

|                                |   |                                 |              |
|--------------------------------|---|---------------------------------|--------------|
| <b>Application Number:</b>     | P/VOC/2024/03162  |                                 |              |
| <b>Webpage:</b>                | <a href="https://planning.dorsetcouncil.gov.uk/">https://planning.dorsetcouncil.gov.uk/</a>   |                                 |              |
| <b>Site address:</b>           | 2A Mill Lane Charminster DT2 9QP  |                                 |              |
| <b>Proposal:</b>               | Erect first floor extension over existing garage, new dormer window and associated works (with variation of condition 2 of Planning Permission P/HOU/2022/04717 to amend external materials).   |                                 |              |
| <b>Applicant name:</b>         | Mr Daniel Duke  |                                 |              |
| <b>Case Officer:</b>           | Claire Lewis  |                                 |              |
| <b>Ward Member(s):</b>         | Cllr Taylor   |                                 |              |
| <b>Publicity expiry date:</b>  | 19 July 2024  | <b>Officer site visit date:</b> | 20 June 2024 |
| <b>Decision due date:</b>      | 6 August 2024   | <b>Ext(s) of time:</b>          |              |
| <b>No of Site Notices:</b>     | 2   |                                 |              |
| <b>SN displayed reasoning:</b> | <ol style="list-style-type: none"> <li>1. Attached to fencing at the front of the property, visible to neighbours and passersby.</li> <li>2. Attached to fencing of 11 York Close to the rear, visible to rear neighbours and users of RoW Footpath S14/2.</li> </ol> |                                 |              |

**1.0** Applicant is an employee of Dorset Council, working within the Place Directorate.

**2.0 Summary of recommendation:**

Grant variation of condition no.2 of approved planning permission P/HOU/2022/04717, subject to conditions.

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

- Paragraph 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 variation of condition proposed is acceptable in its design and general visual impact.
- There is not considered to be any significant harm to neighbouring residential amenity.
- There is not considered to be any significant harm to the designated heritage assets.

- There is no demonstrable harm to biodiversity.
- There are no material considerations which would warrant refusal of this application.

#### 4.0 Key planning issues

| Issue  | Conclusion   |
|--|--|
| Principle of development   | This relates to a residential planning application. The principle of amending approved external materials is acceptable. |
| Scale, design, impact on character and appearance                            | The proposed materials are sympathetic to the typical vernacular and character of the Conservation Area.                 |
| Impact on the living conditions of the occupants and neighbouring properties | No demonstrable change.  |
| Impact on heritage assets  | No harm to the character and setting of the Conservation Area.   |
| Impact on biodiversity   | No harm to biodiversity, but additional mitigation required.   |

#### 5.0 Description of Site

- 5.1** 2A Mill Lane is situated within an established residential area on the northern edge of the village and falls within the designated Charminster Conservation Area (CA).
- 5.2** The proposed development site is a detached chalet style bungalow situated on the north side of Mill Lane, constructed in the 1970s of brick with concrete pantile roof over.
- 5.3** The building is a single occupancy residential dwellinghouse with attached single storey garage to the west elevation.
- 5.4** The detached dwelling is situated on lower ground than neighbouring properties to the south and east of the site, but it is situated higher than the Grade II listed building to the west called Yew House (The Yews, Mill Lane listing no. SY6810392766). The ground floor windows on the proposed dwelling are slightly higher than the first-floor windows of Yew House.
- 5.5** Boundary treatment consists of a mix of wooden fencing, walls and hedgerows. A large quantity of vegetation delineates the plot with a tree situated on the boundary between Yew House and the proposed site.
- 5.6** Properties along Mill Lane are varied in style and age although there is a prevalence of older buildings constructed of brick, stone, flint and occasionally cob, some of which are of historical significance notwithstanding the CA.
- 5.7** Full and partial rendering is typical, and roof materials vary with clay tile and slate being common.

## **6.0 Description of Development**

- 6.1** The proposal seeks to vary Condition 2 of approved planning application reference P/HOU/2022/04717.
- 6.2** The proposal seeks to change the roof material from concrete pantiles as existing, to grey slate.
- 6.3** The proposal seeks to alter the external wall finishing from brick as existing to cream or white render to the south west and north west elevations.
- 6.4** The proposal seeks to alter the approved dormer roof material from zinc to grey single ply membrane.

