

Application Number:	P/HOU/2023/06781		
Webpage:	Planning application: P/HOU/2023/06781 - dorsetforyou.com (dorsetcouncil.gov.uk)		
Site address:	11A Bestwall Road, Wareham, BH20 4HY.		
Proposal:	Proposed single storey front and two storey rear extension, plus construction of two side dormers within new roof and a balcony on the rear elevation		
Applicant name:	Mr Christopher Nash		
Case Officer:	Simon Burditt		
Ward Member(s):	Cllr Ezzard and Cllr Holloway		
Publicity expiry date:	7 January 2024	Officer site visit date:	19 May and 14 December 2023 8 February 2024.
Decision due date:	14 March 2024	Ext(s) of time:	14 March 2024
No of Site Notices:	Three site notices were put up by the case officer on 14 December 2023.		
SN displayed reasoning:	<p>One site notice was tied on to a telegraph pole at the front of the application site.</p> <p>One site notice was tied to the gate in Bestwall Road that serves the allotment gardens.</p> <p>One site notice was tied to the gate post at the entrance to the allotment gardens off North Bestwall Road.</p> <p>The site notices were displayed in prominent positions in the interest of maximising awareness of the application.</p>		

1.0 The application has been referred to Committee for decision by the Service Manager for Development Management and Enforcement.

2.0 Summary of recommendation:

The committee GRANT planning permission subject to conditions as set out in Section 18 of this report.

3.0 Reason for the recommendation: as set out in paras 16 – 17 of this report and summarised as follows:

- Section 38(6) of the Planning and Compensation Act 2004 provides that determinations must be made in accordance with the development plan unless material considerations indicate otherwise.
- 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.
- There are no material considerations which would warrant refusal of this application.

4.0 Key planning issues

Issue	Conclusion
Principle of development	Acceptable -The property is located within the Wareham settlement boundary where the principle of development is acceptable.
Layout, scale, design and impact on the character and appearance of the area and the Dorset National Landscape (DNL) (formerly known as AONB).	Acceptable- on balance- subject to conditions
Impact on the living conditions of the occupants and neighbouring properties	Acceptable- subject to conditions.
Flood risk and drainage	Acceptable -The application site is not located within an area where there are flood risk or drainage issues.
Highway impacts, safety, access and parking	Acceptable – two parking spaces are provided. There are no highway safety concerns
Impact on trees	Acceptable - There are no significant trees at the application site or near to the boundaries.
Biodiversity	Acceptable – no loss of biodiversity

5.0 Description of Site

The application site, number 11A Bestwall Road, is a single storey dwelling located on the north side of Bestwall Road in Wareham within a comparatively narrow plot.

The bungalow has an asymmetrical design with access via a driveway that slopes downhill into the application site.

The area is characterised by residential properties of various sizes and designs, however this particular part of Bestwall Road on the north side consists of predominantly single storey dwellings. To the rear of the residential properties are the Wareham allotments.

6.0 Description of Development

Planning permission is sought for the construction of a single storey front extension and a two-storey rear extension, plus the construction of two side dormers within the new roof and a balcony on the rear elevation.

The front driveway is to be revised to create two adjacent off-street parking spaces. The stepped access to the existing basement garage will be retained but vehicular access to the garage will be closed off by a new retaining wall.

The proposals were amended by plans received on 29 February 2024 which introduced an obscured glazed privacy screen around the proposed rear balcony and lowered the roof of the proposed dormers by approximately 0.20 metres below the main ridge height.

7.0 Relevant Planning History

Application reference	Description	Decision	Officer comment
316136	Construct bungalow	Granted July 1972	habitable accommodation on the ground floor, with a garage at basement level accessed by a drive that slopes downwards from the road
P/PAP/2023 /00194	'Raise roof to enable loft conversion with dormer windows, rooflights and rear balcony, plus two storey extension. Level driveway to form parking spaces'.	Officer pre application Response issued	In summary the proposal was unacceptable but it was considered likely that it could be made acceptable by changes to the design to lower the eaves, reduce the bulk (reduce width of dormers) and soften the visual impact within the street-scene (e.g. darker cladding and reduced front glazing). Balcony set within the roof so harm to neighbouring amenity unlikely but obscure glazing/high level windows in the roof anticipated to be necessary.

8.0 List of Relevant Constraints

The application site is located within the Wareham settlement boundary

Dorset National Landscape (formerly known as Area of Outstanding Natural Beauty (AONB)) - 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

Adjacent to but outside of the Green Belt (to the north)

Dorset Heathlands 5km zone

9.0 Consultations

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

Consultees

1. Wareham Town Council

Recommend refusal.

