facilitation pruning works and a construction traffic management plan showing the vehicular routes and access points for high sided vehicles  
Soft Landscaping and planting to be submitted.

#### 5. **Corfe Mullen Town Council**

- Access to site is dangerous as Brook Lane is a single track, un-adopted gravel lane which will not cope with additional traffic.
- Potential severing of plot to result in high density housing for remainder of plot contrary to policy LN2.
- There is a restrictive covenant on site
- The size of the proposed dwelling is overlarge for the severed plot and is 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 that is out of character with the immediate area of Brook Lane and is therefore contrary to Christchurch and East Dorset Local Plan Policy HE2

### **Representations received**

<b>Total - Objections</b>	<b>Total - No Objections</b>	<b>Total - Comments</b>
<b>1</b>	<b>0</b>	<b>0</b>

#### Precis of issues raised:

- The site is subject to a restrictive covenant. Applications have been made to the lands Tribunal to modify it and were refused.
- Plans worse than those for a dwelling under application 3/21/0830/FUL dismissed at appeal where the Inspector found that the plans caused harm to the character and appearance of the area and also failed to provide satisfactory living conditions for future occupiers in particular to the basement rooms.
- Dwelling is too large and will harm the character and appearance of the area.
- Fire safety concerns. Building Control Team advises that “Brook Lane is not adequate to achieve compliance with guidance within Approved Document B5 (Fire Service Access)” & concern about means of escape from basement rooms.
- Poor access and road safety dangers.
- Inadequate parking provision for residents, visitors and deliveries
- Extensive excavation on a steep slope for underground basement floor is likely to add to local flooding issues and could also compromise the structure of surrounding properties.
- Proposal is for a 4 to 5 bed dwelling given the 2 basement rooms.
- Would result in significant harm to the character and appearance of the area & Street Scene in a semi-rural location.

- Street scene plan is misleading and inaccurate.
- Loss of privacy from house and garden due to elevated plot and movement of these plans deeper into the plot in comparison to the location of the original cottage.
- Disturbance from the likely need for mechanical ventilation or air conditioning for basement rooms.
- Increase in visual bulk presented towards Kestor and its garden from such a large house.
- Light pollution.
- Overdevelopment – consideration needs to be given as to how this proposed house would sit with previously approved numerous applications and other applications in progress.
- 32 planning applications and counting since 2009 is a misuse of planning system.
- Garden grabbing and adverse impact on wildlife & protected species (bats).
- Garden area allocated for proposed house too small.

## 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) (CED LP – Core Strategy):**

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 (revised December 2023):**

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

Other relevant NPPF sections include:

- Section 4. Decision taking: Para 38 - Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available...and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.
- Section 5 'Delivering a sufficient supply of homes' outlines the government's objective in respect of land supply with subsection 'Rural housing' at paragraphs 78-79 reflecting the requirement for development in rural areas.
- Section 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 (National Landscapes) 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 Document/Guidance**

Dorset Heathlands Planning Framework 2020-2025 Supplementary Planning Document

Poole Harbour Recreation 2019 to 2024 Supplementary Planning Document

Planning for Climate Change Interim guidance and position statement (December 2023)

## **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 dwellings could be set over three floors so 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	£46,823.03 (but self-build exemption claimed)

#### 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.

##### Current planning situation on the site

- 16.2 Planning permission for a detached two storey house was granted recently under P/FUL/2023/01483 on 28/7/23 and this remains extant.