## **7.0 Relevant Planning History**

- 7.1** Planning Application P/HOU/2021/02560    Granted 30/11/2021

First floor extension over existing garage, new dormer windows and associated works

- 7.2** Planning Application P/HOU/2022/04717 - Granted 26/10/2022

Erect first floor extension over existing garage, new dormer windows and associated works

*This VOC seeks to amend external building materials as approved.*

- 7.3** Permitted Development Enquiry P/PDE/2024/00151 - Response Given 29/05/2024

Replace the current concrete pantiles with natural slate and render the front of the house to improve the overall appearance of the property and to improve its thermal efficiency.

*Advised that a planning application would be required to vary the materials approved in P/HOU/2022/04717.*

- 7.4** Permitted Development Enquiry P/PDE/2024/00152 - Response Given 20/06/2024

Replace roof using slate instead of pantiles.

*Advised that a planning application would be required to vary the materials approved in P/HOU/2022/04717.*

## **8.0 List of Constraints**

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

- 8.2 Within a SSSI impact risk zone; River Frome; Langford Meadow.
- 8.3 Landscape Chara; Chalk Valley and Downland; Cerne and Piddle Valleys and Chalk Downland
- 8.4 Adjacent to, but not attached to a Grade II listed building - Yew House. Grade II listed building (statutory duty to preserve or enhance the significance of heritage assets under the Planning (Listed Buildings & Conservation Areas) Act 1990)
- 8.5 Right of Way- present along the eastern boundary at a slight distance from the curtilage of the property.
- 8.6 Wessex Water: High Risk of Foul Sewer Inundation
- 8.7 EA - Poole Harbour Catchment Area
- 8.8 EA - Groundwater Source Protection Zone
- 8.9 Higher Potential ecological network
- 8.10 Existing ecological network

## 9.0 Consultations

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

### Consultees

1. **DC - Rights of Way Officer**  
No comments received
2. **W - Charminster St Marys Ward**  
No comments received
3. **P - Charminster PC**  
No objection

### Representations received

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

| Petitions Objecting | Petitions Supporting |
|---------------------|----------------------|
| 0                   | 0                    |

|              |              |
|--------------|--------------|
| 0 Signatures | 0 Signatures |
|--------------|--------------|

**Summary of comments of objections:**

*A. Woodcock, 3 Greenacre* - I object to this application on the basis that the dormer window will overlook my garden affecting my privacy. A roof window would not have the same impact.

**Summary of comments of support:**

*P. Dangerfield, The Yews, 3 Mill Lane* - The existing concrete tiles and brickwork elevations are typical of the 1970s and out of character with the historic buildings that line Mill Lane. This is an excellent proposal to take advantage of a rare opportunity to change the roof covering to slate and render the walls and paint in a pale colour to make the building sympathetic and harmonious with the neighbouring buildings in this conservation area. I support the application.

**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.

The Planning (Listed Buildings and Conservation Areas) Act 1990- section 16 requires that in considering whether to grant listed building consent, special regard is to be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Section 72 requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of conservation areas.

**11.0 Relevant Policies**

**11.1 West Dorset, Weymouth & Portland Local Plan (Adopted 2015)**

ENV 3- Land of Local Landscape Importance; Land north of Charminster

ENV 4- Conservation Area; CHARMINSTER CONSERVATION AREA

ENV10- The Landscape and Townscape Setting

ENV12- The Design and Positioning of Buildings

ENV16- Amenity

SUS2; Defined Development Boundary; Charminster

**Material Considerations**

## **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**

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.

Paragraph 55- Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations.

Paragraph 130- Planning policies and decisions should ensure that developments:

- a) Will function well and add to the overall quality of the area. Not just for the short term but over the lifetime of the development:
- b) Are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) Are sympathetic to local character and history, including the surrounding built environment and landscaping setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) Establish or maintain a strong sense of place, using the arrangement of street spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- e) Optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) Create places that are safe, inclusive and accessible and which promotes health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Paragraph 199- When considering the impact of a proposed development on the significance of a designated heritage asset, great weight would be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Paragraph 206 - Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.

