

Application Number:	P/HOU/2023/06594
Webpage:	Planning application: P/HOU/2023/06594 - dorsetforyou.com (dorsetcouncil.gov.uk)
Site address:	18 Osbourne Road Bridport Dorset DT6 3AN
Proposal:	Erect residential annexe
Applicant name:	Mr & Mrs Robert & Karen Wright
Case Officer:	Toby Hibbs
Ward Member(s):	Cllr D Howell, Cllr B Howell, Cllr Williams

1.0 This application has been brought to committee at the request of the Service Manager for Development Management and Enforcement following a scheme of delegation consultation.

2.0 Summary of recommendation: Grant subject to conditions.

3.0 Reason for the recommendation:

- Para 14 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 are no material considerations which would warrant refusal of this application.

4.0 Key planning issues

Issue	Conclusion
Principle of development	The principle of development to erect a residential annexe is accepted. Initial concerns regarding neighbouring amenity are considered to be resolved.
Design (visual amenity) and impact on the character and appearance of the Conservation Area.	The scale and design is considered to be acceptable, given the location of the annexe in the rear garden of 18 Osbourne Road effectively obscured within any public visibility and no wider visual impact is perceived regarding the Conservation Area and Dorset National Landscape.
Neighbour amenity	No adverse impact on neighbouring amenity.

5.0 Description of Site

5.1 Osbourne Road is a well-established bungalow estate, characteristic of many settlements within Bridport's suburban area of Coneygar. The topography of the site and its surroundings gradually inclines towards the east, culminating in Coneygar Hill approximately 120 metres southeast. Consequently, the rear gardens of properties on the east side of Osbourne Road are situated at a slightly elevated position compared to their respective dwellings.

5.2 These predominantly 2-bedroom detached bungalow dwellings are fairly uniform in character and design, constructed with brickwork walling and featuring hipped roof designs, comprising of large driveways, integrated garages, and small front gardens. Unique to the site of number 18 Osbourne Road is a parcel of land that extends eastwards beyond the boundaries of neighbouring properties and is purportedly the original boundary of this dwelling's curtilage. Aerial photography dating back to 2002 (earliest record kept) confirms this.

6.0 Description of Development

6.1 The proposal seeks to construct a detached single-storey annexe on the northeast section of the garden at 18 Osbourne Road, intended for ancillary accommodation which shall replace an existing garden room. An alternative proposal to locate the annexe on the southeast section of the garden was considered but later amended due to concerns about overlooking onto the neighbouring property of number 16 to the south as it was anticipated to have an unduly prominent and overbearing appearance, exacerbated by the inclining nature of the rear gardens at Osbourne Road. Therefore, the proposal has reverted to its original northeast location. The annexe will be constructed with timber cladding and will feature an EDPM flat roof with anthracite grey framed glazing.

6.2 It is worth emphasising that this application seeks to erect an annexe for residential use for a family member and is not seeking permission to change the use of land or create a self-contained dwelling whose use would not be ancillary to that of the bungalow.

7.0 Relevant Planning History

WD/D/20/000975 - Decision: GRA - Decision Date: 30/09/2020

Erection of single storey extension (demolition of garage)

P/HOU/2022/03952 - Decision: GRA - Decision Date: 27/09/2022

Loft conversion and installation of 3 dormer windows

8.0 List of Constraints

Bridport Conservation Area

Dorset National Landscape (AONB)

Land Outside DDBs

Land within DDBs

Neighbourhood Plan - Made; Name: Bridport Area NP; Status 'Made' 05/05/2020

Legal Agreements S106

Radon: Class: Class 2: 1 - 3%

Within the Bridport Conservation Area (statutory duty to preserve or enhance the significance of heritage assets under the Planning (Listed Buildings & Conservation Areas) Act 1990)

National Landscapes (Areas of Outstanding Natural Beauty): (statutory protection Local Planning Authorities to seek further the purposes of conserving and enhancing the natural beauty of the area of outstanding natural beauty- National Parks and Access to the Countryside Act of 1949 & Countryside and Rights of Way Act, 2000)