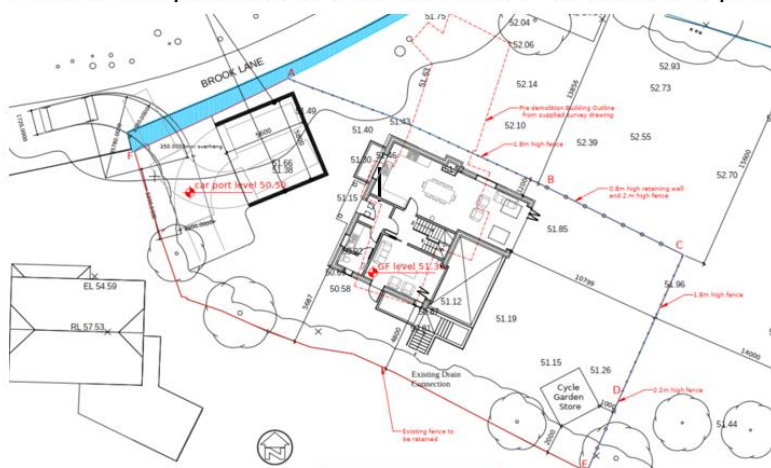
Latest appeal

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

16.4 In the assessment of the dwelling on the application site (Plot A), the inspector made the following comments:

- The two-storey scale and traditional design and appearance proposed was appropriate for the area and the dwelling would complement other buildings in the area and would sit comfortably in its context.
- The extant planning permission on plot B, if built would mean the proposed dwelling and this dwelling would appear cramped and have the appearance of one overly large and poorly composed building.
- The proposed carport would be sited alongside Brook Lane in front of the dwelling and would interrupt views towards the dwelling and detract from the main elevation this would add unsympathetic visual clutter.
- The inspector concluded that the proposal would harm the character and appearance of the area.
- The outlook from the bedrooms in the basement level and light to them would be poor and not allow acceptable living conditions for occupants of the proposed dwelling.

*Below: Site plan for 21/0830 on Plot A – to show car port position*



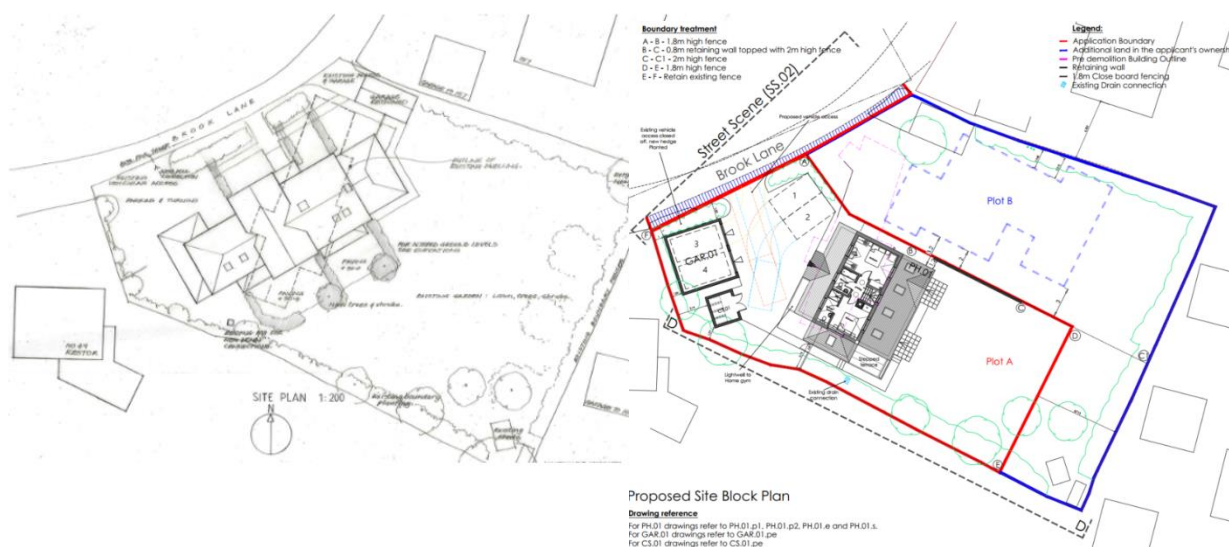
*Whether proposal would allow previous permissions to be built out*

16.5 The current 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.

16.6 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. The only extant permission that could be built out would be P/FUL/2023/01483 on Plot B as shown below.

*Below: Extant permission alongside current proposal:*



### **Impact on the character of the area**

- 16.7 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.
- 16.8 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.
- 16.9 The proposed dwelling would be set back from Brook Lane with a parking area at the front served by a vehicular access onto Brook Lane. A double car port with flat roof is to be sited adjacent to the site boundary with Kestor at the front of the site with flat roofed cycle store to the south of it. The existing vehicular access is to be closed off in front of the garage and a new hedge planted here with a new vehicular access on the front boundary.
- 16.10 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 further forward than the extant two storey house on Plot B.

