

Application Number:	P/FUL/2024/06572		
Webpage:	https://planning.dorsetcouncil.gov.uk/plandisp.aspx?recno=410029		
Site address:	Sweet Haven, Agglestone Road, Studland, BH19 3BZ		
Proposal:	Demolition of existing dwelling and construction of replacement dwelling. Replace existing shed to the rear of the pool with a garden store/room.		
Applicant name:	VESP Architects Ltd		
Case Officer:	Cari Wooldridge		
Ward Member(s):	Cllr Wilson		
Publicity expiry date:	24 December 2024	Officer site visit date:	03/12/24 & 30/12/24
Decision due date:	3 February 2025	Ext(s) of time:	28 February 2025
No of Site Notices:	1 to front of application dwelling 1 at junction of Agglestone Road with Heath Green Road 1 at junction of Pinewood Cottages with Heath Green Road		
SN displayed reasoning:	The site notices have been displayed in prominent positions in the interest of maximising awareness of the application.		

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

2.0 Summary of recommendation:

GRANT planning permission subject to conditions as set out in section 18.

3.0 Reason for the recommendation:

- 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.
- 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 proposal is for a replacement dwelling within the settlement boundary and is acceptable in layout, scale, design, massing and visual impact on the character and appearance of the area and the Dorset National Landscape.

- There is not considered to be any significant harm to neighbouring residential amenity.
- The proposal is acceptable in respect of flood risk, highway impacts, biodiversity and contamination.
- There are no material considerations which would warrant refusal of this application.

4.0 Key planning issues

Issue	Conclusion
Principle of development	Acceptable within settlement boundary.
Layout, scale, design and impact on the character and appearance of the area and the Dorset National Landscape (DNL) (formerly known as AONB) and Purbeck Heritage Coast	Acceptable - subject to condition.
Sustainability	Acceptable.
Impact on neighbouring amenity	Acceptable- subject to condition.
Impact on trees	Acceptable - subject to condition.
Biodiversity	Acceptable - subject to condition.
Flood risk and drainage	Acceptable - subject to condition.
Highway impacts and car parking	Acceptable - subject to condition.

5.0 Description of Site

- 5.1 The application site is located within the settlement boundary of Studland to the west of the village centre. The site is accessed off Agglestone Road which is understood to be owned and maintained by the National Trust. Directly to the east, west and south are residential properties and their gardens. To the north of Agglestone Road is Dorset heathland.
- 5.2 The site consists of a two storey gable ended detached dwelling set in a long garden with parking and turning to the front. The rear garden includes a pool and outbuildings and is set at a substantially lower level than the finished floor level of the house, currently being accessed by steps and decking. Boundary treatments are a mixture of fencing and mature hedgerows. The house has been previously extended and altered (consents and permitted development) to include living accommodation at second floor level, a single storey side extension, and additional glazing. The site level is approx. 0.5 m higher than that of the neighbouring property to the east.
- 5.3 Agglestone Road consists of properties of two / three storey height of various designs and external finishes. Many of the properties are traditional in character although properties along the road, including the application site, are located outside the Studland Conservation Area. A Tree Preservation Order covers trees to the east

of the application site. The Dorset National Landscape washes over the application site and the entire village.

6.0 Description of Development

- 6.1 The application proposes demolition of the existing dwelling and the construction of a replacement dwelling together with a replacement of an existing shed in the rear garden with a garden store / room.

7.0 Relevant Planning History

6/1989/1145 - Decision: GRA - Decision Date: 07/03/1990
Erect single-storey extension to form garage and dining room.

6/2003/1004 - Decision: GRA - Decision Date: 14/01/2004
Install timber cladding to existing single storey extension.

6/2004/0132 - Decision: GRA - Decision Date: 23/03/2004
Install rooflights, erect new porch, enlarge existing windows, reduce existing windows in size and form new windows - Certificate of Lawfulness proposed.

6/2004/0826 - Decision: GRA - Decision Date: 25/10/2004
Install external safety balustrade in front of first floor window

6/2004/0864 - Decision: GRA - Decision Date: 09/11/2004
Install therapeutic open outdoor exercise pool (retrospective).

8.0 List of Constraints

Within Studland 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)

Dorset Heathlands (400 metre buffer)

Poole Harbour Recreation Zone

Purbeck Heritage Coast

Site of Special Scientific Interest (SSSI) impact risk zone

Higher Potential ecological network

Wessex Water Treatment Works Catchment

TPO (PDC/TPO 134) – Covers land to the east (Blackdown, Coveham and Greystones)

Radon: Class: Class 1: Less than 1%

National Trust Property (open): Studland (Reference: 155632.0) – Agglestone Road and adjacent heathland

Right of Way: Footpath SE22/20 - Distance: 6.39 – Along Agglestone Road

Bat Roosts : SZ08/BR 0039 - Studland, Agglestone Road - Distance: 7.86

Site of nature conservation interests (SNCIS): SZ08/022 - Godlingston-Studland Fields; - Distance: 17.21

Natural England Designation - RAMSAR: Dorset Heathlands (UK11021); - Distance: 42.94

Natural England Designation - RAMSAR: Poole Harbour (UK11054); - Distance: 1481.77

Scheduled Monument: Romano-British farmstead and earlier structures at Woodhouse Hill, 230m south east of Harmony Lodge (List Entry: 1015327.0); - Distance: 357.15

9.0 Consultations

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

Consultees

1. **Natural England**

No objection subject to securing mitigation in respect of bat roost. European Protected Species Licence required.

