

Eastern Area Planning Committee

13 March 2024

Application Number:	P/HOU/2024/00111		
Webpage:	Planning application: P/HOU/2024/00111 - dorsetforyou.com (dorsetcouncil.gov.uk)		
Site address:	9 Campion Gardens Wimborne Minster BH21 4FH		
Proposal:	Retain partial conversion of garage to ancillary living accommodation		
Applicant name:	Mrs V Chevis		
Case Officer:	Claire Lewis		
Ward Member(s):	Cllr Bartlett and Cllr Morgan		
Publicity expiry date:	2 February 2024	Officer site visit date:	8 February 2024
Decision due date:	5 March 2024	Ext(s) of time:	N/A
No of Site Notices:	2		
SN displayed reasoning:	1. Displayed on fence opposite front elevation and neighbouring property on Campion Gardens. 2. Displayed on Tansy Close, to rear of property.		

1.0 Reason application is going to committee

The applicant is a Planning Officer employed by Dorset Council.

2.0 Summary of recommendation:

GRANT subject to conditions

3.0 Reason for the recommendation: as set out in paragraphs 16 and 17:

- 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 proposal is acceptable in its design and general visual impact.
- There is not considered to be any significant harm to neighbouring residential amenity.
- There is no demonstrable negative impact on parking provision.

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- There are no material considerations which would warrant refusal of this application.

4.0 Key planning issues

Issue	Conclusion
Principle of development	The principle of changing the use of part of a residential outbuilding within the urban area to form additional, ancillary living accommodation is acceptable.
Scale, design, impact on character and appearance	The proposed development would not have an adverse impact on the visual amenities of the site or locality.
Impact on the living conditions of the occupants and neighbouring properties	The proposed development would not have any harmful impact on the living conditions of the occupiers or neighbouring residential properties.
Impact on landscape	The proposed development is not deemed to result in any negative impact on the landscape.
Flood risk and drainage	The proposal would not alter or increase the flooding risk.
Highway impacts, safety, access and parking	The proposal would leave adequate parking provision.

5.0 Description of Site

- 5.1 9 Campion Gardens is a detached, two-storey residential property of red brick with slate tiled roof and white uPVC fenestration, forming part of a new housing development built over the last decade to the east of Cranborne Road and north of Burts Hill Wimborne. The property sits on level ground on the north side of Campion Gardens. It is located at the end of the cul-de-sac with open greenspaces immediately to the east and south.
- 5.2. The site is one of the largest plots on the development, benefitting from additional private amenity space to the front. There is a detached double garage towards the northwest corner and a double width driveway. The rear garden is fenced in on all sides with close boarded fence panels, with an integrated wooden side access gate.
- 5.3 The residential estate to the east of Cranborne Road has a varied mix of property types with a consistent character and style, predominantly red brick with some rendered walls, white uPVC fenestration and slate tiled roofs. Most of the houses in this part of the development have private driveways and single or occasionally double garages, resulting in minimal street parking within this part of the development. There is a general feel of consistency, with matching white front doors and matching white up and over garage doors with top window lights.

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- 5.4 Wimborne First School is visible from the western end of the cul de sac. The remaining land use comprises newly formed roads, footpaths, cycle tracks and public green spaces.

6.0 Description of Development

- 6.1 Permission is sought to change the use of the eastern half of the existing double garage building from its use as garaging to 'ancillary' residential use, providing additional living accommodation for the dwellinghouse.
- 6.2 Planning permission is required because a condition was imposed on the reserved matters consent (no. 2) removing permitted development rights for development which would alter parking provision.
- 6.3 The proposal also seeks permission to retain an external door and single, ground floor window that have been installed in the wall of the east elevation of the garage building, facing onto the rear garden towards the eastern side boundary fence.

7.0 Relevant Planning History

3/14/0016/OUT - Decision: GRA - Decision Date: 13/03/2017

Residential development of up to 630 dwellings, a new local centre, a replacement and extended Wimborne First School, public open space and new allotments together with new access, streets and other related infrastructure (All Matters Reserved).