Existing property contrasts with the character of the street due to the restrictive width of the site.

Concerns in respect of the size increase and overdevelopment.

The proposals do not represent good design.

Concerns regarding overshadowing and loss of privacy for adjacent properties.

2. Ward Member - Councillor Ezzard

No comments received

3. Ward Member - Councillor Holloway

No comments received

Representations received

Total - Objections	Total - No Objections	Total – Comments in support
2	0	1

Summary of third-party representations:

Objections

- Overlooking from proposed extension and balcony.
- Overshadowing and loss of light- reduction in afternoon daylight
- Overbearing impact due to the orientation of the application property,
- Balcony could be a source of noise and disturbance.
- Limited space between the application dwelling and neighbouring dwelling, therefore proposed extension would be almost on the boundary.
- Boundary fence between serves no purpose.
- Proposed extensions, panels and parking at front would result in an urbanised appearance.

Support:

- The dwelling needing repairs and modernisation.
- Other dwellings within the street have been developed recently and these proposals would be in keeping.

10.0 Duties

Section 38(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.

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

The Purbeck Local Plan (2018-2034) (adopted 18 July 2024).

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

V1: Spatial strategy for sustainable communities.

E1: Landscape

E12: Design.

I2: Improving accessibility and transport.

Wareham Town Neighbourhood Plan 2019-2034 (made November 2021)

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

LDP2: Design of New Development outside Wareham Conservation Area

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 (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 making: Paragraph 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 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 182).

Other material considerations

Dorset AONB Landscape Character Assessment

Dorset AONB Management Plan 2019-2024

District Design Guide - Supplementary planning document.

Dorset Council Interim Guidance and Position Statement Appendix B:

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.

Bournemouth, Poole and Dorset residential car parking study May 2011 – guidance.

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 construction of the proposed development those neighbours with disabilities who are unable to leave their homes are likely to be more impacted, but this would be for a limited period of time.

14.0 Financial benefits

None

15.0 Environmental Implications

The proposal is for extensions and alterations to the existing dwelling which will be constructed to current building regulations standards. There will be some carbon emissions arising from the works.

16.0 Planning Assessment

Principle of development.

- 16.1 The application site is located within the Wareham settlement boundary and the proposed extensions and alterations are acceptable in principle as they accord with Policy V1 'Spatial strategy for sustainable communities' and the settlement hierarchy of the Purbeck Local Plan.

Layout, scale, design and impact on the character and appearance of the area and the Dorset National Landscape (DNL) (formerly known as AONB).

- 16.2 Bestwall Road is a residential street with a mixture of architectural styles. The prevailing form in this close vicinity of the application site is hipped roof bungalows set back behind front gardens, but the property itself has an alternative, a-symmetric form. Number 9, to the west, has been extended by the addition of dormers and other forms of extension and alteration are evident on the southern side of the road; for example, number 12 has been extended to form first floor accommodation under a pitched roof.
- 16.3 The proposed single storey extension on the front elevation and raised roof with dormers would achieve a dwelling that would appear much more symmetrical when viewed from the street. Property heights in the area are similar but not uniform; the existing eaves height is to be retained and it is judged that the proposed 0.8m increase to the ridge height can be accommodated without appearing overly tall or dominant in the context of neighbouring ridge heights. The set back of the dormers by approximately 5m from the front elevation will ensure that they are partially screened by neighbouring roofs, thereby limiting the visual impact of their bulk in the streetscene to an acceptable degree.
- 16.4 It is proposed to render the dwelling at ground level which is in keeping with neighbouring dwellings. At first floor timber cladding is proposed. The concrete tiles are to be replaced with slate effect tiles and black UPVC windows and doors are proposed, similar to the approved development at no. 12 along the street.
- 16.5 The proposal to create two parking spaces to the front of the site will increase the extent of hardstanding. This would result in a modest loss of green landscaping in the streetscene, but the degree of hard surfacing is not out of character with other properties in the near vicinity.
- 16.6 Plots on the northeastern part of Bestwall Road, including the application site, lie within the Dorset National Landscape where there is a statutory requirement to further the purposes of conserving and enhancing natural beauty. The proposed

extensions would not detract from the Valley Pasture character of the area in which the rivers are the key context and the visual unity of the valley is to be retained. When viewed from the neighbouring allotments and from the Public Right of Way approximately 140m to the north the additional height and bulk of the property at first floor level would not appear obtrusive or out of keeping.