The land on the application site is lower than the land immediately to the north on Plot B and the south boundary of the proposed curtilage for the dwelling would be formed by the existing boundary fence as shown in the submitted section D-D.

- 16.11 The proposed street scene shows an acceptable separation distance with Kestor (approx. 13m between two-storey sections) and no harm to the street scene will arise from this. The proposed traditional design and materials of rendered walls, concrete tile roof and UPVC window frames would be appropriate here and sit comfortably with the two-storey dwelling at Kestor.
- 16.12 The relationship between the proposed dwelling and the extant dwelling, in addition to the proposed dwelling under the other pending application (both on Plot B) requires assessment in respect of the impact on the character of the area.

Scenario with the proposed dwelling and the extant dwelling on Plot B

- 16.13 This scenario would see two houses next to one another. The submitted site plan drawing shows a wall-to-wall minimum separation distance of approximately 3.2m between the two storey sections of the proposed dwelling and the extant dwelling and 2m between the nearest points. This separation is considered acceptable and would not result in a cramped development.
- 16.14 It is to be noted that the Inspector's concerns about the appeal proposal being cramped in relation to the then extant dwelling on Plot B (northern plot) were well-founded as it is apparent from the plans submitted that the appeal dwelling would have almost overlapped the extant dwelling. Hence the Inspector's concerns that the dwellings would appear cramped and an overly large and poorly composed building. This would not be the case for the current proposal and the extant dwelling and no harm to the character of the area would result. The application is therefore considered to comply with policy HE2 of the adopted CED Local Plan

Scenario with the proposed dwelling and the pending proposed single-storey dwelling on Plot B (P/FUL/2023/04037)

- 16.15 This scenario would see the proposed single-storey dwelling on Plot B (northern plot) next to the proposed house with a minimum separation distance of approximately 2.9m between the two-storey section of the proposed dwelling and the higher part of the proposed single storey dwelling and approx. 2m between the nearest points. This separation is considered acceptable, would not result in a cramped development and meets the requirements of policy HE2.

Whether proposal would allow other previous permissions to be built out

- 16.16 The proposal appears to allow land between the rear of the application site and the boundary with 153 & 155 Hillside Rd to be developed. Given that an appeal for a detached dwelling was allowed under application 3/16/1856 (now lapsed) on a larger area of land at the rear, there is potential for an application to be submitted to develop this land. However, such an application would need to be determined on its merits and as no proposal is in place at present, this is not a material consideration. As set out in paragraph 16.6, the extant permission under reference 15/1189 for a large detached house could not be progressed if the current proposal was built as it overlaps the current application site and proposed dwelling.

**Impact on the amenity of occupants of adjacent dwellings**

Kestor

- 16.17 The proposed dwelling would be set back from the rear of the dwelling at Kestor and given the orientation of its windows in the front and rear elevations, there would be no harmful overlooking from these windows of the dwelling and garden at Kestor.
- 16.18 The south elevation of the proposed dwelling would face the boundary with Kestor and has a first floor and ground floor window. The applicant has submitted amended plans to omit the door in this elevation and confirmed that the first-floor window is needed for solar gain, but the elevations show this to be high-level and a condition can secure this.
- 16.19 Proposed Site Section D-D shows that the existing fence on the southern boundary with Kestor would, in the absence of tall boundary planting, allow the dining room window on this elevation to generate overlooking of the rear garden and dwelling at Kestor.
- 16.20 The proposed elevations show the dining room window to have a high sill and a condition is necessary to require this to prevent overlooking; relying on the vegetation would not be appropriate given it is not particularly dense and not in the control of the applicant. The dining room would also receive light and have some outlook from the openings in the rear elevation that also serve a family room so use of obscure glazing would be reasonable. Subject to a condition, there would be no harmful overlooking of Kestor or its rear garden.
- 16.21 The height and massing of the south elevation facing Kestor would not result in an adverse impact on the amenity of the occupants of Kestor as the design shows the massing reducing at first floor with a cropped hip gable and main roof pitching away from this boundary. Kestor is to the south of the application site and there would be some loss of sunlight for this dwelling in the morning, but this would not be significantly greater than that from the former two storey dwelling and would not be harmful.
- 16.22 The flat roofed garage and cycle store at the front of the site would be modest in height (2.3m high approx.) and have no adverse impact on the occupants of Kestor given this factor and their siting. For these reasons the application is considered to accord with policy HE2 of the Local Plan in respect of relationship with nearby properties.