9.0 Consultations

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

Consultees

1. **Bridport Town Council:**

Objection (received 05/12/2023 and 25/04/2024)

- Proposed development outside Defined Development Boundary.
- Adverse impact on Dorset National Landscape and Conservation Area.
- Non-compliance with Local Plan policies ENV1, ENV4, HOUS6, SUS2.
- Intended use as holiday accommodation conflicts with residential extension claim.
- Negative effect on neighbouring residents.
- Revised plans worsen impact on landscape, Conservation Area, and local Green Space.
- Applicant's contradictory comments weaken case.
- Approval could set harmful precedent for area's environment.

2. **Dorset Wildlife Trust** - no comment received.

3. **Ramblers Association** - no comment received.

4. **Bridport Ward Member 1** - no comment received.

5. **Bridport Ward Member 2** - no comment received.

6. **Bridport Ward Member 3** - no comment received.

7. **Rights of Way Officer** – no comment received.

Representations received

Total - Objections	Total - No Objections	Total - Comments
2	0	0

Summary of comments of objections:

Impact on conservation area and Dorset National Landscape	<ul style="list-style-type: none">- Ongoing pressure to build behind properties on the eastern side of Osbourne Road.- The proposed site is within an Area of Outstanding Natural Beauty (Dorset National Landscape).- Construction would lead to further erosion of protected land, contrary to conservation objectives.- Construction would set an unwelcome precedent for further development.
Principle of development	<ul style="list-style-type: none">- The proposed residence extends beyond the development boundary of Bridport.- Contravenes local plan policies, undermining the established development plan.- Sets an unwelcome precedent if permission is granted.
Potential use as Holiday let	<ul style="list-style-type: none">- Potential use of the residence as an ancillary holiday let.- Concerns about the impact on neighbours, with holidaymakers potentially being less respectful.
Neighbouring amenity	<ul style="list-style-type: none">- Disturbance through noise cannot be mitigated, impacting the quiet garden area.- Noise generated in the residence would have a detrimental impact on the tranquil garden space.- No feasible way to mitigate the noise impact.- The proposed residence is located at the rear of neighbouring properties, directly impacting their outlook.

Highways	- Increased pressure on parking in Osbourne Road due to non-residents seeking parking spaces.
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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 considerations indicate otherwise.

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

Clause 85 of the Countryside and Rights of Way Act (2000) requires Local Planning Authorities to seek to further the purposes of conserving and enhancing the natural beauty of National Landscape (AONB)

11.0 Relevant Policies

Development Plan

Bridport Neighbourhood Plan 2020-2036 (made 5/5/2020)

- Policy D1- Harmonising with The Site
- Policy L1- Green Corridors, Footpaths, Surrounding Hills & Skylines (AONB)
- Policy D8 -Contributing to The Local Character
- Policy L3- Local green Spaces

West Dorset Weymouth and Portland Local Plan 2015

The following policies of the Local Plan are considered to be relevant:

- INT1 - Presumption in favour of Sustainable Development
- ENV10 -The landscape and townscape setting
- ENV 12 -The design and positioning of buildings
- ENV 16 - Amenity
- SUS2 - Distribution of development
- HOUS6 - Other Residential Development Outside Defined Development Boundaries

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

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.

National Planning Policy Framework

The following policies of the National Planning Policy Framework (2023) are considered to be relevant for this proposal:

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.

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 12 'Achieving well designed places indicates that all development to be of a high quality in design, and the relationship and visual impact of it to be compatible with the surroundings. In particular, and amongst other things, Paragraphs 126 – 136 advise that:

The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

It is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes.

Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design.

- Section 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.

- Section 16 ‘Conserving and Enhancing the Historic Environment’- When considering designated heritage assets, great weight should be given to the asset’s conservation, irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance (para 205). The effect of an application on the significance of non-designated heritage assets should also be taken into account (para 209).