- 16.7 The design of the existing dwelling already represents a departure from the prevailing character of development in the street-scene and officers judge that, in this context and on balance, the scale and design of the proposed extensions and alterations would avoid demonstrable harm and can positively integrate with the street-scene as required by Purbeck Local Plan policy E12: Design and Wareham Neighbourhood Plan policy LDP2: Design of New Development outside Wareham Conservation Area. The proposals would not have a harmful impact on landscape character within the Dorset National Landscape as required by Purbeck Local Plan policy E1: Landscape.

Impact upon the amenity and privacy of neighbouring properties.

- 16.8 Local Plan policy E12 requires that development should avoid any harmful impacts on local amenity including from overshadowing and overlooking.
- 16.9 The neighbouring properties to no. 11A are bungalows; 11 Bestwall Road to the west and 15 Bestwall Road to the east. To the rear (north) of the application site are allotment gardens. Objections have been raised by neighbours that the development would result in harm to their amenities. A site visit was undertaken to number 11 Bestwall Road and number 15 Bestwall Road on 8 February 2024 to inform the assessment.

Impacts on 11 Bestwall Road:

- 16.10 No. 11 Bestwall Road has three obscure glazed windows facing towards the application site which serve a bathroom, toilet and an ensuite. There is an intervening distance of approximately 1.0 metre between these windows and the boundary wall with the application site. The proposals include the installation of a 1.05m fence on top of the existing boundary wall to increase the overall height to 2 metres which would accord with permitted development rights.
- 16.11 The proposed single storey front extension is to be constructed adjacent to the western boundary, approximately 1.7m from the flank wall of no. 11 Bestwall Road. The close proximity of the new development and introduction of additional bulk from the extended roof is anticipated to result in some loss of light to no. 11's east facing windows but as these do not serve habitable rooms the weight that can be given to the reduced light levels is limited.
- 16.12 Any overlooking from new windows at ground floor level will be restricted to an acceptable level by the proposed two-metre-high boundary treatment between the properties. A condition can be imposed to ensure that the boundary treatment is retained.

- 16.13 The proposed rear extension to no. 11A will extend approximately 3m beyond the rear elevation of no. 11 which the ridge of the dwelling will be raised by 0.8m and increased in length by 1.5m to the rear. It is recognised that the west dormer and enclosed rear balcony will be near the site boundaries. Nevertheless, as eaves height would remain unchanged and number 11 would continue to benefit from an open vista to the north, it is judged that the proposal would not result in demonstrable harm from an overbearing impact, nor would the loss of some morning light to the neighbours' rear fenestration result in harm that would justify refusal.
- 16.14 The applicants have explained that they wish to erect a fully enclosed balcony; plans submitted during the course of the application show the balcony enclosed by a 1.7m high privacy screen. Given the limited width of the plot (7.6m) and opportunities that would otherwise exist for harmful overlooking, both to the garden of no. 11 and beyond, it is judged that balcony screening is required and this should be secured by condition on any approval (no. 5).

Impacts on 15 Bestwall Road

- 16.15 15 Bestwall Road has two windows in its flank wall facing the application site, both serving bedrooms and currently subject to the application of obscure film to the lower part of the windows. There is an intervening distance of approximately 2.45 metres between wall-to-wall between number 15 Bestwall Road the application property.
- 16.16 The proposed roof extensions will increase the visual presence of no. 11A for the occupiers of no. 15 and may reduce daylight to the two side windows of that neighbouring property, but due to pre-existing shading no significant harm has been identified to neighbouring amenity from the roof alterations; a similar dormer arrangement could be achieved under permitted development rights. Additionally, it is noted that the side window to the rear is a secondary window for number 15 as the rear room also receives daylight from a set of glass patio doors.
- 16.17 At ground floor level an existing window in 11A Bestwall Road will be retained and a new obscure glazed door fitted; the door is in the original dwelling so can be achieved as permitted development. At first floor level the proposed dormer has two windows to serve bedrooms. Due to their position and the angle of view down to the windows in number 15 the windows are not judged to result in harmful overlooking of the neighbouring dwelling, but in order to protect the privacy of the garden immediately to the rear of number 15 Bestwall Road, any grant of planning permission should include a condition to ensure that the rear-most window is glazed with obscure glass and maintained in that condition (no. 4).
- 16.18 As explained above, the limited width of the application site and the positioning of the existing bungalow means that the proposed rear enlargement would be in close proximity to number 15 Bestwall Road and it would extend approximately 4m further north than the rear elevation of no. 15. There will be some overshadowing of the neighbouring property in the afternoon / evening from the rear extension, but the modest increase to the ridge length (approximately 1.5 metres) and height will limit the impacts and the occupiers will continue to benefit from the openness of land to the north.