## **Design and Sustainable Development Planning Guidelines (SPD) (Adopted 2009)**

### **Cerne Abbas, Charminster, Sydling St Nicholas & Godmanstone Conservation Area Appraisal**

### **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.

It is not considered that the proposed development would have any impact on persons with protected characteristics.

## **16.0 Planning Assessment**

### **16.1 Principle of development**

This is an application to vary Condition No. 2 of approved application no. P/HOU/2022/04717. Extant permission is required because the dwelling is on Article 2(3) land, within the Charminster Conservation Area, and as such permission to alter external materials is not granted under the Permitted Development rights laid out in the *Town and Country Planning (General Permitted Development) (England) Order 2015 as amended*. The principle of amending an approved planning condition and the principle of changing external building materials is acceptable.

### **16.2 Scale, design, impact on character and appearance**

There is no change to the scale of the proposed development. The proposal seeks to alter the approved design by way of altering some external materials, namely roof materials and wall finishes.

The proposal to remove the existing 1970s concrete pantiles and replace with grey slate, and the proposal to alter the approved zinc roof covering to the new dormers with a grey coloured single ply membrane will change the finished appearance of the dwelling but given that grey slate is a common roof covering in the vicinity and the single ply membrane will appear similar in colour and appearance when in situ, the proposed materials will have a positive impact on the visual amenity of the dwelling and the character of the area.

Likewise, light cream and white rendered finishes are commonplace on Mill Lane and the surrounding village, including on some historic buildings, so this material change is considered acceptable in the setting.

As such, the proposal accords with policies ENV12 and ENV 16 of the WDWP LP and paragraph 130 of the NPPF.

### **16.3 Impact on the living conditions of the occupants and neighbouring properties**

There is no demonstrable change to the living conditions of any surrounding occupants of neighbouring properties.

### **16.4 Impact on heritage assets**

As noted in 16.2 above, the materials proposed are already found on multiple dwellings within the CA, including the grey slate roof material which is found on the converted Coach House of neighbouring Grade II Listed 'The Yews' to the west.

The proposed grey single ply membrane to the dormers is acceptable as a more cost-effective alternative to zinc.

In accordance with the *Dorset Council Interim Guidance and Position Statement* relating to climate change, renewable energy, and sustainable design and construction and the *Design and Sustainable Development Planning Guidelines* as above, the proposed light-coloured render should serve to protect and better insulate



the modern brick construction without harming the designated heritage asset or the setting of the GII listed building next door.

As such, the proposed material changes accord with policy ENV4 of the WDWP LP, Section 72 of The Planning (Listed Buildings and Conservation Areas) Act 1990 and all relevant paragraphs of the NPPF as listed above.

### **16.5 Impact on biodiversity**

As stated in the Supporting Statement dated July 2022 (Rev. 1) provided in support of the original approved planning permission, '*due to the modern construction of the roof, and visual evidence, the likely presence of protected species including bats is considered low risk*'. It was not therefore deemed necessary to require a Preliminary Roost Appraisal.

Approved plan GRN-3-04b already includes 1no. integrated bird box.

Informative 1 attached to the grant of planning permission informs the applicants of their obligations under law in relation to protected species and the advice to engage a suitably licenced and experienced ecological consultant prior to works commencing remains.

## **17.0 Conclusion**

After giving significant weight to the development plans, the proposal accords with the relevant planning policies and the amended materials reflect well with the existing and approved building as well as the surrounding heritage assets. Mitigation by the installation of a bird box is already included in the approved plans, and an additional condition has been imposed to install bat tiles in the replacement roof.

## **18.0 Recommendation**

Grant, subject to 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 the original permission dated 26/10/2022.

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:  
GRN-3-03 B Roof Plan  
GRN-3-04 C Elevations  
GRN-3-05 B Elevations

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

## **Informative Notes:**

1. The applicant is advised that for applications such as this, which involve works to the roof of the existing property where bats may be present, Natural England has advised that the development should not proceed unless and until it has been demonstrated that the works would not have an adverse impact on bats which are a protected species. In this regard, the applicant is advised to engage a suitably licenced and experience ecological consultant prior to works commencing. A list of consultants is available on the following website: <https://cieem.net/i-need/finding-a-consultant/>.

Further information about the law and bats may be found on the following website <https://www.gov.uk/guidance/bats-protection-surveys-and-licences>.

## 2. 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 applications/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.