

Application Number:	P/HOU/2024/00735		
Webpage:	Planning application: P/HOU/2024/00735 - dorsetforyou.com (dorsetcouncil.gov.uk)		
Site address:	Hawthorne, 5 The Green, Bloxworth, Wareham, BH20 7EX.		
Proposal:	Conversion of the garage to a studio ancillary to the dwelling and construction of an extension to proposed studio, store and patio. Alterations to rear of property. Surface front garden area. Install air conditioning unit.		
Applicant name:	Mr and Mrs Baker		
Case Officer:	Simon Burditt		
Ward Member(s):	Cllr Beddow and Cllr Baker		
Publicity expiry date:	12 March 2024	Officer site visit date:	20 February 2024
Decision due date:	22 April 2024	Ext(s) of time:	22 April 2024
No of Site Notices:	Two site notices were put up by the case officer on 20 February 2024.		
SN displayed reasoning:	<p>One site notice was tied on to the timber fencing at the front of the application property, facing towards number 6 The Green.</p> <p>One site notice was tied on to the telegraph pole to the south of the application site, to the west of the property called 'The Gables'.</p> <p>The site notices were displayed in prominent positions in the interests of maximising awareness of the application.</p>		

1.0 The application has been referred to committee for consideration by the Chair of the Eastern Area Planning Committee.

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 paragraphs 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 proposal will result in a loss of on-site parking opportunities in a rural location, but the property already benefits from extant consent to convert the garage.
- No significant harm to the character of the area or neighbouring amenity has been identified.
- There are no material planning considerations which would warrant refusal of this application.

4.0 Key planning issues

Issue	Conclusion
Principle of development	Acceptable in principle.
Scale, design, impact on character and appearance	Acceptable: subject to conditions
Impact on the living conditions of the occupants and neighbouring properties	Acceptable: the proposals could impact neighbouring amenity as a result of loss of parking provision, but this is no different to the extant consent. A condition can control noise impact from the proposed air conditioning unit.
Flood risk and drainage	Acceptable: the proposed hard surfacing for the front of the property is permeable and an Acco drain is proposed to manage run-off.
Highway impacts, safety, access and parking	Acceptable: no harm anticipated. Parking impacts are considered more fully below.

5.0 Description of Site

The application site, number 5 The Green is located at Bloxworth which is a village without a settlement boundary. Number 5 The Green is a detached dwelling that is part of a comparatively modern development having been granted planning permission in July 2003. The original design of the development is sympathetic to the rural character in which it is set, incorporating thatched roof cottages with tiled garages. Surrounding the rear garden of the application site is a fence.

The area does not benefit from any landscape designation but the cluster of cottage style dwellings around the Green has created a sense of place maintaining a rural character. Regarding land levels, there is a very gentle slope such that the front garden of the application site is slightly lower than the green area to the north and the northwest of the rear garden is lower again.

6.0 Description of Development

Planning permission is sought to:

- extend and the convert the existing detached double garage to provide ancillary residential accommodation (studio), including a utility room and WC;
- further extend the outbuilding with the creation of a rear store and covered garden seating area with air conditioning unit and low level flu.
- extend the rear patio

- reduce the depth of a first floor window on the rear elevation (by approx. 0.4m to 1.12m)
- raise (approx. 0.15m) and reinforce the existing rear veranda canopy on the rear elevation of the dwelling enabling the removal of the existing glazing posts
- lay a hard surface to the front garden area.

7.0 Relevant Planning History

Application	Development	Decision	Comment
6/2003/0458	Erect six dwellings and garages; construct new access roads - revised scheme to Planning Permission 312411 (granted on 5 April 1967).	Granted 18/07/2003	Conditions remove permitted development rights for: - Additions & alternations to dwellings inc. conversion of garages - Hard surfacing - Erection of boundary treatment
6/2021/0333	Convert garage into studio. Extend to create utility room and garden room.	Granted 23/12/2021	Larger garage extension than now proposed.

8.0 List of Constraints

Dorset Heath Designation Buffer 5km

Poole Harbour Nutrient Catchment Area

SGN - High pressure gas pipeline 1km or less from Regional High Pressure Pipelines (>7 bar); - Distance: 813.39.

Wessex Water Risk of foul sewer inundation 2023 Medium Risk of Foul Sewer Inundation

Higher Potential ecological network

Site of Special Scientific Interest (SSSI) impact risk zone

Radon: Class 1

9.0 Consultations

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

Consultees

1. Wessex Water

No objection. Some comments have been received in relation to the installation of new water supply and disposal requirements, the disposal of

rainwater from new drives and roofs and issues where proposed extensions are close to a public sewer or water main.