Within scope of Dorset Biodiversity Appraisal Protocol. Recommend permission not granted until ecological information approved by the Dorset Natural Environment Team and implementation in full made a condition of any permission.

2. **Ramblers Association**

No comments received.

3. **Dorset Fire and Rescue**

No comments received.

4. **Dorset Wildlife Trust**

No comments received.

5. **Dorset Council Highways**

Proposal served off private road that adjoins the adopted public highway with Heath Green Road approx. 300 m away.

Do not anticipate construction traffic will reach a level that will require a specific condition to mitigate impact to the public highway.

Planning Authority may wish to consider a construction environmental management plan.

No objection subject to condition.

6. Dorset Council Trees

Photos of site clearly show established hedges and at least one, possibly more, trees.

Suggest a plan, showing basic size/condition/species information of existing trees and boundary planting, marked up as either proposed retention or removal, is necessary.

Also suggest a tree / hedgerow protection plan is justified to demonstrate/convince that the proposed demolition, construction and surfacing may be implemented without significant harm. Any change in levels should also be taken into consideration in the tree/hedge protection measures.

7. Dorset Council Natural Environment Team

Advise that application is not determined until all biodiversity issues have been resolved and implementation in full of the EclA is a condition of any permission.

8. Dorset Council Building Control

Is garden storage room an exempt structure under Building Regulations?

Is proposal B-5 compliant for access to fire Brigade? May need to consult as doesn't appear can turn appliance and can't reverse more than 20 metres.

Ensure means of escape is provided as 3 storey requires fire doors all the way down to final exit.

Ensure boundary conditions comply with Approved document B to avoid spread of flame across close boundaries.

9. Dorset Council Rights of Way

No objection.

Proposed works are in the vicinity of the public right of way Footpath SE 22/20 which will be used as the access route to the development. Surface of right of way may be adversely affected.

Expect that the surface of the Footpath is restored immediately following any damage and at the end of the development the Footpath is in a good condition for the public.

Rights of way must, both during the work and upon completion, remain open and available to the public, with no materials or vehicles stored on the route

and the surface of the Rights of Way must be maintained throughout. The footpath width needs to be maintained, with no parking on the right of way.

10. Studland Parish Council

Object.

Increase in glazing and prominence will have negative visual and environmental impact out of keeping with built environment. Light pollution.

Will exacerbate existing traffic and parking issues. Access road is unmade single track with no extra parking space. Heavy lorries would destroy road and have nowhere to park.

Overdevelopment of site from increased scale and mass compared to existing structure.

Loss of light and overshadowing of neighbouring properties.

11. Ward Member

No objection but note proximity to neighbouring properties - specific consideration needs to be given to the potential impact on these properties.

Representations received

Total - Objections	Total - No Objections	Total - Comments
21	0	3

Summary of comments of objections:

- Concern over demolition and construction including damage to private road surface and adjacent heath, disruption and blockages by vehicles and parking, plant and materials, navigation of large vehicles on tight corner, erosion of neighbouring land, silting up of drains, noise, and the safety of residents and visitors.
- Condition should prevent vehicles parking and materials being stored on the road and lay-bys.
- Applicant should be required legally to commit sum of money to ensure any damage will be put right before application can be approved.
- Failure to account for loss of embodied energy and carbon of existing dwelling and excess carbon generated by vehicular traffic, materials and processes.
- Extent of glazing (windows and balconies) on front (north elevation) and impact on neighbours, National Landscape, and heathland setting from light pollution.

- Sympathetic external lighting should be required.
- Object to scale, character, appearance, 'Sandbanks design', increased volume and footprint, and materials in relation to other dwellings on road and visual intrusion on landscape.
- Concerns about damage to neighbouring foundations from demolition and proximity of new footings.
- Request condition for sample materials.
- Query where the heat pump will be located.
- Impact on light and privacy of neighbouring properties from dominance and overshadowing.
- Rear of house will be closer to Blackdown's oil tank – concern about whether this complies with Building Regulations
- Deed of covenant breaches.
- Surface water run-off and flooding to Blackdown due to proximity and levels difference. Permeable treatment for driveway should be conditioned.
- Protected species known to reside in garden of Sweet Haven and heathland are omitted from EclA.

Summary of other comments:

- Contemporary design is clever reinterpretation of existing house. Footprint and height will remain the same.
- Proposal tidies up existing building in similar style to existing and improves aspects of construction and sustainability.

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.

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 (formerly known as Areas of Outstanding Natural Beauty)

11.0 Relevant Policies

Development Plan

Adopted Purbeck Local Plan:

Policy V1: Spatial strategy for sustainable communities

Policy E1: Landscape

Policy E4: Assessing flood risk
Policy E5: Sustainable drainage systems (SuDs)
Policy E7: Conservation of protected sites
Policy E8: Dorset heathlands
Policy E9: Poole Harbour
Policy E10: Biodiversity and geodiversity
Policy E12: Design
Policy I2: Improving accessibility and transport
Policy I3: Green infrastructure, trees, and hedgerows

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.

Emerging Neighbourhood Plans

N/A

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 5 'Delivering a sufficient supply of homes' outlines the government's objective in respect of land supply with subsection 'Rural housing' at paragraphs 82-84 reflecting the requirement for development in rural areas.