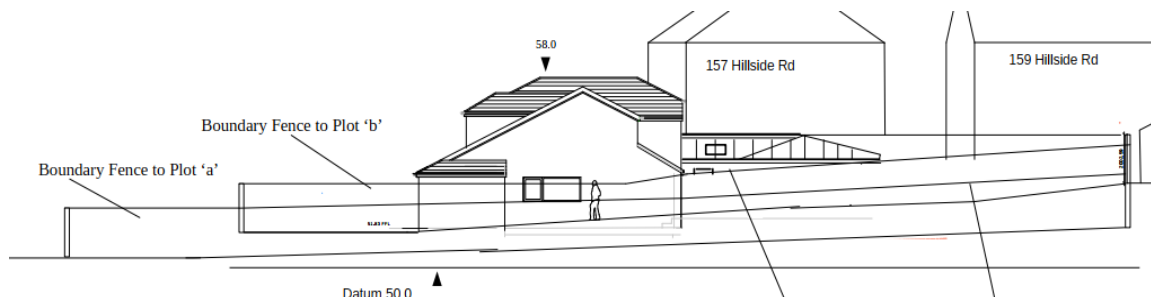
153 Hillside Rd

- 16.23 Given the separation distance of approx. 38m between the first-floor rear facing windows and the house at 153 Hillside Rd, there would be no harmful overlooking of No.153. This distance would also prevent any adverse impact from the scale and massing of the proposed dwelling. For these reasons the application is considered to accord with policy HE2 requirements.

Extant dwelling at Plot B (2023/01483 – two storey house)

- 16.24 The approved plans for this scheme show a tall fence on the boundary between the application site (Plot A) and the site for the extant dwelling (Plot B) and this would

prevent the ground floor living room window in the extant dwelling overlooking the rear garden of the application site. The extant permission has a condition to require this fencing to be erected.



- 16.25 The proposed dwelling would be to the south of the extant dwelling on Plot B and there would be an impact on the extant dwelling from loss of sunlight from mid-morning onwards because of the proposal. The outlook from the living room window in the southern elevation of the extant dwelling is into the boundary fence and having the two-storey gable of the proposed dwelling above this would lessen this outlook. However, as the two-storey gabled side elevation has a modest depth and would be set away from the principal rooms in the extant dwelling and the living room also has French doors at the rear, the limited outlook from the south-facing window is not harmful enough to the living conditions of the occupants of the extant dwelling to warrant refusing the application on this basis. There are no first-floor windows in the south elevation of the extant dwelling. For these reasons the proposal accords with Policy HE2.

*Proposed single storey dwelling at Plot B (2023/04037)*

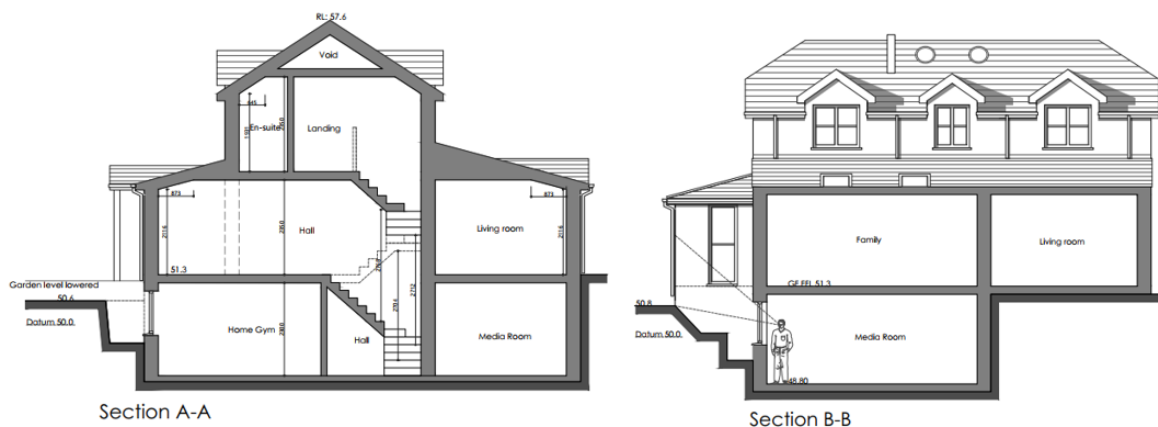
- 16.26 The proposed single storey dwelling at Plot B has 2 ground floor windows serving a kitchen/dining room that would face the boundary fence and gable of the proposed dwelling.
- 16.27 This room also has French doors in the rear elevation and as for the extant house on Plot B, on balance it is considered that as this kitchen/dining room has French doors at the rear, the limited outlook from the south-facing windows is not harmful enough to the living conditions of the occupants of the extant dwelling to warrant refusing the application on this basis.
- 16.28 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 Local Plan Policy HE2.