2. Dorset Council Highways

No objection.

The site proposal is served off a private lane that eventually adjoins the adopted public highway with the D unclassified road.

The development intends to change the existing onsite parking arrangement, however the Highway Authority considers that the proposal does not present a material harm to the transport network or to highway safety and consequently has no objection.

3. Bloxworth Parish Meeting

Objection on the following grounds:

Departure from the spirit of the original development of 6 dwellings- reference to documentation from the early 2000's when the site was developed and a painting that reflects the rural nature of the development and the lack of need for additional parking due to the provision of garages.

The double garage at the site has been extended and the current proposals will make the dwelling much larger than it was in 2006.

Anticipated parking issues arising from the proposal associated with loss of garage. Additional parking opportunity to the west should be included in the application to consider the effect as a whole.

The drive collects water and floods at variance with the Flood Risk Assessment. The removal of the front garden will make this situation worse. Need provision and linkage to surface water drainage at the rear of the property.

4. Ward Member- Councillor Beddow

No comments received

5. Former Ward Member- Councillor Wharf (consultation was pre May election)

No comments received

Representations received

Two site notice were displayed, one to the front of the application site and one on the approach to the application site. Two sets of third-party neighbour representations

objecting to the proposals were received, plus four sets of comments in support of the proposals.

Total - Objections	Total - No Objections	Total – Comments in support
1	0	4

Summary of comments of objections:

Ongoing parking problems on The Green development.

Loss of garage will prevent compliance with Dorset parking standards.

One off-street parking space is insufficient to serve the enlarged dwelling, would lead to vehicles narrowing the access contrary to Building Regulation B5 clearances for emergency services.

Opportunity for additional parking space to the west of the site.

Conversion of front garden reduces attractiveness of the village Green, does not reflect the high standard of design needed in the location.

Proposed air conditioning unit will result in disturbance.

Flooding issues on the access road, drainage plan required.

Additional parking needed prior to any construction work.

Low level solid fuel chimney discharging below thatch may invalidate house insurance.

Summary of comments of support:

Anticipate improved drainage.

Existing parking arrangements will remain the same as they have been for many years.

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.

11.0 Relevant Policies

Development Plan

The Purbeck Local Plan (2018-2034) Adopted 2024 – Date of adoption 18 July 2024.

V1: Spatial strategy for sustainable communities

E10: Biodiversity and geodiversity

E12: Design

I2: Improving accessibility and transport

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.'

Other material considerations

Dorset Council Interim Guidance and Position Statement Appendix B: Adopted Local Plan policies and objectives relating to climate change, renewable energy, and sustainable design and construction. December 2023.

Residential Car Parking Provision – Local Guidance for Dorset (May 2011).

Purbeck District Design Guide - Supplementary planning document.

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 disadvantage persons with protected characteristics.

14.0 Financial benefits

None

15.0 Environmental Implications

The proposals are for extensions and alterations to an existing dwellinghouse, as such there are unlikely to be any significant environmental implications.

16.0 Planning Assessment

Principle of development.

The application site, number 5 The Green, is located at Bloxworth which is a village without a settlement boundary. Bloxworth is at the bottom of the settlement hierarchy for Local Plan Policy V1: Spatial strategy for sustainable communities, so opportunities for development in this area are limited. The proposals are for extensions and alterations to an existing dwellinghouse and the additional accommodation within the garage, although detached, is shown to be dependent upon the main dwelling (washing facilities) so there is no conflict with policy V1, but it is judged appropriate that the ancillary use is secured by condition (no. 7).

Scale, design, impact on character and appearance.

Number 5 The Green is a detached dwelling that is part of a comparatively modern development having been granted planning permission in July 2003. The original design of the 6 dwelling development is sympathetic to the rural character in which it is set, incorporating thatched roof cottages with tiled garages. The area does not benefit from any landscape designation, but the cluster of dwellings around the green, a grassed area, has created a sense of place.

The proposal would alter the front of the garage building replacing the garage doors with vertical boarding, raise the eaves by approx. 0.4m to approx. 3m high and reorientate the roof so that the cropped gable (currently on the sides) is at the front. The outbuilding will continue to appear subordinate to the dwelling and, as the garage sits back from the dwelling, the changes will not be prominent in the street-scene. Appropriate cladding can be secured by condition (no.3). A similar arrangement has previously been judged acceptable (6/2021/0333).