Section 11 'Making effective use of land'

Section 12 'Achieving well designed 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 National Landscapes (Areas of Outstanding Natural Beauty) great weight should be given to conserving and enhancing the landscape and scenic beauty (para 189). Decisions in Heritage Coast areas should be consistent with the special character of the area and the importance of its conservation (para 191). Paragraphs 192-195 set out how biodiversity is to be protected and encourage net gains for biodiversity.

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.

Dorset AONB Landscape Character Assessment

Dorset AONB Management Plan 2019-2024

Dorset Heathlands Planning Framework 2020-2025 Supplementary Planning Document

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

Dorset Biodiversity Protocol.

Dorset Council Level 1 Strategic Flood Risk Assessment 2024

Dorset Council Annual Position Statement - 5 year housing land supply - October 2024

District Design Guide SPD

Managing and using traditional building details in Purbeck

Poole Harbour Recreation 2019-2024 SPD

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.

Whilst those who are housebound may be more affected during the construction process it is considered that the completed proposed development would not disadvantage persons with protected characteristics.

14.0 Financial benefits

What	Amount / value
Material Considerations	
N/A	N/A
Non Material Considerations	
CIL	£33,292.15

15.0 Environmental Implications

- 15.1 The proposed replacement dwelling will be constructed in accordance with current building regulations standards. The modern build will reduce emissions compared to the existing dwelling. Suitable drainage will prevent any additional impact in terms of flood risk. Renewable features are proposed to be delivered including solar panels and a ground source heat pump.

16.0 Planning Assessment

Principle of development

- 16.1 The application site is located within the settlement boundary of Studland and the proposed replacement dwelling is acceptable in principle in accordance with Policy V1: Spatial strategy for sustainable communities and the settlement hierarchy of the Purbeck Local Plan 2024.

- 16.2 Policy H14: Second homes of the Purbeck Local Plan 2024 does not apply to this proposal for a replacement house.

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

- 16.3 Agglestone Road is located in an area of outlying residential development to the west of Studland village where the extent of development is defined by a tightly drawn settlement boundary. The elevated siting of the residential development affords long distance views to the north across the heathland towards Poole Harbour and Poole Bay. The residential development along the road is visible in wider landscape views from the north as land levels gradually rise from the coast to Ballard Down. Properties along Agglestone Road including the application site are visible in the landscape setting when viewed from the north.
- 16.4 The residential development along Agglestone Road is generally of a traditional character consisting of a mixture of detached and semi-detached houses set back from the road with parking and gardens to the front and lengthy rear gardens. Height, size, design and external finishes vary along the road and a number of properties have been subject of extensions and alterations.
- 16.5 Sweet Haven is a tall, detached house with gable ends to front and rear, and has previously been extended to the side (east) and ground floor front elevation. Many other alterations to the property have taken place as permitted development. Existing external finishes are painted white render with timber cladding of extensions. The building line follows that of the adjacent properties with a driveway and garden to the front enclosed by a mixture of hedgerow and fencing on the boundaries. The house is set at a raised level to Blackdown to the east (approx. 0.5 m) and has a raised finished floor level that is similar to Gorse Cottage to the west. To the rear the levels drop approx. 1m into the rear garden with an area of raised decking adjoining bifold doors on the ground floor rear elevation. A swimming pool and shed are accessed from the decking before the garden extends southwards as it continues to lower in level.
- 16.6 Paragraph 189 of the NPPF (Dec 2024) advises that:

Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and National Landscapes which have the

highest status of protection in relation to these issues.....The scale and extent of development within all these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.

- 16.7 The Dorset AONB Landscape Character Assessment identifies that the site is located within the 'Lowland Heathland – South Purbeck Heaths' landscape character area with key characteristics including an undulating lowland landform with a distinctive open, exposed and uniform character that is heavily influenced by urban development and associated pressures.
- 16.8 It is proposed to replace the existing dwelling with one of a contemporary design and external finish that would remain similar in mass, height, scale and siting within the plot. The width of the replacement dwelling would match that of the existing and although the front elevation will be partially extended forward, the building line would be retained along the road. To the rear, the gable end would be extended southwards to provide slightly enlarged rooms and covered terrace (ground floor) with balconies above. Gable ends are to be retained on the front and rear elevations with an asymmetrical roof matching the height of the existing dwelling but extending to a lower level on the eastern roof slope to cover a ground floor porch extension and first floor balconies on the north elevation. Roof overhangs on the north and south elevations will provide some covered balconies.
- 16.9 Studland Parish Council and neighbours have objected to overdevelopment of the site associated with the increased scale and mass of the dwelling. Officers have carefully considered the objections and judge that replacement dwelling would not be disproportionately larger, taller or bulkier than the existing, and that the proposed increase in mass and scale is not so significant as to form a reason for refusal.
- 16.10 Concerns have also been raised over the 'Sandbanks' design of the replacement dwelling. Whilst the new dwelling will be of a contemporary design, it closely reflects the form of the existing extended dwelling and given the variation in dwelling design along the road, is not considered to be of an unacceptable appearance. It is noted that the application site is not located within a Conservation Area and that adopted policies do not prevent modern designs within more traditional surroundings.
- 16.11 In terms of external finishes, materials include a slate roof with in-roof solar panels, facing brickwork of light coloured finish (buff / grey / stone) with sections of bronze / reddish / brown metal cladding at first and second floor level, aluminium / composite glazing and glass balustrades. Again, given the siting outside a Conservation Area and the range of materials and external finishes along Agglestone Road, it is considered that the use of contemporary finishes that reflect local materials and the local landscape is acceptable. This is subject to a condition on the decision requiring the submission of details for approval prior to first use.
- 16.12 In summary, the proposal is considered to be of an acceptable scale, height, density and appearance / design - albeit contemporary - that is compatible with its surroundings in accordance with Policies E1: Landscape and E12: Design of the Purbeck Local Plan 2012.
- 16.13 Policies E1 and E12 also require that new development mitigates adverse impacts of artificial light pollution on local amenity and the visual quality of landscape character. Policy E1: Landscape advises that '*development that significantly adversely affects the character, or visual quality, of the local landscape or seascape, in protected*