**Amenity for future occupants**

- 16.29 The outlook from the principal rooms in the ground and first floor would be acceptable and these rooms would receive adequate levels of natural light. The lower ground floor would have its windows below ground with a home gym served by

a window facing onto a small level area with retaining wall and a media room served by a window facing a terrace.

- 16.30 As these rooms are not principal living rooms, they are not required to afford the same light and outlook requirements as principal rooms (such as bedrooms and living rooms) and the poor outlook they would have is not a reason to refuse the proposal and addresses the Planning Inspector's concerns.



- 16.31 The amount of outdoor amenity space provided is adequate and on this basis the proposal would allow acceptable living conditions for the occupants of the proposed dwelling.

### **Impact on road safety**

- 16.32 The vehicle access would be away from the boundary with Kestor and this is considered acceptable and would not result in an adverse impact on highway safety. The site would provide off-street parking for 4 vehicles and is in accordance with the guidance set out in the Council's document *Residential Car Parking Provision Local Guidance for Dorset*.
- 16.33 Dorset Council Highways has stated no objection subject to a condition regarding provision of parking/turning to accord with the proposed site plan and this will be imposed.
- 16.34 It is noted that the Town Council has objected due to additional traffic generated by the proposal. Dorset Council Highways raise no objection because the traffic generated by the proposed dwelling would not be substantial. The proposal is considered to comply with Policies KS11 and KS12 of the Local Plan.

### **Impact on Habitats Sites**

- 16.35 As the site lies within 5km of internationally protected Dorset Heathland and is a comparable distance from Poole Harbour to the formally identified Recreation Zone within which a net increase in dwellings has been identified to result in recreational pressures. The application, in combination with the extant permission, has the potential to have a significant effect on the Dorset Heathland Special Area of Protection and Ramsar, the Dorset Heaths Special Conservation Area and Poole Harbour Special Protection Area and Ramsar therefore 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**

- 16.36 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 Core Strategy Policy ME1.

### **Other issues raised by third parties**

- 16.37 Officers are aware of a covenant on the site but this is a private matter, and not a material consideration in the planning assessment
- 16.38 The scale of the proposed dwelling is considered acceptable, would not harm the street scene and character and appearance of the area and would provide satisfactory living conditions for future occupiers.
- 16.39 The above assessment has considered how the proposed house would relate to the extant and pending proposals for single detached dwellings on Plot B. There are no other extant permissions.
- 16.40 Fire safety, is a Building Regulation issue.
- 16.41 The Council's Highways Officer has raised no objection to the proposal and the access and parking provision is considered acceptable.
- 16.42 The excavation required to build the proposed dwelling would be extensive and there is nothing to presume this would add to flooding in the locality. The site for the dwelling is not affected by high groundwater levels or surface water flooding risk, being outside the high surface water flood risk area which lies to the south.
- 16.43 The design of retaining walls and means of construction would be dealt with under the Building Regulations.
- 16.44 The proposed plans show 2 bedrooms at first floor with a study at ground floor and the 2 rooms in the basement are shown to be a media room and home gym.
- 16.45 High level windows for the first-floor bedroom window and ground floor window in the southern elevation would prevent any harmful loss of privacy to Kestor and its rear garden.
- 16.46 The basement windows allow ventilation without the need for mechanical ventilation. The basement is sited an acceptable distance from Kestor to prevent any



mechanical ventilation having a harmful impact on the occupants of Kestor. In respect of the impact on the extant and pending proposal at Plot B, any mechanical ventilation would be small-scale and unlikely to introduce nuisance from noise.

