

<b>Application Number:</b>	P/VOC/2024/00411		
<b>Webpage:</b>	<a href="https://www.dorsetcouncil.gov.uk/planning-application/P/VOC/2024/00411">Planning application: P/VOC/2024/00411 - dorsetforyou.com (dorsetcouncil.gov.uk)</a>		
<b>Site address:</b>	33 Corfe View Road Corfe Mullen BH21 3LY		
<b>Proposal:</b>	Application to Vary Condition 2 of Approved P/A P/HOU/2022/04740 (Bungalow Conversion - extensions to form 2 storey dwelling) to amend plans.		
<b>Applicant name:</b>	Mr & Mrs Mills		
<b>Case Officer:</b>	Claire Hicks		
<b>Ward Member(s):</b>	Cllr Florek and Cllr Sowry-House		
<b>Publicity expiry date:</b>	14 April 2024	<b>Officer site visit date:</b>	24 June 2024
<b>Decision due date:</b>	21 June 2024	<b>Ext(s) of time:</b>	21 June 2024
<b>No of Site Notices:</b>	3		
<b>SN displayed reasoning:</b>	A site notice was displayed near to the front boundary of the site and between number 35. Another site notice was displayed near to the front boundary of number 31, and another site notice was displayed at Hillcrest Road which backs onto the site.		

**1.0** This planning application is before the planning committee for consideration at the request of the Nominated Officer.

**2.0 Summary of recommendation:** Grant, subject to conditions

**3.0 Reason for the recommendation:** as set out in section 16.

The principle of development has been established. The proposal would reduce the size of the rear windows and the proposed external grey cladding would further soften the appearance of the building. The proposal is judged a suitable alternative to that which was already approved as being in accordance with Policy HE2 (design of new development) of the Local Plan, and NPPF (2023) Section 12 (achieving well designed places).

#### 4.0 Key planning issues

Issue	Conclusion
Principle of development	The principle of the development has already been established; only the impact of the amended design (by amending condition 2) can be considered.
Scale, design, impact on character and appearance	Acceptable: The darker grey cladding of the first floor would reflect the darker roof colour of other nearby properties, appropriately integrating with the urban landscape.
Impact on the living conditions of the occupants and neighbouring properties	Acceptable: Proposed amendments to windows and doors would reduce neighbour perception of overlooking.
Other issues	The scale and form of the development has already been granted (P/HOU/2022/04740 and P/NMA/2023/03768). This Variation of Conditions application proposes minor material amendments to the previously approved windows, doors and external materials.

#### 5.0 Description of Site

Corfe View Road is a residential street of mixed character. Detached single storey and chalet dwellings predominate, with some two storey properties. Property designs are varied with apex or hipped roofs and a variety of materials.

No. 33 is one of five dwellings south of Corfe View Road served by a private access drive. The dwelling sits behind the main street frontage so is evident between neighbouring properties but makes a limited contribution to the street scene.

The dwelling sits in a 0.06ha rectangular plot with the south-west corner area 'shaved off' to provide access and turning. The dwelling is positioned on the highest land and levels drop away to the west.

No. 31a to the northwest of the application site utilises the site's topography to achieve two and a half storeys. Numbers 31 and 29 Corfe View Road to the north and northeast are bungalows. To the east number 25 Corfe View Road is a two-storey house on a backland plot. Number 35 to the south of the site is a one and a half storey dwelling while properties to the west, nos. 94, 92 and 90 Hillside Road are dwellings built lower down into the slope of the hill.

#### 6.0 Description of Development

Planning permission P/HOU/2022/04740 (as amended by P/NMA/2023/03768) was granted for 'extensions to the bungalow' at number 33 Corfe View Road to form a two storey flat roofed dwelling in April last year. The extensions are under construction.