areas will not be permitted. The Parish Council and neighbours have raised concerns that the proposed glazing will result in harm to the adjacent heathland and the Dorset National Landscape associated with artificial light pollution at nighttime. Officers have carefully considered the impact of the proposal in terms of artificial light intrusion.

- 16.14 The existing dwelling already contains areas of extensive glazing on the visually prominent north elevation and the south facing rear elevation. Much of the existing glazing has been installed as permitted development and could be further expanded outside the Council's control. As such there is an existing impact on the heathland and National Landscape associated with artificial light spill from the application dwelling. The replacement dwelling would see an increase in the extent of glazing on the front and rear elevations, with the second-floor recessed floor to ceiling glazing providing the largest additional impact due to its prominent position on the front elevation.
- 16.15 The impact of the glazing was raised with the planning agent who has submitted amended plans and provided the following information:
- the proposed second floor front elevation glazing will be fitted in low transmittance glass as detailed on Plan SK01 - in line with the advice in the South Downs National Park Authority Dark Skies Technical Advice Note (NB. This is not a Dorset Council Guidance Note but provides an indication of the measures adopted elsewhere to restrict artificial light pollution in dark night skies).
 - the roof will substantially overhang the balconies with glazing set back by 1450mm to limit upward light spill
 - internal lights will be chosen to create soft light specific to areas of the space
 - warmer colour temperatures will be used (2700K-3000K)
 - all lights will be turned off when not in use
 - all rooflights will have integrated blinds to limit the amount of light spill.
- 16.16 Whilst a condition can secure the installation of low transmittance glass on the front elevation at second floor level, and the roof overhang will be secured by the approved plans, officers do not consider that it would be reasonable or enforceable to secure the remaining bullet points by way of condition.
- 16.17 Rooflights are also proposed in the replacement dwelling, albeit not significantly more than existing. Nevertheless, the amended plans remove the first floor rooflight serving bedroom 3 which is already served by suitably sized window openings. On this basis, it is considered that the impact of light spill from rooflights in the replacement dwelling would not be demonstrably worse than existing.
- 16.18 As such, officers consider that the proposed glazing extents would not result in any significant harm arising from artificial light spill on the character and landscape beauty of the Dorset National Landscape and adjacent heathland as to form a reason for refusal. This is subject to a condition on the decision securing low transmittance glass on the front (north) elevation at second floor level. The proposal is considered to comply with Policy E1: Landscape of the Purbeck Local Plan 2024.

Sustainability

16.19 The replacement dwelling proposal includes the installation of a ground source heat pump, solar panels, an EV charging point and a construction based on Passivhaus principles in compliance with policies E3: Renewable energy and E12: Design of the Purbeck Local Plan 2024.

Impact on neighbouring amenity

16.20 Sweet Haven adjoins residential properties to both sides (east and west) and the rear (south). The application was publicised by three site notices.

16.21 Sweet Haven has a long rear garden that adjoins neighbouring gardens and impacts on properties to the south (Pinewood Cottages) are considered to be acceptable.

16.22 To the west, Gorse Cottage is a detached house at a similar level to the application site. The property has been extended to the rear including a two-storey extension and a long ground floor rear extension set in from the eastern boundary. The case officer was unable to access Gorse Cottage to assess impacts. However, available plans for the extensions suggest that a single east facing bathroom window faces towards Sweet Haven in the single storey addition. There are also several other windows facing Sweet Haven in the main house which appear to serve non-habitable rooms (hallway, entrance, and boot room at ground floor and landing and secondary bedroom window at first floor). A boundary fence of approx. 1.8m in height obscures outlook at ground floor level.

16.23 Windows in the replacement dwelling which will face Gorse Cottage include a ground floor w.c. and second floor landing rooflight. The agent has confirmed that the lowest part of the rooflight will be 1.4 m above finished floor level although this is not detailed on the plans. Given that the rooflight serves a landing only it is not considered necessary to restrict the glazing finish. However, it is considered reasonable to condition the ground floor w.c. windows to be fitted in obscure glazing. An obscure glazed balcony screen to a height of 1.8 m above the first-floor finished floor level is proposed to prevent west facing views from the rear balcony serving bedrooms 2 and 3; this is considered to protect neighbouring amenity subject to a retention condition . In terms of loss of light and overbearing impacts, the larger dwelling would result in some increase in loss of light to Gorse Cottage during the early morning. However, given their existing extension along the boundary and south facing outlook, loss of light and overbearing impact of the proposal are not considered to be so demonstrably harmful as to form a reason for refusal.