3/14/0017/COU - Decision: GRA - Decision Date: 13/03/2017

Change of use of agricultural land to form Suitable Alternative Natural Greenspace (SANG) as amended by plans rec'd 30th September 2014 and 25 March 2015, and June 2015 additional details rec'd 11th February 2015.

3/17/1390/RM - Decision: GRA - Decision Date: 05/10/2017

Reserved matters for the main access junctions, spine road and school access road, foul water pumping station and associated infrastructure to serve urban development off Cranborne Road approved by application 3/14/0016/OUT (amended plans & additional information rec'd 19.7.17, 25.7.17, 2.8.17, 4.8.17 & 11.8.17)

3/18/0054/RM - Decision: GRA - Decision Date: 14/03/2018

Reserved matters details (following approval of 3/14/0016/OUT) for the second phase of development off Cranborne Road comprising: the construction of 254 plots (phase 1B plots 65-318), public open space, vehicular, cycle and pedestrian access, access for the proposed first school, landscape planting, surface water attenuation features, foul water pumping station and associated infrastructure (as amended by plans rec'd 16.2.18 & 22.02.18)

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3/19/0681/RM - Decision: GRA - Decision Date: 10/06/2019

Alternative reserved matters details (following approval of 3/14/0016/OUT and 3/18/0054/RM) to substitute house types for plots 235-242, 258-259, 269-318 within the southeast residential development east of Cranborne Road.

8.0 List of Constraints

Adj Burts Hill / Merrifield Colehill Conservation Area

Wimborne Minster Neighbourhood area - Designated 13/02/2020; -

Legal Agreements S106 - secures mitigation and enhancement associated with estate development.

Bournemouth Water Consultation Area

Groundwater – Susceptibility to flooding

Within Dorset Heathlands - 5km Heathland Buffer

Natural England Designation - RAMSAR: Dorset Heathlands (UK11021); - Distance: 4419.11

Site of Special Scientific Interest (SSSI) impact risk zone

Groundwater Source Protection Zone

9.0 Consultations

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

Consultees

1. Dorset Council Highways

To be reported

2. Wimborne Minster Town Council (received 30/01/24)

-No objection

-Noted concern at loss of parking provision

2. Wimborne Minster Ward Members – no comments received

Representations received

No letters of representation have been received.

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10.0 Duties

s38(6) of the Planning and Compulsory Purchase Act 2004 requires that the determination of planning applications must be in accordance with the development plan unless material circumstances indicate otherwise.

11.0 Relevant Policies

Adopted Christchurch and East Dorset Local Plan (CED LP) 2014:

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

KS1 - Presumption in favour of sustainable development

KS2- Settlement hierarchy

KS12- Parking Provision

HE2 - Design of new development

ME6- Flood Management, Mitigation and Defence

Material Considerations

Emerging Local Plans:

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

- the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant plan policies (the less significant the unresolved objections, the greater the weight that may be given); and
- the degree of consistency of the relevant policies in the emerging plan to the NPPF (the closer the policies in the emerging plan are to the policies of the NPPF, the greater the weight that may be given).

The Dorset Council Local Plan:

Options Consultation took place between January and March 2021. Being at a very early stage of preparation, the relevant policies in the Draft Dorset Council Local Plan should be accorded very limited weight in decision making. However, the production of the Draft Local Plan has significant implications for the assessment of housing land supply.

The emerging Local Plan has reached Regulation 18 of the (Town and Country Planning (Local Planning) (England) Regulations 2012 stage and includes a policies map and proposed allocations towards meeting housing need. Therefore, as detailed

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under Paragraph 226 of the NPPF (December 2023), for decision-making purposes only, the Council is only required to identify a minimum of 4 years' worth of deliverable housing sites.

Emerging Neighbourhood Plans

The Wimborne Minster Neighbourhood Area was designated in 2020.

Wimborne Minster Neighbourhood Plan- In preparation

Wimborne Minster Town Council Draft Strategic Plan Consultation began in January 2024 and is seeking to establish the level of support for a Neighbourhood Plan, but there is not currently one in place so no weight can be given.

