

Application Number:	P/HOU/2024/06157		
Webpage:	Planning application: P/HOU/2024/06157		
Site address:	42 Alington Avenue Dorchester DT1 2AB		
Proposal:	Install dropped kerb & form vehicular access.		
Applicant name:	Mr Samuel Swindell		
Case Officer:	Annabel Cox		
Ward Member(s):	Cllr Jones and Cllr Major		
Publicity expiry date:	29 January 2025	Officer site visit date:	7 th November 2024
Decision due date:	1 February 2025	Ext(s) of time:	1 February 2025
No of Site Notices:	1		
SN displayed reasoning:	Public consultation.		

1.0 Statutory consultee, Dorchester Town Council, object to the proposed development which is contrary to Officer recommendation. As such the application is required to go through the scheme of delegation in line with the agree constitution.

2.0 2.0 Summary of recommendation:

GRANT subject to conditions.

3.0 Reason for the recommendation:

- 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 location is considered to be sustainable, and the proposal is acceptable in its design and general visual impact.
- There is not considered to be any significant harm to neighbouring residential amenity.
- Highways matters have been considered and addressed by the applicant.
- All relevant heritage assets have been identified and there would be no harm to the setting of the listed bridge.
- There are no material considerations which would warrant refusal of this application

4.0 Key planning issues

Issue	Conclusion
Principle of development	The principle of forming an access onto the property and altering the boundary is acceptable subject to the conditions applied regarding Highway matters.
Scale, design, impact on character and appearance	The proposed development would not have a significant adverse impact on the visual amenities of the site or locality.
Impact on the living conditions of the occupants and neighbouring properties	The proposal would not have a significant adverse impact on the living conditions of occupiers of residential properties.
Impact on heritage assets	The proposal is not considered to result in harm to the Grade II Listed Bridge.
Highway impacts, safety, access and parking	The Highways Authority were consulted and consider that the proposal will not compromise road safety subject to the relevant conditions. As such, it this application is considered acceptable in its impact on Highway related matters.

5.0 Description of Site

The application site is located to the east side of Dorchester, just west of the A35. The site is not located within a Conservation Area, is not Listed but does lie within Dorchester Settlement Boundary.

Number 42 Alington Road is a two-storey detached dwelling with amenity space/garden surrounding the property to the north, east and west. The site does not currently benefit from parking or any vehicular access.

Just north of the site, located at a lower ground level, is a car park/yard used by a local motor company which receives a reasonably high number of vehicles frequently visiting the site throughout the day. To the south of the site is the National Railway track, lined by mature trees/vegetation. To the east of the site and directly adjacent to the wall relevant in this application runs the B3143 (Alington Road). Just southeast of the site is a Grade II Listed bridge running over the railway.

The boundary wall relevant to this application runs along the eastern boundary and is constructed of stone which is of similar style and construction to that of the bridge. Currently, only a small doorway breaks up the wall, with an engraved lintel above. The wall is then continued along the eastern boundary of the neighbouring site; however, it is significantly dropped in height, providing full view of the car park/yard which lies at a significantly lower ground level compared to the application site. The northern boundary of the application site comprises a tall chain link fence which has since been partially covered by vegetation.

The wider area surrounding the application site is mixed in use with some light industrial uses to the northwest and east, for which there are clear views of from the site. To the northeast and south are residential areas but both are separated from the site by railway and road. The dwelling is visually separated from its surroundings being a single dwelling abutting the yard/car part, railway and road.

6.0 Description of Development

The proposed development seeks to create a vehicular access. This shall include the partial demolition of the eastern boundary wall to create an opening, the reuse of the stone removed to reconstruct the wall at an angle into the property, erection of a gate and

installation of a dropped kerb. The north boundary fence/vegetation shall be retained as it currently is.

7.0 Relevant Planning History

WD/D/20/001185 - Decision: NOB - Decision Date: 23/07/2020

Notification of intention to install fixed-line broadband electronic communications apparatus under the Electronic Communications Code Regulations 2003

8.0 List of Constraints

LP - ENV 2; Poole Harbour Nutrient Catchment Area; Poole Harbour - Distance: 0

LP - SUS2; Defined Development Boundary; Dorchester - Distance: 0

LP - ENV 9; Groundwater Source Protection Areas; NULL - Distance: 0

LP - ENV 9; Groundwater Source Protection Areas; LOWER MAGISTON - Distance: 0

LP - Boundary; West Dorset District Boundary; West Dorset - Distance: 0

LP - Purbeck Local Plan - Policy E9 - Poole Harbour Nitrates - Distance: 0

DESI - Natural England Designation - Nutrient Neutrality Catchments - Distance: 0