16.24 To the east, the application site adjoins Blackdown and the adjoining semi of Coveham with detached properties beyond. The case officer has visited Blackdown to fully assess the impact of the proposals on the amenity of the nearest occupiers, particularly given the lower finished floor level of the property (approx. 0.5 m lower). Blackdown is served by two side (west) facing windows at ground floor which will look onto the side elevation of the replacement dwelling. The windows serve a kitchen / diner (primary window in the front (north) facing elevation) and a utility and side entrance. Whilst the occupiers are concerned that the replacement dwelling will result in loss of light and an overbearing impact on the side facing windows, officers consider that there will be no significant harm given their secondary and non-habitable nature. On the front elevation, the windows (kitchen and bedroom) nearest the replacement dwelling have an open north facing outlook and the proposed development would not infringe this or result in loss of light. It is noted that first and second floor balconies on the front elevation would provide the opportunity for some

views towards neighbours on both sides although direct overlooking would be limited by the roof overhang, the alignment of properties, and the open views towards the heath and coast to the north.

- 16.25 To the rear, the projection of the rear elevation further south than existing and the impact of the asymmetrical roof have been assessed in terms of impact on the rear facing windows and rear amenity area of Blackdown and to a lesser extent Coveham. Whilst it is acknowledged that the outlook from the rear facing windows at both ground and first floor will alter, the habitable windows (sunroom and lounge at ground floor, bedrooms at first floor) will retain a particularly open aspect to the rear due to the length of gardens and lowering of levels to the south. Given that the asymmetrical roof will reduce the potential for an overbearing impact close to the boundary, and only a slight increase on the existing footprint is proposed, officers consider that the harm to neighbouring amenity, including from loss of light – particularly late afternoon and evening- would not be significantly different to the impacts of the current property so could not reasonably form a reason for refusal.
- 16.26 In respect of loss of privacy to Blackdown, an open sided porch at ground floor level would have no greater harm than existing use of the front amenity area, and the east facing utility window can be fitted in obscure glazing. All other windows on the east facing elevation are rooflights within the roof slope. The kitchen roof lights will be at a high level with no direct outlook to the neighbouring property. The first-floor bathroom rooflight can be conditioned to be fitted in obscure glazing to protect neighbour and occupier privacy. The second floor rooflights serving habitable rooms (bedroom 4 and living area) may result in some overlooking and loss of privacy to Blackdown's side kitchen window and rear amenity area due to their positions on the roof and their low height. Taking into account their secondary nature, it is considered reasonable to condition that they are fitted with a restricted opening (2.5 cm / 1 inch) to protect neighbouring amenity.
- 16.27 The proposed flat roof garden / storage room would be screened from the neighbouring properties by existing hedgerows along the boundary and would not result in unacceptable harm to the neighbouring amenity.
- 16.28 In summary, the proposal is considered to comply with Policy E12: Design and the objectives of the district Design Guide SPD in respect of harm to neighbouring amenity and subject to conditions on the decision.

Tree Impacts

- 16.29 There are a number of trees and shrubs within the application site and several mature trees that are sited just outside the site boundary within neighbouring gardens. A Tree Preservation Order covers trees within the rear garden of Greystones to the east and mature hedgerows extend along the garden boundaries.
- 16.30 The Tree Officer has been consulted on the proposal and requested the submission of a tree survey plan indicating trees and hedgerows to be retained / removed as part of the scheme. Details were included on an amended site plan. The Tree Officer also advised that a tree / hedgerow protection plan is necessary to ensure that the proposed development does not cause harm to any of the identified trees and hedgerows. This can be secured by way of a pre-commencement condition . On this basis, the proposal is considered to comply with Policy I3: Green infrastructure, trees and hedgerows of the Purbeck Local Plan 2024.

Biodiversity

Biodiversity Impacts

- 16.31 It is a requirement of all development to protect and where possible enhance the natural environment, as stated in the NPPF, paragraphs 187 and 193.
- 16.32 The application is supported by an Ecological Impact Assessment (EclA) which includes the results of bat surveys and concludes that the proposals would result in the loss of bat roosts and therefore a European Protected Species Licence will be required. Mitigation and compensation measures are also proposed in the EclA. The EclA has been reviewed by the Council's Natural Environment Team and a certificate of approval was issued on 21st January '25. Subject to a condition requiring full implementation of the mitigation within the approved EclA, the proposal is considered to accord with Policy E10: Biodiversity and geodiversity of the Purbeck Local Plan 2024.

Biodiversity Net Gain

- 16.33 As less than 25 square metres of onsite habitat will be impacted by the replacement dwelling, the proposal is exempt from biodiversity net gain as set out in Paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990 (as amended).

Appropriate Assessment

- 16.34 The application site lies within 5km but beyond 400m of Dorset Heathland which is designated as a Site of Special Scientific Interest and as a European wildlife site. The site also falls within the Poole Harbour Nutrient Catchment Area.
- 16.25 Since there is no proposed increase in residential units the need for a Habitats Regulations Appropriate Assessment has been screened out.
- 16.36 The proposal is acceptable in respect of Policies E7: Conservation of protected sites, E8: Dorset heathlands, E9: Poole harbour, and E10: Biodiversity and geodiversity of the Purbeck Local Plan 2024.