The proposed extension to the rear of the converted garage is shown with a lower pitched roof than that proposed for the garage and is smaller than the extension that was previously approved, now retaining approx. 0.9m separation from the side and rear boundary. Set within a spacious and enclosed rear garden, this single storey element together with alterations to the rear first floor window and existing rear veranda of the main dwelling would have a limited and acceptable impact upon the character and appearance of the area. The enlarged rear patio with two steps down to the lawn will cover approximately 20% of the retained rear garden with the remainder available for planting.

The proposed replacement of the areas of grass and planting to the front of the dwelling with a resin surface would alter the characteristic layout of the cottages forming 'The Green' as each property currently has a small front garden that is laid to grass or planted. The hard surfacing of the garden in front of no. 5 will change the setting of the property, but the substantial grassed area to the north makes a much greater contribution to setting, contributing to the open, verdant character, so it is not anticipated that the increase in hard surfacing would result in demonstrable harm to the character of the area.

The proposed hard surfacing relates to a comparatively limited area; the western portion would be approximately 4.5metres in width and have a depth of approximately 3.7metres. The eastern portion is tapered, with a maximum width of 7metres and have a maximum depth of approximately 3.5metres. On balance, since the property is viewed in the context of the grassed space onto which it fronts, it is judged that the proposal would not have an unacceptable visual impact on the street scene and character of the area, subject to a condition to secure an appropriate resin colour (no. 4).

Overall, it is judged, on balance, that subject to conditions the proposal accords with the requirements of Local Plan Policy E12: Design in respect of positive integration with its surroundings.

Impact on the living conditions of the occupants and neighbouring properties.

The proposed garage extensions lie close to the eastern boundary shared with no. 6 The Green. That property faces northwest with its garden to the south and east. The closest part of the property to the shared boundary is a double garage attached to the dwelling.

The scale and design of the proposed extensions and alterations are such that they would not result in a loss of amenity due to a reduction in daylight or overlooking for neighbours. Concerns have been raised in relation to access and parking; these are considered separately below.

As part of the proposals, it is intended to install an air conditioning unit close to the western site boundary. As the application site is located within a rural area where background noise is likely to be limited, a noise assessment is judged necessary prior to installation to ensure that the air conditioning unit does not result in harm to the amenity of nearby residential properties and neighbours (condition 5).

Subject to conditions it is judged that the proposal accords with the requirements of policy E12 in respect of impacts on local amenity.

Highway impacts, safety, access and parking.

The loss of parking spaces arising from the proposed conversion of the garage is an important consideration but needs to be assessed in the light of the extant planning permission (6/2021/0333) for the conversion of the garage to additional accommodation.

When the previous application was granted the case officer noted that the internal size of the garage was approximately 5.7 metres in width and approximately 5.3 metres in depth. The latter figure failed to take account of the extension that had been added increasing the depth to over 6 metres for a width of 4.61 metres, but this error was not material to the conclusion as the internal width still did not accord with the 'Residential Car Parking Provision – Local Guidance for Dorset' (May 2011) for a double garage; the garage could not be considered to provide two parking spaces. After considering the opportunities for parking in front of the garage it was judged that the loss of the garage parking would not justify refusal.

The Council's records for the original planning permission 6/2003/0458 include a main site layout plan offering limited details; the garage for no. 6 (unit 16) is not clear but a split driveway in front of nos. 5 and 6 (units 15 and 16 on the plan) is evident. Usually, driveways are available for parking in addition to any garaging but having visited the site it is apparent that due to layout limitations there is space for only one vehicle to park in front of the western garage (closest to the house). A further tandem parking space in front of this parking space or a parking space in front of the eastern garage would appear to conflict with the need to retain space for the manoeuvring of vehicles in connection with neighbouring property, number 6 The Green. Loss of the garage parking provision would therefore leave the property with only one useable parking space, which is contrary to the standards identified by the 2011 guidance. This identifies that where only one parking space is provided then a 3 or 4 bedroom property should also have access to one unallocated parking space and a visitor parking space in the vicinity, neither of which are available; the new areas of hardsurfacing proposed in front of the property are not large enough to provide a parking space.

Local Plan Policy I2 requires that proposals should 'provide for adequate parking levels across Purbeck'. Given the rural location it is anticipated that occupiers will be reliant upon private vehicles and therefore the proposed reliance on one parking space is contrary to this policy. This may lead to the parking of vehicles in areas needed for manoeuvring to the detriment of neighbouring amenity.