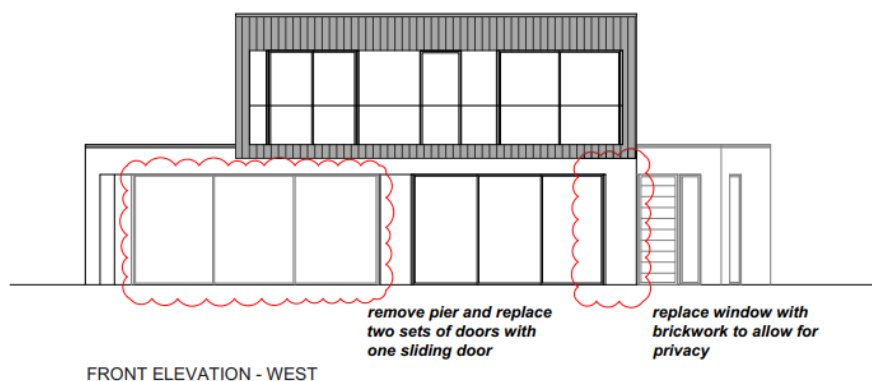
The application seeks to vary the previously approved scheme by way of a material minor amendment; to alter windows, doors and external materials, by varying Condition 2 of the 2022 consent (Condition 2 lists the approved plans).

The application is partially retrospective as some of the proposed windows have already been installed.

The changes proposed, and to be regularised are:

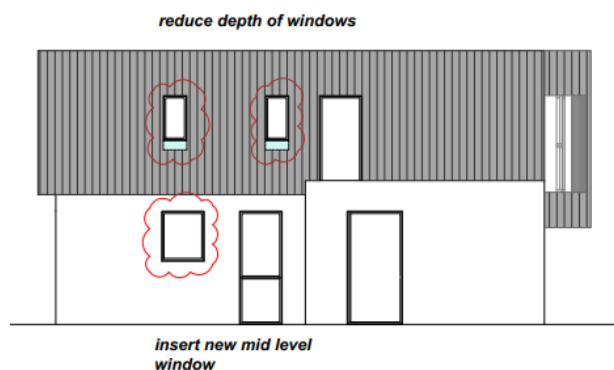
#### WESTERN ELEVATION

- In the western elevation, the two sets of doors in the ground floor living room are to be replaced with one sliding door.



- At the outside corner (south and western elevation) of the ground floor dining room, the window would be replaced with brick work.

#### SOUTHERN ELEVATION

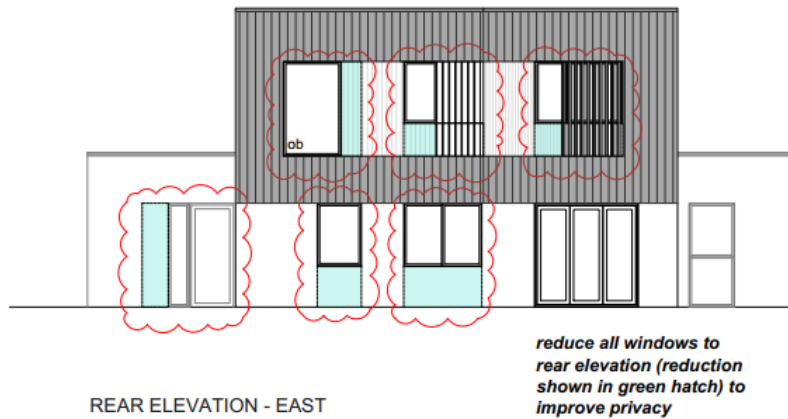


- A new ground floor high level window on the southern elevation would be inserted in the kitchen/dining room.
- The depth of the first floor windows on the south (flank) elevation serving the master bedroom are to be reduced.

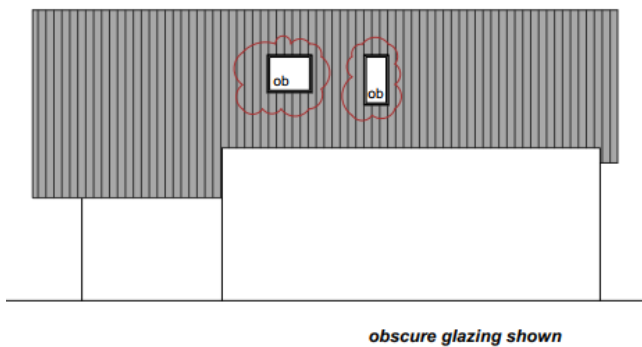
#### EASTERN ELEVATION

- The window serving the ground floor utility room on the eastern elevation would be repositioned adjacent to the door to allow for more internal useable space.