Flood risk and drainage

- 16.37 The application site is located in Flood Zone 1 and is not at risk of surface water flooding or susceptible to groundwater flood risk.
- 16.38 The proposal will result in a small increase in surface area but any exceedance would impact on neighbours to the east due to the lower ground levels. No drainage details have been submitted with the application but as the site is in an area at low risk of flooding from all sources, it is reasonable to secure an acceptable surface water drainage scheme by way of planning condition (nos. 5 and 6) to ensure that there will be no worsening of flood risk to the site or neighbours in accordance with policies E4: Assessing flood risk and E5: Sustainable drainage systems of the Purbeck Local Plan 2024.

Highway impacts and car parking

- 16.39 The application site is accessed via the private 'Agglestone Road' which adjoins the highway on Heath Green Road approx. 300 m to the southeast. Agglestone Road is narrow with passing spaces and surfaced in crushed stone. It is understood to be owned by the National Trust and maintained by both the Trust and residents. Neighbour objections have been received in relation to impacts of the proposed development construction on the road including damage to the road surface and drainage, disruption and blockages by vehicles and parking, potential storage of

plant and materials on the road, navigation of large vehicles on the tight corner, erosion of neighbouring land, silting up of drains, noise, and the safety of residents and visitors. Several neighbours have also requested that a legal agreement secure a payment from the applicant to deliver repairs to the road following construction.

- 16.40 The red line of the application site does not include Agglestone Road. Given that this is an existing access that serves all of the dwellings along the road, including the proposed replacement dwelling, it is not considered necessary to extend the red line to include the access. Whilst officers are mindful of the comments raised by neighbours in relation to damage and disruption along the road, the private ownership of the road means that any issues regarding damage and maintenance are a civil matter to be addressed outside the planning process.
- 16.41 The Council's Highway Engineer has raised no objection to the proposal on highway safety grounds and has noted that they do not anticipate construction traffic will reach a level that will require a specific condition to mitigate impact to the public highway. A condition is recommended in respect of parking provision prior to first use of the replacement dwelling, and on this basis, the proposed development is considered to accord with Policy I2: Improving accessibility and transport of the Purbeck Local Plan 2024.
- 16.42 The Highway Engineer has suggested that a Construction Management Plan would be appropriate. This would aim to limit adverse impacts of the construction phase of the development on neighbouring amenity, including accessibility along the private access track, inconsiderate parking, storage of materials etc. This is considered a reasonable condition to apply given the restricted width of the site access and its use by neighbouring properties.
- 16.43 Subject to the condition (no. 4), the proposal is considered to be acceptable in respect of neighbouring amenity in accordance with Policy E12: Design of the Purbeck Local Plan 2024.

Other considerations

- 16.44 *Rights of Way* – The application site is in close proximity of a public right of way. Informative information – as provided by the Rights of Way Officer – can be included on the decision notice to ensure that there is no obstruction or damage caused as a result of the development.
- 16.45 *Building Regulations* – Neighbours have raised concerns over proximity of the building to adjacent oil tanks. Building regulations have commented on the fire safety of the proposal including fire brigade accessibility, fire escapes, and boundary conditions. The comments have been provided to the planning agent who has confirmed that the architects are confident that the scheme can be delivered in accordance with Building Regulations requirements. In addition, the Dorset Fire Officer has been consulted on the proposal, but no response has been received. An informative note in respect of fire vehicle accessibility will be included on the decision notice.

Additional neighbour concerns:

- 16.46 Damage to neighbouring properties – Any damage to neighbouring properties or the private access road as a result of the development is a private / civil issue between the relevant landowners and does not form a material planning consideration.

16.47 Deed of covenant breaches – Breaches of covenants on property deeds is also a private / civil issue between the relevant landowners and does not form a material planning consideration.

17.0 Conclusion

17.1 For the above reasons, the application is judged to accord with the development plan as whole.

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:

PL 01.01 The Location Plan

PL 02.02 A Proposed Site Plan

PL 02.03 A Proposed Ground and First Floor Plan

PL 02.04 A Proposed Second Floor and Roof Plan

PL 02.05 Proposed Garden Storage/Room

PL 03.01 A Proposed North & West Elevations

PL 03.02 A Proposed South & East Elevations

PL 03.03 Proposed Street Elevations

SK 01 Section AA - Light mitigation.pdf

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

3. Prior to the commencement of any development hereby approved (including demolition), all existing trees and hedges shown on approved site plan PL 02.02 A to be retained, shall be fully safeguarded in accordance with BS 5837:2005 (Trees in relation to construction - recommendations) or any other Standard that may be in force at the time that development commences and these safeguarding measures shall be retained for the duration of construction works and building operations. No unauthorised access or placement of goods, fuels or chemicals, soil or other material shall take place within the tree protection zone(s).

Reason: To ensure that trees and hedges to be retained are adequately protected from damage to health and stability throughout the construction period and in the interests of amenity

4. Before any demolition or ground works commence on the site, a Construction Management Plan (CMP) must be submitted to and approved in writing by the Local Planning Authority. The CMP must include:
 - delivery, demolition, construction and working hours and means of notification to neighbours.

- construction vehicle details including the number, size, type, and frequency of movement
- the parking of vehicles of site operatives and visitors
- the loading and unloading of plant and materials
- the storage of plant and materials used in constructing the development
- dust, noise and vibration suppression
- site safety and security including site manager contact details

The approved Construction Management Plan shall be adhered to throughout the construction period for the development.

