

Application Number:	P/HOU/2024/05845		
Webpage:	Planning application: P/HOU/2024/05845 - dorsetforyou.com		
Site address:	77A Elmhurst Road West Moors BH22 0DG		
Proposal:	Erect oak framed single garage		
Applicant name:	Mr Martin Fatek		
Case Officer:	Kelly Allingham		
Ward Member(s):	Cllr Skeats, Cllr Shortell		
Publicity expiry date:	17 November 2024	Officer site visit date:	22 November 2024
Decision due date:	20 December 2024	Ext(s) of time:	20 December 2024
No of Site Notices:	1 at the end of the drive on the gate		
SN displayed reasoning:	Visibility for neighbours		

1.0 This application comes before the planning committee at the request of the Committee Chair.

2.0 Summary of recommendation:

GRANT subject to conditions (see section 18)

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

- Para 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 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- lies within the urban area

Scale, design, impact on character and appearance	Acceptable- the site is large enough to accommodate development of this scale without harm to the character of the area
Impact on the living conditions of the occupants and neighbouring properties	Acceptable- no demonstrable harm identified
Highway impacts, safety, access and parking	Acceptable- no harm to highway safety

5.0 Description of Site

Elmhurst Road is an established residential street extending approximately 700m from Pinehurst Road at the south until it meets West Moors Plantation to the north. The application site lies in the northern cul-de-sac, to the west of the highway.

Properties in this part of the street are a mix of bungalows and chalet style dwellings set back from the street behind gardens. These are predominantly used for parking, but also accommodate vegetation including hedging and some trees which, together with the plantation backdrop, contribute to a verdant character, softening the built form and limiting views across front gardens.

No. 77A is a recently constructed dwelling which follows the established building line. Its front garden is predominantly laid with tarmac with a planting area along the southern boundary.

6.0 Description of Development

It is proposed to erect a single bay garage in the front garden of no.77A on the hard surfaced parking area offset from the northern (side) boundary by approximately 0.7m to allow for the small drainage border to remain. The garage will sit forward of the dwelling by approximately 6.5m whilst maintaining an 8m separation distance from the highway.

The garage is to be 3.2m wide and 5.3m deep with a gable pitched roof having eaves 2.1m high and a ridge height of 3.6m. The timber structure is proposed with a blue engineering brick plinth and timber larch cladding to match the front facia of the cladding to the house. A slate blue/black roof tile will also match the dwelling and the roof will incorporate two small rooflights.

7.0 Relevant Planning History

P/FUL/2022/02202 - Decision: GRA - Decision Date: 27/09/2022

Demolition of the existing dwelling, and the erection of 2no. detached chalet bungalows with retained and new vehicular accesses and parking

P/NMA/2023/00425 - Decision: GRA - Decision Date: 27/01/2023

Non material amendment to Approved P/A P/FUL/2022/02202 (Demolition of the existing dwelling, and the erection of 2no. detached chalet bungalows with retained and new vehicular accesses and parking) to reduce the front porch height, remove brick course below ground floor windows and install grey UPVC guttering, fascia boards and soffits

P/NMA/2023/00979 - Decision: GRA - Decision Date: 01/03/2023

Non material amendment to P/FUL/2022/02202 (Demolition of the existing dwelling, and the erection of 2no. detached chalet bungalows with retained and new vehicular accesses and parking) to reposition the approved velux windows from 1.5m above finished floor level to 2m above finished floor level

P/NMA/2023/01299 - Decision: GRA - Decision Date: 15/03/2023

Non material amendment to P/A P/FUL/2022/02202 (Demolition of the existing dwelling, and the erection of 2no. detached chalet bungalows with retained and new vehicular accesses and parking) to reposition the approved velux windows from 1.5m above finished floor level to 2m above finished floor level, and reduce the number of velux windows on the side elevations to plots 1 and 2

8.0 List of Constraints

Within West Moors Settlement Boundary

Within Dorset Heathlands consultation area (5km)

Bournemouth Water Consultation Area

Groundwater – Susceptibility to flooding

Close to site of nature conservation interest (SNCIS): SU00/067 - West Moors Plantation; - Distance: 51.92

Radon: Class: Class 1: Less than 1%

9.0 Consultations

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

Consultees

1. Dorst Council Highways

No objection- The Highway Authority considers that the proposal does not present a material harm to the transport network or to highway safety

2. West Moors Town Council

Objection- WMTC strongly oppose the construction of a garage in the front garden. This would cause a detrimental impact and is not in keeping with any other properties in Elmhurst Road. If this were to be approved, then other properties may also wish to construct garages in the front gardens, and this would excessively damage the look and ambience of the street scene.

No Site Notice was visible.

3. Ward Members

No comments received.