- 16.47 The south facing gable of the proposed dwelling would result in an impact on Kestor, but its design to have a narrow gable and setting the two-storey section away from the boundary would minimise the visual impact and the impact on the occupants of Kestor would not be harmful.
- 16.48 There would be some light emitted from the proposed dwelling, but this would not be harmful in this built-up area
- 16.49 The proposed curtilage and garden area is acceptable and would offer an appropriate outdoor recreational space for occupants of the proposed dwelling.

### **Planning balance**

#### **Housing supply**

- 16.50 The Council cannot presently show a 5 year housing supply and the supply is currently 4.15 years. The Eastern 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).
- 16.51 Therefore, the NPPF says that planning permission should 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 south-facing living room window for future occupants of the extant dwelling to the north (on Plot B).

#### **Benefits of the proposal**

- The addition of a dwelling to the Council's housing 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.

16.52 The site is within the urban area and does not adversely affect any assets of particular importance as identified by the NPPF. The adverse impact in relation to the restricted outlook for the living room window on the south elevation of the dwelling approved at Plot B would not significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF as a whole. Therefore, it is recommended 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 and it is recommended that planning permission is granted.

## 18.0 Recommendation: Approve subject to the following conditions:

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

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

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

Job No. P568 Drawings:

LP.01 A: Location Plan

PBP.01 C: Proposed Site Block Plan

PH.01.P1 B: Proposed Lower & ground floor plans

PH.01.P2 A: Proposed first floor & roof plans

PH.01.e B: Proposed elevations

PH.01.s P3: Proposed sections AA, BB

SS 01 B: Proposed section DD

SS 02 A: Proposed street scene

GAR.01.pe A: Proposed garage plan & elevations

CS.01.pe A: Proposed cycle store plans & elevations

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

3. 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.

4. The dwelling hereby permitted must not be occupied unless and until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works have been carried out as approved. Thereafter, the soft landscaping shall be retained and any plants that are lost, die or become diseased within 5 years of being planted shall be replaced in accordance with a scheme to be agreed in writing by the Local Planning Authority and then planted in accordance with the approved details within 1 month of the agreement.

Reason: In the interests of visual amenity and to ensure the approved landscaping scheme is implemented correctly.

5. The finished floor level(s) for the dwelling hereby approved shall accord with submitted drawings PH.01.s P3: Proposed sections AA & BB and SS 01 B: Proposed section DD.

Reason: In the interests of maintaining an acceptable relationship with the adjacent buildings and the amenity of the occupants of the adjacent dwelling to the south at Kestor.

6. The windows in the ground and first floor of the south (side) elevation shall have a sill level of at least 1700mm above the floor level of the rooms they serve. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 2015 (as amended) or any further re-enactment, no alterations to these windows nor any further openings shall be inserted into the south elevation.

Reason: To preserve the amenity and privacy of the occupants of the adjoining property at Kestor.

7. 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 or additional windows in the south elevation, permitted by Class A and Class B of Schedule 2 Part 1 of the 2015 Order, shall be erected, constructed or installed

Reason: To protect the amenity of the occupants of the adjacent dwellings.

8. Before the development hereby approved is occupied or utilised the turning/manoeuvring and parking shown on Drawing Number P568 - PBP.01 C 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.

9. Prior to occupation of the dwelling hereby approved, biodiversity enhancement measures shall be installed at the site and retained for the lifetime of the development, 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.

**Informative Notes:**

1. 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.
2. 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.
3. 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/agent was updated of any issues and provided with the opportunity to address issues identified by the case officer.
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. 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.

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

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 bridleway then a Temporary Path Closure Order must be obtained. This can be applied for through this office, but the application must be 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.