Reason: To minimise the likely impact of the proposed development on the amenity of neighbouring properties.

5. Prior to the commencement of development details of a surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority, and the approved drainage scheme shall be completed before occupation of the development.

Reason: To avoid drainage problems as a result of the development with consequent pollution or flood risk.

6. Prior to the occupation of the development, details of maintenance and management of the surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. These should include a plan for the lifetime of the development, the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime.

Reason: To ensure the future maintenance of the surface water drainage system, and to prevent the increased risk of flooding.

7. Prior to development above damp-proof course level, details (including colour photographs) of all external facing materials for the wall(s) and roof(s) shall have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall proceed in accordance with such materials as have been agreed.

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

8. Prior to the installation of any glazing on the second-floor front (north) elevation, details of the method(s) of securing the Visible Light Transmission at a maximum upper Visible Light Transition (VLT) of 0.65 shall be submitted to the Council for approval. Thereafter, all glazing - first installation and replacement - shall be fitted in accordance with the approved details and shall not exceed the maximum VLT limit of 0.65 at any time.

Reason: To restrict artificial internal light spill into the intrinsically dark Dorset National Landscape.

9. Before the dwelling is brought into use:
- (i) the ground floor w.c. window in the west elevation and the ground floor utility window in the east elevation must be glazed with obscure glass to a minimum industry standard privacy level 3 up to a height of 1.7 metres above the floor level of the room in which the windows are installed.
 - (ii) the first floor rooflight of the bathroom serving the master bedroom must be glazed with obscure glass to a minimum industry standard privacy level 3.
 - (iii) the second floor rooflights serving the living area and bedroom 4 must be fitted with an opening restraint at the bottom of the windows to limit the openings to no more than 2.5cm (1 inch).
- Thereafter, the obscure glazing and opening restraints must be maintained as such.

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

10. The obscure glazed privacy screen serving the balcony of bedrooms 2 and 3 shall be fitted to a height of 1.8m above the finished floor level of the balcony in accordance with Drawing PL 03.01 A. Thereafter the privacy screen shall be retained as such.

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

11. Before the development hereby approved is first occupied or utilised the turning and parking shall be constructed in accordance with the approved plans. Thereafter, these areas must be permanently maintained, kept free from obstruction and available for the purposes specified.

Reason: To ensure the proper and appropriate development of the site in the interest of highway safety.

12. The detailed biodiversity mitigation, compensation and enhancement/net gain strategy set out within the approved Ecological Impact Assessment Report (EclA) Version 3 - FINAL Amended Ref 2024-78 and certified as approved by the Dorset Council Natural Environment Team on 21.01.2025 must be strictly adhered to during the carrying out of the development. The development hereby approved must not be first brought into use unless and until the mitigation, compensation and enhancement/net gain measures detailed in Section 5 of the approved EclA have been completed in full, unless any modifications to the approved EclA as a result of the requirements of a European Protected Species Licence have first been submitted to and agreed in writing by the Local Planning Authority. Thereafter the approved mitigation, compensation and enhancement/net gain measures must be permanently maintained and retained in accordance with the approved details.

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

13. No external lighting shall be installed unless and until details of the lighting scheme have been submitted to and agreed in writing by the Local Planning Authority. Thereafter the lighting scheme shall be installed, operated and maintained in accordance with the agreed details.

Reason: To protect visual amenity within the Dorset National Landscape.

Informative Notes:

1. Biodiversity Net Gain

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for development of land in England is deemed to have been granted subject to the condition (biodiversity gain condition) that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan, if one is required in respect of this permission would be Dorset Council.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are listed below.

Based on the information available this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because one or more of the statutory exemptions or transitional arrangements in the list below is/are considered to apply.

The permission which has been granted is for development which is exempt being:

- Development below the de minimis threshold, meaning development which:
 - i) does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and
 - ii) impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat (as defined in the statutory metric).

Read more about Biodiversity Net Gain at
<https://www.dorsetcouncil.gov.uk/w/biodiversity-net-gain>

2. Statutory Exemptions and Transitional Arrangements in respect of the Biodiversity Gain Plan

1. The application for planning permission was made before 12 February 2024.
2. The planning permission relates to development to which section 73A of the Town and Country Planning Act 1990 (planning permission for development already carried out) applies.
3. The planning permission was granted on an application made under section 73 of the Town and Country Planning Act 1990 and

(i) the original planning permission to which the section 73 planning permission relates* was granted before 12 February 2024; or

(ii) the application for the original planning permission* to which the section 73 planning permission relates was made before 12 February 2024.

4. The permission which has been granted is for development which is exempt being:

4.1 Development which is not 'major development' (within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015) where:

i) the application for planning permission was made before 2 April 2024;

ii) planning permission is granted which has effect before 2 April 2024; or

iii) planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 where the original permission to which the section 73 permission relates* was exempt by virtue of (i) or (ii).

4.2 Development below the de minimis threshold, meaning development which:

i) does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and

ii) impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat (as defined in the statutory metric).

4.3 Development which is subject of a householder application within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. A "householder application" means an application for planning permission for development for an existing dwellinghouse, or development within the curtilage of such a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse which is not an application for change of use or an application to change the number of dwellings in a building.