DESI - Wessex Water Treatment Works Catchment - Distance: 0

NELA - Dorset - Distance: 0

PAR - Dorchester South Parish Ward - Distance: 301.13

PAR - Dorchester West Parish Ward - Distance: 924.05

PAR - Dorchester East Parish Ward - Distance: 0

PAR - Dorchester North Parish Ward - Distance: 558.73

PAR - Winterborne Came CP - Distance: 379.93

PAR - Stinsford CP - Distance: 381.76

PAR - Winterborne Herringston CP - Distance: 616.78

PAR - Dorchester CP - Distance: 0

PAR - West Stafford CP - Distance: 696.42

WARD - Charminster St. Mary's Ward - Distance: 381.76

WARD - Dorchester East Ward - Distance: 0

WARD - Dorchester West Ward - Distance: 559.15

WARD - Winterborne & Broadmayne Ward - Distance: 379.93

PROW - Right of Way: Footpath S2/29; - Distance: 35.79

DESI - Railway: Standard Gauge Track - Distance: 9.31

EA - Groundwater – Susceptibility to flooding; NULL; NULL; - Distance: 0

DESI - Dorset Council Land (NULL): NULL - Reference FH000018 - Distance: 0

DESI - Dorset Council Land (NULL): NULL - Reference FH000018 - Distance: 0

DESI - Dorset Council Land (NULL): NULL - Reference FH000018 - Distance: 0

DESI - Existing ecological network (Polygons) - Distance: 0

DESI - Site of Special Scientific Interest (SSSI) impact risk zone; - Distance: 0

EA - Poole Harbour Catchment Area - Distance: 0

EA - Groundwater Source Protection Zone - Distance: 0

RAD - Radon: Class: Class 1: Less than 1% - Distance: 0

DESI - Contaminated Land - Distance: 0

Grade II listed bridge (statutory duty to preserve or enhance the significance of heritage assets under the Planning (Listed Buildings & Conservation Areas) Act 1990)

9.0 Consultations

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

Consultees

1. DC - Highways

Defer (received 12/11/2024) - additional information required to show turning and visibility onto highway.

2. P - Dorchester TC

Objection- (received 11/11/2024)- Concerns over pedestrian and road user safety and detrimental impact of loss of wall.

3. W - Dorchester East Ward 1

Objection (received 16/11/2024)- Safety issue due to visibility over the bridge for road users. Concerns over pedestrians using footpath (especially children). Concerns over vehicles needing to reverse in and out. Concerns over loss of old stone wall which formed the premise for the careful construction and matching materials to the bridge (Grade II Listed) when the bridge was partially reconstructed.

4. W - Dorchester East Ward 2 – No response

5. DC - Highways (RECONSULT)

No objection (received 20/11/2024)- subject to conditions

6. P - Dorchester TC (RECONSULT)

Objection (received 05/02/2025)- Maintains concerns over pedestrian and road users due to proximity to the industrial estates adjacent and opposite the site. The Committee felt that the application contravened COM7 of the adopted local plan as it would have severe detrimental effect on road safety.

7. W - Dorchester East Ward 1 (RECONSULT)- No response

8. W - Dorchester East Ward 2 (RECONSULT)- No response

Representations received

Total - Objections	Total - No Objections	Total - Comments
0	0	0

10.0 Duties

s38(6) of the Planning and Compulsory Purchase Act 2004 requires that the determination of planning applications must be in accordance with the development plan unless material circumstances indicate otherwise.

The Planning (Listed Buildings and Conservation Areas) Act 1990 - Section 66 requires that when considering whether to grant planning permission for a development which affects a listed building or its setting, there is a general duty to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

11.0 Relevant Policies

Development Plan

Adopted West Dorset and Weymouth & Portland Local Plan (2015)

As far as this application is concerned the following policies are considered to be relevant.

- INT1- Presumption in favour of Sustainable Development
- ENV10 - The landscape and townscape setting
- ENV 12 – The design and positioning of buildings
- ENV 16 – Amenity
- SUS 2- Distribution of development
- ENV4 – Heritage assets
- COM7 – Creating a safe & efficient transport network

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 specific NPPF policies protecting areas or assets provide a strong reason for refusal and/or any adverse impacts of approval would significantly and demonstrably outweigh the benefits when assessed against the NPPF as a whole, with particular regard to key policies for directing development to sustainable

locations, making effective use of land, securing well designed places and providing affordable homes.

Other relevant NPPF sections include:

- Section 4. 'Decision making' Para 39 – requires local planning authorities to 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 places' This 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 16 'Conserving and Enhancing the Historic Environment'- Paragraph 212 say that when considering designated heritage assets, great weight should be given to the asset's conservation, irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. The effect of an application on the significance of non-designated heritage assets should also be taken into account (para 216).

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. Officers have not identified any specific impacts on persons with protected characteristics.

14.0 Planning Assessment

Principle of development

The proposed development seeks to form a vehicular access onto the property from the highway and install a dropped kerb. The application site is not located within Dorchester conservation area and it therefore not caught by the Article 4 direction in place. As such, the partial demolition of the wall would fall under permitted development as per The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). The reconstruction of the wall, installation of the gate and dropped kerb would however require permission. The principle of forming an access onto the property and altering the boundary is acceptable subject to the conditions applied regarding Highway matters.