12.0 Human rights

Article 6 - Right to a fair trial.

Article 8 - Right to respect for private and family life and home.

The first protocol of Article 1 Protection of property.

This recommendation is based on adopted Development Plan policies, the application of which does not prejudice the Human Rights of the applicant or any third party.

13.0 Public Sector Equalities Duty

As set out in the Equalities Act 2010, all public bodies, in discharging their functions must have “due regard” to this duty. There are 3 main aims:-

- Removing or minimising disadvantages suffered by people due to their protected characteristics
- Taking steps to meet the needs of people with certain protected characteristics where these are different from the needs of other people

Encouraging people with certain protected characteristics to participate in public life or in other activities where participation is disproportionately low. Whilst there is no absolute requirement to fully remove any disadvantage the Duty is to have “regard to” and remove or minimise disadvantage and in considering the merits of this planning application the planning authority has taken into consideration the requirements of the Public Sector Equalities Duty. It is considered that the proposed development would not adversely impact on persons with protected characteristics.

14.0 Financial benefits

14.1 No direct financial benefits have been identified or detailed in the application.

15.0 Environmental Implications

15.1 The proposal will contribute to additional CO2 emissions from the construction materials and build stage.

16.0 Planning Assessment

Principle of development

16.1 The proposal is located on Osbourne Road, Bridport which lies within the Dorset National Landscape (AONB). While most of the site’s curtilage is not within a conservation area, the extended parcel of land in the rear garden is. The host

dwelling lies within the Defined Development Boundary (DDB). However, this site is unique in that it is the only property in the vicinity with a garden curtilage that extends beyond the parameters of the DDB. As a result, the proposed location for the annexe is outside the DDB, but the existing dwelling within the DDB. However, as the proposal is for an annexe it is treated as effectively an extension to the existing property which would be supported in principle via Policy SUS2 if the site were in the DDB and Policy HOUS6 if outside of the DDB.

Visual amenity and impact on Dorset National Landscape and Conservation Area

16.2 The proposed annexe would occupy a similar footprint area with comparable proportions to the existing garden room located on the northeast section of the rear garden, which at present resembles a harmonious and subordinate building within the garden curtilage. The annexe would not be visible from the street scene of Osbourne Road, or any other public viewpoints given it would be set back a considerable distance from the nearest highway and concealed by the host building and surrounding built environment. It is considered that as a subservient garden outbuilding with an appropriate external finish it would have no adverse impact on the character and appearance of the Conservation Area, the Conservation Area being preserved and no harm being created to it as a designated heritage asset. It would also have a neutral impact on the Dorset National Landscape and would thus comply with policies ENV1, ENV4, ENV10, and ENV12 of the West Dorset, Weymouth & Portland Local Plan (2015), as well as Policy D1 (Harmonising with the site), Policy D8 (contributing to the Local Character) and Policy L3 (Local green spaces) of the Bridport Neighbourhood Plan (2020).

Neighbouring amenity

16.3 An alternative proposal was submitted, relocating the annexe from the northeast corner to the southeast corner of the curtilage, during the life of the application. However, following a site visit to the neighbouring property of number 16 it was deduced that the downward sloping topography of the rear gardens of these properties would have effectively positioned the annexe at an elevated level directly behind the neighbour's curtilage boundary, which was anticipated to have an unduly prominent and overbearing impact from within their garden increasing the likelihood of direct overlooking from the annexe's frontage (west) main aspect window. The application has since reverted the annexe's original position to the northeast corner of the garden.

16.4 The outlook from the front of the repositioned annexe (facing west) on the northeast section of the garden would be contained within the applicant's curtilage and would not directly overlook the neighbouring occupant of number 20. It is also worth noting that the outbuilding would be well screened in this location, as mature vegetation surrounds the proposed annexe on the northwest boundary. To further alleviate any overlooking concerns, the windows facing the north elevation and on the left-hand side window on the annex's frontage (west) would be obscure glazed and this would be conditioned. Moreover, now that the annexe has reverted to its original position, it is now considered to be more appropriately situated in the applicant's garden rather than the southeast corner of the property, which previously

occupied an area directly behind number 16. As such, it is now considered to be suitably distanced away from the neighbouring occupants of number 16 to alleviate any overbearing or overlooking concern regarding this neighbour.