- The window sizes are to be reduced (from the approved area shown green below).



### NORTHERN ELEVATION



### FLANK ELEVATION - NORTH

- Minor change in shape to the obscure glazed window on the first-floor northern elevation.

### CHANGES TO EXTERNAL MATERIALS:

- Replace the approved first-floor white render with vertically hung 'CladCo' Wall Cladding in charcoal.
- Continued use (as approved) Forma Natural Oak strip cladding to underside of balcony, and terrace soffit.



*replace the existing white render at first floor level with Vertically hung CladCo Wall Cladding in Charcoal to reduce impact on neighbouring property.*

*Use Forma Natural Oak strip cladding to underside of balcony, terrace soffit and areas as marked on drawings*

## 7.0 Relevant Planning History

P/NMA/2023/03768 - 33 Corfe View Road, Corfe Mullen, BH21 3LY - Non material amendment to approved P/A P/HOU/2022/04740 (Bungalow Conversion- extensions to form 2 storey dwelling (as amended by plans received 22.2.2023) to make building slightly smaller to reduce carbon foot print in relation to materials and provide a simplified building method – Granted on 26/07/2023.

P/HOU/2022/04740 - 33 Corfe View Road, Corfe Mullen, Dorset, BH21 3LY - Bungalow Conversion - extensions to form 2 storey dwelling (as amended by plans received 22.2.2023) – Granted on 11/04/2023.

## 8.0 List of Constraints

- Within Settlement Boundary; Corfe Mullen
- Neighbourhood Plan Area - Corfe Mullen; Status Designated 03/03/2021 - in preparation
- Public Right of Way: Footpath E37/14 - Distance: 14.37m.
- Within Dorset Heathlands 400m (Upton Heath) and 5km Heathland Buffer
- Natural England Designation - RAMSAR: Dorset Heathlands (UK11021) - Distance: 4814.96m.
- Natural England Designation - RAMSAR: Poole Harbour (UK11054) - Distance: 3635.17m.
- Site of Special Scientific Interest (SSSI) impact risk zone - Distance: 0m.
- Environment Agency - Groundwater Source Protection Zone - Distance: 0m.
- Radon: Class: Class 1: Less than 1% - Distance: 0m.

## 9.0 Consultations

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

### Consultees

#### 1. Corfe Mullen Town Council (received on 16/02/2024):

- Application fails to comply with NPPF para 127 in that the variation is out of character and unsympathetic to its surroundings.
- Application contrary to Policy HE2 of the Local Plan and National Design Guide in that it is incompatible with its surroundings in respect of its visual impact.
- The development results in a visually dominant building that is overbearing and results in loss of natural light which has a detrimental impact to the amenity currently enjoyed by neighbouring properties.
- Amendments to the front and rear elevations in terms of window sizes, use of vertically hung charcoal grey wall cladding and use of natural oak cladding to

underside of balcony terrace soffit would not improve privacy and reduce visual impact on neighbouring properties.

- Amendments to windows stated in the variation are already in place.
- Work on site should cease awaiting Ombudsman decision.

*Officer note: The Local Government Ombudsman has chosen not to investigate the third party complaint.*

- Request the application is considered in light of the above comments by the Planning Committee if the Officers comments are at variance to the above.

## 2. Corfe Mullen - Ward Members:

Cllrs Duncan Sowry-House, and Cllr Scott Florek

- 33 Corfe View Road has a complex recent history and has been of much local discontent.
- I understand the Officer report and I am grateful for the data included within it.
- However, in respect of transparency, access and engagement I would prefer this came before committee where residents will be welcome to make in-person representations.

### Representations Received

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

### Summary of Neighbour Objections:

- Public planning notice was only put up 14/02/24 after town council meeting so not all residents had option to object at the planning meeting the evening before.
- Having grey cladding will not improve the look of the building and its overbearing impact for neighbouring properties.
- Having grey cladding will darken the skyline for affected neighbours.
- As a result of the substantially increased height of the development, its bulk and visually poor design, charcoal cladding will not reduce impact on neighbouring properties which are either brick or rendered and painted pale colours. The development is incompatible with the surrounding area and does not blend in.
- New building is above the peak of the original bungalow.
- Windows seem to be already in situ so this should be a retrospective planning application.
- East elevation windows to the first floor have already been fitted without window baffles, resulting in loss of privacy.