Representations received

No representations were received.

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:

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

- | | |
|------|--|
| KS1 | - Presumption in favour of sustainable development |
| HE2 | - Design of new development |
| KS12 | - Parking Provision |
| ME6 | - Flood Management, Mitigation and Defence |

Material Considerations

Emerging Local Plans:

Paragraph 49 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 draft 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.

Other relevant NPPF sections include:

- Section 4. Decision making: Para 39 - 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.

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.

The proposed garage is not judged to result in any disadvantage to persons with protected characteristics.

14.0 Financial benefits

There are no financial benefits associated with the proposal.

15.0 Environmental Implications

The proposal is a modest structure; associated green house gas emissions would be limited.

16.0 Planning Assessment

- 16.1 The site lies within the urban area where the principle of development is acceptable under policy KS2 and no highway safety concerns have been raised by the Council’s highways team. The main consideration is the impact of the proposal on the character and appearance of the area.

Impact on character and appearance

- 16.2 Local Plan policy HE2 requires that development should be compatible with or improve its surroundings in relation to 11 criteria which include layout, site coverage, scale, height, materials and visual impact. NPPF paragraph 135 identifies that planning decisions should ensure that development adds to the overall quality of the area, is visually attractive and sympathetic to the surrounding built environment.
- 16.3 The Town Council has objected to the introduction of built form in the front garden contending that it will have a detrimental impact. There is concern that a precedent could be set for development which would harm the character of the area.
- 16.4 Officers note that there is currently only one garage sited forward of a property in Elmhurst Road, and this is at no. 20 further south, beyond the context within which no. 77A is experienced. The proposed garage would depart from the current building line provided by dwellings on the western side of Elmhurst Road and will be visible in the street-scene, as front boundary treatment at no. 77A is limited. However, the visual impact will be limited by the design and scale of the garage and use of appropriate materials. In combination these will ensure that it is a subordinate feature which will avoid harmful dominance of the dwelling frontage or a negative impact upon the wider urban landscape.
- 16.5 The single garage is to be set back from the road edge by over 8m and will have a maximum height of 3.6m. The eaves will be a similar height to the boundary fencing

and although reducing the openness of the front garden, the scale is judged sufficiently modest that it will avoid incongruity. Vegetation and boundary treatment within the front gardens along the street will limit the visual impact of the development beyond the immediate vicinity. This presently includes some screening to the north from the neighbouring front boundary vegetation, but even if this was removed the visual impact of the garage would not be demonstrably harmful to the character of the area.

- 16.6 The proposal is for a functional structure with an appropriately considered design which is judged to accord with policy HE2 and NPPF paragraph 135.

Impact on amenity

- 16.7 The modest size of the garage will avoid an overbearing impact or any overlooking. Some additional overshadowing of the neighbouring front garden is anticipated due to its proximity to the front boundary with no. 79 but not to a level detrimental to the amenity of the property that would warrant a refusal. No neighbour objections have been received.

Impact on biodiversity

- 16.8 The proposed garage does not interfere with the previously approved landscaping scheme for the development nor the Biodiversity Mitigation plan requirements.

Impact on flood risk

- 16.9 The application is accompanied by a Flood Risk Assessment demonstrating that the applicant is aware that the Council's Level 1 Strategic Flood Risk Assessment identifies the site is susceptible to high groundwater levels and therefore potentially at risk of flooding. The outbuilding will be sited on an area of porous tarmac, but since it is for garaging/storage purposes the additional risk is limited. Water butts are to be installed at the rear of the garage to reduce issues from run-off. Since this is a minor development, the proposed mitigation is judged acceptable in planning terms when applying a pragmatic approach and when assessed against policy ME6.

Other matters

- 16.10 It is noted the Town Council comment references the lack of site notice at the site. Officers have been provided with photo evidence that the notice was in situ, which appears to have been the case the day after the comments were received. Officers are satisfied that the site notice was appropriately displayed.

17.0 Conclusion

For the above reasons the application is judged to accord with Christchurch and East Dorset Local Plan - Part 1 Core Strategy (CS) 2014 policies, ME6 and HE2 and the National Planning Policy Framework (2024).

18.0 Recommendation Approve 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:

Location Plan Location Plan

Block Plan Block Plan

31654 Proposed Garage Elevation and Floor Plans

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

3. The development hereby permitted shall be constructed of and maintained in accordance with the materials detailed below unless any minor variation is agreed in writing by the Local Planning Authority.

Brick Plinth:- Wienerberger blue engineering bricks

Tiles:- Etex Thrutone - blue/black in colour

Larch Cladding

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

Informative Notes:

1. Informative: National Planning Policy Framework Statement

In accordance with paragraph 39 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.