16.5 Furthermore, due to its modest scale and proportions, and considering the degree of screening on the northwest boundary it would not be considered an overbearing structure and would not result in a significant loss of light for the neighbouring occupants of number 20.

16.6 Given its modest size designed for a single family member, there is not anticipated to be significant noise disturbance that would warrant a refusal of planning permission. The proposal is considered to have an acceptable impact on neighbouring amenity under policy ENV16 of the West Dorset, Weymouth & Portland Local Plan (2015).

Bridport Town Council and third-party comments

16.7 Three letters of objection have been received for this proposal, one from the Bridport Town Council and two from third party representatives. In these letters it is stated that given that the extended garden is outside of the DDB, a separate residency should not be supported as it would be contrary to policy HOUS6 of the adopted local plan. However, given this proposal seeks to erect an annexe which shall be intrinsically linked with number 18 as the site is practically restricted to having only one access onto the property, it is not considered to form a separate dwelling and the use of the building as an annexe would be controlled by a planning condition.

16.8 The Town Council state the building is intended as holiday accommodation which contradicts claims that it is to be a residential extension, however the applicant has made clear the annexe is to be used solely for a family member.

16.9 While concerns have been raised in representations about the potential harmful impact of the resultant structure on the Dorset National Landscape and Conservation Area, the modest size, appearance, siting, and obscurity within the street scene and wider public domain contribute to the conclusion that there is no significant impact arising on the wider visual amenity of the area, character and appearance of the Conservation Area and the landscape character of the Dorset National Landscape.

16.10 Concerns were raised regarding parking congestion on Osbourne Road. However, since the annexe would be used ancillary to the dwelling the parking situation is not likely to change significantly. Additionally, given the ample availability of off-street parking, the proposal is not anticipated to have a significant impact on the parking situation or transport network.

16.11 One third party voiced concern that the proposed development would create a precedent for future development outside the DDB. However, each application is considered on its own merits and in the case of this application the proposals are considered to accord with the development plan for the reasons set out in this report.

Potential use of Annexe

16.12 While acknowledging the applicant's mention of the annexe's potential future use as a holiday let and the implications it may have on neighbouring amenity, such

as noise disturbance and general nuisance, it is recognised that the scope of this scheme being a householder planning application focuses solely on considering the proposed annexe as an ancillary building to the main dwelling, which is considered acceptable. Therefore, the scope of this planning application does not consider its use as a holiday let. Consequently, a condition shall be attached, ensuring that the resultant annexe is used for purposes ancillary to the main dwelling only.

17.0 Conclusion

This proposal is judged to comply with the policies of the Bridport Neighbourhood Plan (2020), West Dorset, Weymouth & Portland Local Plan (2015) and the National Planning Policy Framework (2023) for the reasons set out in this report. Regard has also been had to the Planning (Listed Buildings and Conservation Areas) Act 1990 Section 72.

18.0 Recommendation

Grant planning permission, 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:

Block Plan Rev 7 - 05/06/2024

Floorplan, Elevation and Roof Drawings Rev 07 - 05/06/2024

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 18 Osbourne Road.

Reason: The accommodation is not considered suitable as a separate dwelling, because of the relationship with adjacent dwelling(s), the single point of access to the site and its location outside of a defined development boundary.

4. Prior to first occupation of the development hereby approved, the windows in the north elevation and west elevation that are illustrated as being obscure glazed on the elevation plan titled Floorplan, Elevation and Roof Drawings Rev 07 - 05/06/2024 shall obscure glazed to a minimum Pilkington glazed obscurity level of 3 and shall be retained as such thereafter.

Reason: To protect residential amenity.

Informative:

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.