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:

- Part 2 - Achieving sustainable development.
- Part 4 - 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, including brownfield registers and permission in principle, 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.
- Part 12 - Achieving well-designed places.
- Part 15 – Conserving and enhancing the natural environment

Other material considerations

Dorset Council Interim Guidance and Position Statement Appendix B: Adopted Local Plan policies and objectives relating to climate change, renewable energy, and sustainable design and construction. 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.

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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.

14.0 Financial benefits

None

15.0 Environmental Implications

None since the proposal will change the use of an existing building.

16.0 Planning Assessment

Principle of development

16.1 The application site is situated within the defined development boundary for Wimborne Minster which sits at the top of the settlement hierarchy, the highest priority location for new development as set out in Policy KS2 ‘Settlement Hierarchy’. Development within the ‘Main Settlements’ will normally be permitted where no material considerations indicate otherwise.

16.2 In principle changing the use of an existing residential outbuilding to ancillary residential accommodation within the curtilage of a dwellinghouse is therefore acceptable, subject to other material considerations considered below.

Scale, design, impact on character and appearance

16.3 This retrospective proposal seeks to retain the partial conversion of an existing, domestic double garage. The garage building is located to the rear of the main dwellinghouse, in the northwestern corner of the plot and was constructed along with the house. There is a long driveway, leading up to the double garage.

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- 16.4 A white uPVC side door installed when the property was built, is a departure from the approved plans, as is the subsequent addition of a window to the east side elevation at ground floor level, facing onto the dwelling's private amenity space.
- 16.5 Planning Permission is required for these changes, because at approx. 5m tall, the garage building is too high to benefit from permitted development rights.
- 16.6 No other external changes have been undertaken and the garage doors to the front elevation will remain. The proposal will not change the character or appearance of the property when viewed from the highway or public open space (SANG) to the east. This proposed development is considered acceptable as it is minor and unobtrusive with materials to match the existing. The proposal is compatible with its surroundings in accordance with policy HE2.



Fig.1 (left) East side elevation with new window.

Fig 2 (right) Development site in relation to properties to rear.



Impact on the living conditions of the occupants and neighbouring properties

- 16.7 The additional window overlooks the property's rear garden and does not overlook neighbouring properties to the rear due to the close boarded fencing to the boundary.
- 16.8 The intended use of the eastern half of the garage would be a home office and occasional amenity space. The building's conversion to an ancillary use of this kind is not considered to have any significant impact on the living conditions of the occupants or neighbouring properties.

Flood risk and drainage

- 16.9 The property is located in an area identified as being susceptible to groundwater flooding. The proposed use of the garage as a home office/amenity space, and changes to fenestration, will not alter or increase the flooding risk for occupants or neighbours. The application therefore accords with policy ME6 of the Christchurch and East Dorset Local Plan.

Highway impacts, safety, access and parking

- 16.10 The Town Council has not objected but has raised concerns about loss of off-street parking spaces. Condition 2 on the reserved matters approval was intended to ensure that off-street parking is retained on the estate in the interests of highway safety and in a visually acceptable manner.

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- 16.11 In this case the property has a private driveway to the western side of the plot that provides four off-road parking spaces along with the two existing garage spaces. The proposal would result in the loss of one of the two garage parking spaces, but ample private off-street parking space will be retained on the driveway, the proposal is therefore unlikely to result in increased parking pressures elsewhere.
- 16.12 There is no proposed change to the driveway arrangement, the property retains sufficient parking for a dwelling of this size, and therefore there are no access concerns or enhanced risks to highway safety.

17.0 Conclusion

The proposed development complies with the policies of the adopted Local Plan and the relevant sections of the National Planning Policy Framework as listed above, and no material planning considerations indicate otherwise.

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:
 - 001 Location and Block Plan
 - 002 Existing floor plan and elevations
 - 003 Proposed floor plan and elevations

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

3. The development permitted shall not be occupied at any time other than for purposes ancillary to the residential dwelling known currently as 9 Campion Gardens, Wimborne Minster, BH21 4FH.

Reason: The accommodation is not considered suitable as a separate dwelling, because of the relationship with adjacent dwelling(s).

Informative Notes:

1. Informative: National Planning Policy Framework Statement

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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.