- 16.19 The balcony privacy screens will help to ensure the continued privacy of the property and neighbours at number 15 Bestwall Road and other properties to the east.
- 16.20 Along the boundary between the application site and number 15 Bestwall Road there is some hedging that is unlikely to be able to be retained when the development takes place. Given the proximity of the proposed extension to the boundary and to ensure the continued privacy of the property and neighbours at number 15 Bestwall Road, any grant of planning permission should include a condition to prevent the insertion of any windows, doors or openings within the east elevation of the rear extension (no. 6).
- 16.21 Overall, it is judged that subject to conditions to mitigate overlooking, harm to amenity that would justify refusal has been avoided so the proposal does not conflict with Purbeck Local Plan Policy E12.

Impact on amenity of future residents.

- 16.22 NPPF paragraph 135 encourages development to achieve a high standard of amenity for existing and future users. The proposed rear bedroom would have an obscure glazed side window and a balcony that is enclosed by 1.7 metres high privacy screens but, as the distance between the glazed bedroom door and the northern privacy screen would be approximately 2.9 metres, it is anticipated that this arrangement would maintain some outlook of the sky for the occupants and achieve the privacy there are seeking. As a combination the proposed glazing would provide an acceptable amount of daylight and, on balance, sufficient outlook for future occupiers using this bedroom within the enlarged dwelling to achieve acceptable levels of amenity.

Parking and highway safety.

- 16.23 The proposal will increase the number of bedrooms from 2 to 3. The property currently benefits from a garage and a driveway providing at least one parking space. The proposal would remove vehicular access to the garage but would achieve two off-street parking spaces so continues to accord with the Dorset Council parking standards and policy I2 of the Purbeck Local Plan.

Biodiversity

- 16.23 The application is supported by a preliminary bat roost assessment which identified that there was no evidence of bats using the building and negligible potential for bat use. Opportunities for a bat tube/brick or box and a bird box were identified. Details and installation can be secured by condition, in the interests of biodiversity to accord with policy E10: Biodiversity and geodiversity (no. 7).

17.0 Conclusion

For the above reasons, on balance, the development proposed accords with the development plan and the National Planning Policy Framework (December 2023) (NPPF). The proposal is considered to form sustainable development for the

purposes of the NPPF paragraph 11. There are no material considerations which indicate that permission should be refused. Approval is recommended subject to conditions.

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:
drawing number 22150-00-01 revision B (location plan)
drawing number 22150-00-03 revision D (proposed site plan, proposed elevations, proposed floor plans and proposed cross section)

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

3. Details of the roof tile and cladding materials to be employed on the external faces of the development hereby permitted be submitted to and approved in writing by the Local Planning Authority prior to their use on the dwelling.

Reason: To protect the character and appearance of the area.

4. Before the first floor rear bedroom entitled 'Master Bedroom' on drawing number 22150-00-03 revision D (proposed site plan, proposed elevations, proposed floor plans and proposed cross section) received on 29 February 2024 is brought into use, the window for this room within the east (side) elevation must be glazed with obscure glass to a minimum industry standard privacy level 3 with the northern opening element hinged on the north side of the opening. Thereafter the window openings and obscure glazing shall be retained as such.

Reason: To safeguard the amenity and privacy of the occupiers of adjoining residential property, specifically number 15 Bestwall Road, Wareham.

5. Before the first use of the balcony on the rear (north) elevation hereby approved, the obscure glazed privacy screens for the west (side) elevation, the east (side) elevation and the north elevation of the balcony as detailed on drawing number 22150-00-03 revision D (proposed site plan, proposed elevations, proposed floor plans and proposed cross section) received on 29 February 2024 shall be fully installed and fitted with glass of a minimum industry standard of obscurity level 3. All of the privacy screens shall then be permanently retained in that condition.

Reason: To protect the privacy of nearby residential properties and nearby residents.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any order revoking and re-enacting that Order with or without modification), no windows, doors or other openings permitted by Class A of Schedule 2, Part 1 of the 2015 Order shall be constructed or inserted within the east (side) elevation of the rear extension hereby approved.

Reason: To safeguard the amenity and privacy of the occupiers of adjoining residential property, specifically number 15 Bestwall Road, Wareham.

7. Details of one bat and one bird box shall be submitted to and agreed in writing by the Local Planning Authority and shall be installed on the property as agreed prior to first occupation or use of the development hereby approved. The bat and bird boxes shall thereafter be retained and maintained.

Reason: To enhance or protect biodiversity.

Informative Notes:

1. Informative note - Matching plans.

Please check that any plans approved under the building regulations match the plans approved in this planning permission. Do not start work until revisions are secured to either of the two approvals to ensure that the development has the required planning permission.

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