Potential impacts on amenity arising from insufficient parking provision were envisaged by the original 2003 planning permission by the removal of permitted development rights to convert garages, however the subsequent extant planning permission to convert the garage must be given weight in the planning balance. There has been no material change to policy in respect of design or parking since the extant consent for the garage conversion was granted that would outweigh the fallback position available to the applicants, so it would be unreasonable to refuse planning permission on the grounds of insufficient parking. Objectors have drawn attention to opportunities to increase parking provision to the west of the site and this remains an option for the applicant if they have additional parking needs, subject to planning permission.

It is understood that the property deeds identify areas to be kept clear, ensuring that manoeuvring space is maintained for the occupiers of number 6 The Green. An informative note will be added to remind applicants of the need to comply with land law which is outside of the planning process.

Whilst the proposal conflicts with policy I2, the extant permission for the conversion for the garage is a material consideration that weighs in favour of approval.

Flood risk and drainage.

The Council's Strategic Flood Risk Assessment does not identify any risk of flooding of the application site and its surrounds but public representations have include reference to the land in front of number 5 The Green becoming flooded; standing water on the access road was evident during the site visit on 20 February 2024.

The proposed surface for the front of the property would replace soft landscaping and although a permeable surface is proposed, the need for a new drain on the eastern side of the proposed hard surfacing has been identified to direct any additional run off away from the access. This can be secured by condition (no. 6) in order that the existing situation is not worsened and the proposal accords with policy E4: Assessing Flood Risk.

Additional issues.

A low flue is proposed to be installed within the roof of the garage extension which appears to be for a solid fuel appliance (wood burner). Although the extension will be roofed in slate, the flue will be located approx. 12m from the thatched dwelling and approximately 19m from neighbouring no. 6, which is also thatched; there is a risk that any active sparks could be carried on the wind to the thatch which could result in ignition.

Building Control regulations control flue heights to limit risk, but Historic England have also undertaken research and have produced advice about how the risk can be reduced. The most relevant advice to this proposal is the need for frequent and proper care of the flue; the frequency will depend upon the fuel used. It is also highlighted that stoves should never be used as incinerators to burn wastepaper and rubbish or left unattended until ventilation controls are set to normal. Since the degree of risk is associated with the use and maintenance of the flue it is not judged that a condition that would meet the tests of reasonableness and enforceability. An informative note will guide applicants to Historic England's advice so that they can minimise risks.

17.0 Conclusion

Although the application does not provide appropriate parking to accord with policy I2, which could result in localised amenity issues, in the light of the fallback provided by the extant permission for the garage conversion it is judged that, on balance, there are no reasons to refuse planning permission.

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 S – 1446 – 01 (location plan and block plan)
submitted as part of the application and
drawing number PL – 1446 – 201 – revision G (proposed elevations, proposed ground floor plan and proposed layout of front garden)
received on 23 July 2024.

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

3. Details of the materials to be employed on the external face of the garage development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority prior to first use on the site.

Reason: To ensure the satisfactory visual relationship of the new development with the existing dwelling and to protect the character and appearance of the area.

4. The resin bound surface for the front garden area hereby approved shall match the colour known as 'Crantock' in the Oltco permeable resin 'Naturals range' and shall thereafter be retained that colour.

Reason: To ensure the satisfactory visual relationship of the new development with the existing property and to protect the character and appearance of the area.

5. Before the installation of the air conditioning unit, a noise assessment and details of the ongoing maintenance of the air conditioning unit must be submitted to and approved in writing by Dorset Council as the local planning authority. The air conditioning unit that is installed must then accord with the details submitted within the approved noise assessment and the air conditioning unit must continue to be maintained in accordance with the approved details.

Reason: To protect the amenity of nearby residential properties and neighbours in relation to noise and vibration.

6. The surface water drain shown on plan PL-1446-201 G shall be installed concurrently with the laying of the approved hardstanding to the front of the property and shall thereafter be maintained and retained.

Reason: To avoid increased flooding from surface water.

7. The development permitted shall not be occupied at any time other than for purposes ancillary to the residential dwelling known currently as Hawthorne.

Reason: To protect Habitats Sites and because the development is in an area where a separate dwelling would be contrary to the adopted local plan.

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. The applicant is reminded of the need to comply with land law as well as planning law. The proposal will leave the dwelling with only one parking space (2.4m x 6m) alongside the dwelling as the remainder of the land is needed for vehicle manoeuvring.
3. The applicants are advised that installing a solid fuel burner close to thatched properties is associated with risk of fire. To reduce risk it is recommended that the Fire Protection Association advice is followed:

historicengland.org.uk/content/docs/advice/fpa-fire-thatched-properties-leaflet-2018pdf/

4. 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.