Design

The existing stone wall is visually attractive and creates a positive contribution to the site. However, the existing wall is not within a conservation area and therefore not caught by the Article 4 Direction. As such, the applicant does not require permission for the demolition of part of the wall. The proposal does not result in the loss of the whole wall and proposes to re-use existing stones to reconstruct the wall at an angle, to facilitate the installation of a gate. Whilst there is a disruption to the continuity of the boundary wall, the loss of the wall in itself does not require permission, and the site sits against a backdrop of an industrial estate which does not contribute positively to the visual appearance of the site or locality. Furthermore, the adjacent site to the north and their boundary wall along the eastern boundary is a continuation of the wall relevant to this application and this part has clearly been altered in height in the past.

Therefore, whilst the existing wall is a positive contribution to the appearance of the site, there is no relevant legislation that would prevent the proposed development, and any resultant harm is not detrimental enough to warrant a refusal. The proposed development would not have a significant adverse impact on the visual amenities of the site or locality.

Amenity

There are no immediate neighbouring residential properties. The proposed development is some distance from the neighbouring residential dwellings and would not have a significant adverse impact on the living conditions of occupiers of residential properties.

Heritage Assets

The application site is not located within a conservation however the railway bridge just southeast is Grade II Listed and therefore the site is located within its setting. Also located within the setting of the listed bridge is the backdrop of modern residential dwellings and an industrial estate. The partial demolition of the wall and creation of an access is not considered to result in harm to the setting of the listed bridge. Much of the existing wall and the historic character is retained and the outline of the original wall will still be notable. The proposal results in no harm to the Grade II Listed Bridge or the setting of the Conservation Area.

Highways

Concerns over pedestrian and road user safety have been raised by the Town Council and Ward member in their initial consultation. Although the Highways Authority initially deferred this application due to the lack of information, following the receipt of additional information and clarification from the applicant, the Highways Authority raised no further objection, subject to conditions. The Town Council and Ward members were re-consulted following this and although no response was received from ward members, the Town Council's response maintains its objection due to road safety concerns.

The Highways Authority were consulted and consider that the proposal will not compromise road safety subject to the relevant conditions. As such, this application is considered acceptable in its impact on Highway related matters.

15.0 Conclusion

The proposed development complies with the policies of the adopted Local Plan taken as a whole and the relevant sections of the National Planning Policy Framework as already listed and there are no material considerations that indicate that the decision should be taken other than in accordance with the development plan.

16.0 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:

- 001 Location Plan
- 002 1 Block/Site Plan
- 003 Existing & Proposed Elevations
- 005 Road Site Lines
- 004 Pedestrian Sight Lines
- 006 Wall elevations

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

- 4.Prior to the installation of the proposed gate, details of the proposed elevations and materials of the gate shall be submitted to, and approved in writing by, the Local Planning Authority. Thereafter, the development shall proceed in accordance with the agreed details.

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

- 5.Before the development is occupied or utilised the first 5.00 metres of the vehicle access, whether it be concrete, block paving or tarmac, measured from the rear edge of the highway (excluding the vehicle crossing - see the Informative Note below), must be laid out and constructed to a specification submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that a suitably surfaced and constructed access to the site is provided that prevents loose material being dragged and/or deposited onto the adjacent carriageway causing a safety hazard.

6. Before the development is occupied or utilised the turning/manoeuvring and parking shown on the submitted plans must have been constructed. 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 and to ensure that highway safety is not adversely impacted upon.

7. Before the development hereby approved is occupied or utilised the visibility splay areas as shown on the submitted plans must be cleared/excavated to a level not exceeding 0.6 metres above the relative level of the adjacent carriageway. The splay areas must thereafter be maintained and kept free from all obstructions.

Reason: To ensure that a vehicle can see or be seen when exiting the access.

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.
- The applicant was provided with pre-application advice.
- The application was acceptable as submitted and no further assistance was required.

2. The development hereby approved includes the construction of structures adjacent to or within 6m of the adopted highway. You are advised that before undertaking any work on the adopted highway you must prepare and submit an AiP Structural Report. You will be required to pay technical approval fees (as determined by the proposed category of structure to be assessed) before the report will be considered and approved. Contact the Highway Authority's Bridges and Highway Structures Team at 01305 225366.

3. The vehicle crossing serving this proposal (that is, the area of highway land between the nearside carriageway edge and the site's road boundary) must be constructed to the specification of the Highway Authority in order to comply with Section 184 of the Highways Act 1980. The applicant should contact Dorset Highways by telephone at 01305 221020, by email at dorsethighways@dorsetcouncil.gov.uk, or in writing at Dorset Highways, Dorset Council, County Hall, Dorchester, DT1 1XJ, before the commencement of any works on or adjacent to the public highway.