## 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 – Part 1, Core Strategy (CED) 2014 and saved policies from the East Dorset Local Plan 2002 (EDLP)

- KS1 - Presumption in favour of sustainable development
- KS12 - Parking Provision
- HE2 - Design of new development
- ME1 - Safeguarding biodiversity and geodiversity
- ME2 - Dorset Heathlands

**Material Considerations**

**Emerging Development Plans:**

Paragraph 48 of the National Planning Policy Framework (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.

**Emerging Neighbourhood Plans**

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

**National Planning Policy Framework (NPPF)**

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 making': 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 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 – 141 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 15 'Conserving and Enhancing the Natural Environment' - Paragraphs 185-188 set out how biodiversity is to be protected and encourage net gains for biodiversity.

#### Other material considerations

- Dorset Heathlands Planning Framework 2020-2025 Supplementary Planning Document
- 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.

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.



No harm to persons with protected characteristics has been identified from the proposal to vary the plans condition of the extant planning permission.

#### **14.0 Financial benefits**

- N/A

#### **15.0 Environmental Implications**

The development will extend an existing dwelling, improving its environmental qualities in line with current building regulation requirements. There will be no material change in environmental implications compared to the extant planning permission.

#### **16.0 Planning Assessment**

##### Principle of Development

A minor material amendment to application P/HOU/2022/04740 is sought to vary the approved plans (condition no. 2). The principle of extensions to the dwelling have already been granted and there have been no material changes to planning policy that would affect this position.

The principle of development is therefore not under consideration as part of this application

##### Impact on the Character of the Area

The proposal to amend windows, and doors does not alter the form of the approved extensions to the dwelling. Consideration of this application is restricted to an assessment of whether the changes to the fenestration and proposed external materials at first floor level are acceptable.

Local Plan policy HE2 requires that development should be compatible with or improve the surroundings in relation to 11 criteria which include visual impact and materials.

The earlier planning permission for extensions to the dwelling detail a white render finish. The application seeks to alter the first floor exterior material; from render, to a vertically hung, composite grey cladding.

Corfe Mullen Town Council objects to the application. It considers that the reduction in window sizes and use of the proposed external materials would not make the design more aesthetically pleasing and consider that the proposal is out of character and unsympathetic to its surroundings, contrary to design policy HE2.

Third party representations received also object to the proposed external materials, concerned that the grey cladding darken the skyline.

It is recognised that materials used on development in the vicinity comprises mainly of rendered in pale colours, or of brick with tiled roofs. The proposed scheme departs from this norm but the introduction of a dark grey finish at first floor references the darker colour of roof tiles on properties in the vicinity. Dwellings within Corfe View Road are finished with a variety of different materials with relatively muted colours.

To date composite cladding is only evident on dormer windows in the streetscene, but grey finishes are evident on properties elsewhere within the vicinity. The use of cladding on the first floor as proposed is judged an appropriate alternative to the approved white render. There will be limited impact on the public domain as the site is set back from the road frontage. The first floor of the dwelling is evident in views from neighbouring properties but the darker colour cladding is proposed as it will be more recessive than the approved white render, reducing the visual impact, particularly of the western flank wall of the development.

Within the mixed townscape site context, the proposed visual impact of the extensions with alternative fenestration and cladding is judged to accord with Policy HE2 (design of new development) of the Local Plan, and NPPF (2023) section 12 (achieving well designed places).

#### Impact on Neighbouring Amenity

Neighbours and the town council have raised concerns about loss of privacy.

The proposed plans show that the windows in the northern, eastern, southern and western elevations (as described above), would be reduced in size, and would be in the same position as previously approved under the P/HOU/2022/04740 permission; the exceptions are the ground floor window being moved closer to the door in the utility room on the eastern elevation, and a new mid-level window inserted in the southern elevation, serving the dining/kitchen room.

The proposed development under this variation of conditions application retains the baffles on the rear elevation windows which are intended to mitigate overlooking of the neighbouring garden. A condition is necessary (no. 3) to ensure that the baffles on the first-floor windows in the rear elevation are fitted prior to first occupation of the extended property and subsequently retained, to safeguard the amenity and privacy of neighbours.