4.4 Development of a biodiversity gain site, meaning development which is undertaken solely or mainly for the purpose of fulfilling, in whole or in part, the Biodiversity Gain Planning condition which applies in relation to another development, (no account is to be taken of any facility for the public to access or to use the site for educational or recreational purposes, if that access or use is permitted without the payment of a fee).

4.5 Self and Custom Build Development, meaning development which:

i) consists of no more than 9 dwellings;

ii) is carried out on a site which has an area no larger than 0.5 hectares; and

iii) consists exclusively of dwellings which are self-build or custom housebuilding (as defined in section 1(A1) of the Self-build and Custom Housebuilding Act 2015).

4.6 Development forming part of, or ancillary to, the high speed railway transport network (High Speed 2) comprising connections between all or any of

the places or parts of the transport network specified in section 1(2) of the High Speed Rail (Preparation) Act 2013.

* “original planning permission means the permission to which the section 73 planning permission relates” means a planning permission which is the first in a sequence of two or more planning permissions, where the second and any subsequent planning permissions are section 73 planning permissions.

3. The works associated with this application require a European Protected Species (EPS) License or Low Impact Class (LIC) License to avoid unlawful harm to species protected under the Conservation of Habitats and Species Regulations (2017) (as amended). Approval of an EPS/LIC License is a separate process from obtaining Planning Permission therefore the applicant is at risk of committing an offence where no License has been obtained. Planning Permission does not guarantee a licence, nor does in any way prejudice Natural England’s decision on whether a licence should be issued, nor does it provide any legal defence against possible offences. It is relevant only to the purposes of consideration of the proposed development by the Local Planning Authority.

4. Inf - Building Control Comments

Is garden storage room an exempt structure under Building Regulations.

Is B-5 compliant for access to fire Brigade may need to consult as doesn't appear can turn appliance and can't reverse more than 20 metres.

Ensure means of escape is provided as 3 storey requires fire doors all the way down to final exit.

Ensure boundary conditions comply with Approved document B to avoid spread of flame across close boundaries.

5. To fight fires effectively the Fire and Rescue Service needs to be able to manoeuvre its equipment and appliances to suitable positions adjacent to any premises. Therefore, the applicant is advised that they should consult with Building Control and Dorset Fire and Rescue Service to ensure that Fire Safety - Approved Document B Volume 1 Dwelling houses B5 of The Building Regulations 2006 can be fully complied with or possibly met by some other means such as sprinklers or increased fire resistance
6. The submission of surface water drainage details should demonstrate that the proposed scheme has been informed by and appropriately responds to site specific ground water conditions evidenced by testing. The Council has published Surface Water Management Scheme guidance <https://www.dorsetcouncil.gov.uk/documents/35024/280970/Surface+Water+Management+Proposal+Information+Requirements.pdf/33f6035a-fd3e-6c8b-8702-c148ea944541> including a flowchart for consideration at page 3.
7. Electric vehicle charging points
The applicant is advised that prior to the development being brought into use, it must comply with the requirements of Building Regulations Approved Document S: Infrastructure for the charging of electric vehicles.

8. Informative Note: Trees on this site or adjoining this site are covered by a Tree Preservation Order (TPO) which may be affected by this proposed development. A TPO prohibits the cutting down, uprooting, topping, lopping, wilful damage or wilful destruction of trees without the Local Authority's consent. Before commencement of any work, you must contact the Council's tree team and seek the necessary advice/consent. It is an offence to damage any part of a protected tree both above and below ground, without appropriate consent. Contact details for your Tree Team and more information can be found on the Council's website <https://www.dorsetcouncil.gov.uk/countryside-coast-parks/countryside-management/tree-management/tree-preservation-orders/tree-preservation-orders>
9. Informative: This development constitutes Community Infrastructure Levy 'CIL' liable development. CIL is a mandatory financial charge on development, and you will be notified of the amount of CIL being charged on this development in a CIL Liability Notice. To avoid additional financial penalties, it is important that you notify us of the date you plan to commence development before any work takes place and follow the correct CIL payment procedure.
10. The net gain biodiversity measures required by condition 12 should accord with best practice guidance published on the Council's website [https://www.dorsetcouncil.gov.uk/w/species-and-habitat-advice-notes-and-guidance-sheets?p I back url=%2Fsearch%3Fq%3Dspecies%2Band%2Badvice%2Bsheets](https://www.dorsetcouncil.gov.uk/w/species-and-habitat-advice-notes-and-guidance-sheets?p%20back_url=%2Fsearch%3Fq%3Dspecies%2Band%2Badvice%2Bsheets)
11. The applicant(s) is (are) advised that the proposed development is situated in close proximity to the property boundary and "The Party Wall etc. Act 1996" is therefore likely to apply.
12. Informative Note: Rights of Way

The safe free passage of the public on all rights of way must not be obstructed at any time. If the public are unlikely to be able to exercise their public rights on a right of way, then a Temporary Path Closure Order must be obtained. This can be applied for through Rights of Way at Dorset Council see <https://www.dorsetcouncil.gov.uk/w/changing-the-definitive-map>, but the application must be completed and returned at least thirteen weeks before the intended closure date. It should be noted that there is a fee applicable to this application. This application and legal order must be confirmed before any works obstructing the path are commenced.

Any damage to the surface of the footpath attributable to the development must be repaired to Dorset Council's specification, in accordance with Section 59 of the Highways Act 1980 by the applicant.

13. 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.