Concern has been raised by a third party that the proposed charcoal colour cladding would be oppressive for neighbours. Number 33 Corfe View Road lies to the rear of nos. 31 and 31A Corfe View Road and the development is prominent in views from their rear windows, but it is judged that the darker colour cladding would be visually recessive and would not materially affect the impact on neighbouring amenity.

As this variation of conditions application is limited to amendments to windows, and a change in the external materials, no other changes to the impact on neighbouring amenity are anticipated.

The proposed reduction in window sizes is judged to benefit neighbouring amenity compared with the approved scheme and the proposed cladding would not result in harm so the proposal accords with Local Plan design policy HE2.

#### Other Matters

Objections relating to the scale of the development are not relevant to this application, as the proposed dwelling does not vary from that approved under the

P/HOU/2022/04740 application. This Variation of Conditions application is only related to windows and doors and change in external materials.

A third party commented that the first site notices were not put up until after the Town Council meeting. Town and Parish Councils are consulted at the earliest possible opportunity to ensure they are aware of development in areas administered by them. The public are consulted by way of a site notice posted at or near the site. Officers facilitate extensions of time for comments from the relevant Parish or Town Council when requested, should the statutory time frame for determination allow for this. In this case re-consultation on the application took place following an amendment to the description affording further opportunity for comment.

### **17.0 Conclusion**

For the above reasons and subject to conditions, the application is judged to accord with Local Plan design policy HE2 and the policies of the National Planning Policy Framework (December 2023).

### **18.0 Recommendation - Grant, subject to conditions:**

1. The development hereby permitted shall be carried out in accordance with the following approved plans:  
DD04 Proposed Site Plan  
DD05A Proposed Site Layout  
TDB-157-DD06 C Proposed Ground Floor Layout  
TDB-157-DD07 D Proposed First Floor Layout  
TDB-157-DD08 E Proposed Elevations Sheet 1  
TDB-157-DD09 E Proposed Elevations Sheet 2

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

2. The first floor extension hereby permitted shall be clad with vertically hung 'CladCo' Wall Cladding in charcoal. Forma Natural Oak strip cladding shall be applied to the underside of balcony, and terrace soffit. Any replacement cladding shall be similar in colour and texture to the details hereby approved.

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

3. Prior to first occupation of the first floor of the dwelling, baffles shown on the approved plans shall be fitted to the first-floor windows in the rear (eastern) elevation and shall be retained as such thereafter.

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

4. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) (England) Order 2015 as amended (or any order

revoking and re-enacting that Order with or without modification), before the development hereby approved is first occupied brought into use, the first floor side facing windows (north and south elevations) shall be permanently glazed with obscured glass of a minimum industry standard obscurity of level 3 and shall be non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed; and these windows shall be retained as such thereafter.

Reason: To protect amenity and privacy.

5. The detailed biodiversity mitigation, compensation and enhancement/net gain strategy set out within the approved Biodiversity Plan or Landscape Ecological Management Plan certified by the Dorset Council Natural Environment Team on 22 September 2022 must be implemented in accordance with any specified timetable and completed in full (including photographic evidence of compliance being submitted to the Local Planning Authority in accordance with section J of the Biodiversity Plan) prior to the substantial completion, or the first bringing into use of the development hereby approved, whichever is the sooner. The development shall subsequently be implemented entirely in accordance with the approved details and the mitigation, compensation and enhancement/net gain measures shall be permanently maintained and retained.

Reason: To mitigate, compensate and enhance/provide net gain for impacts on biodiversity.

### **Informatives**

#### **1. Informative: National Planning Policy Framework Statement**

In accordance with paragraph 38 of the NPPF the council, as local planning authority, takes a positive approach to development proposals and is focused on providing sustainable development.

The council works with applicants/agents in a positive and proactive manner by:

- offering a pre-application advice service, and
- as appropriate updating applicants/agents of any issues that may arise in the processing of their application and where possible suggesting solutions.

In this case:

- The applicant/agent was updated of any issues and provided with the opportunity to address issues identified by the case officer.

2. 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.