

Application Number:	P/LBC/2023/01251
Webpage:	https://planning.dorsetcouncil.gov.uk/
Site address:	10 High East Street Dorchester DT1 1HS
Proposal:	Erect first floor extension to provide 1 No. unit of residential accommodation
Applicant name:	Mr Miah
Case Officer:	Cass Worman
Ward Member(s):	Cllr Jones and Cllr Major

1. Reason application is going to committee:

Request from Cllr Jones that associated planning application P/FUL/2023/01247 be considered at Committee, referral by chair following Scheme of delegation consultation.

2. Summary of recommendation:

GRANT subject to conditions as set out at the end of this report.

3. Key planning issues

Issue	Conclusion
Principle of development	Supported by Conservation Officer
Scale, design, impact on character and appearance	Conservation Officers supportive of proposal, would enhance the character and appearance of the Conservation Area
Impact on landscape or heritage assets	Conservation Officers supportive of proposal, would enhance the character and appearance of the Conservation Area, no impact on remaining heritage interest of application building (shopfront)

4. Description of site

The application building is a single storey building in the middle of High East Street, currently occupied by Bombay Nights takeaway, notable for its bright pink shopfront.

The building is Grade II listed, listed as group with Numbers 10 to 12.

The listing description is :

HIGH EAST STREET 1. 5191 (South Side) Nos 10 to 12 (consec) SY 6990 7/219 II GV Mid C19. Colour washed brick. Pitched slate roof. Brick stacks. 2 storeys and attics. 3 sashes with glazing bars on 1st floor. 2 attic dormers with sashes and glazing bars. 3 shopfronts, No 11's modern, Nos 10 and 12's mid C19, No 12's with

oblong bay front, pilasters and entablature, No 10's with modillion cornice and pent roof on cut brackets. West (Icen Way) elevation of No 12 is Ridgeway rubble with red brick dressings, and has mansard slate roof, 3 ranges of sashes with glazing bars, and 2 planked doors with segment-headed fanlights. Nos 10 to 12 (consec) form a group with Nos 1, 2, 2A and 3 Icen Way."

The history of the building itself is relatively unknown, and Officers have approached the Dorset Records Centre for historic images or any information of the history of the site but unfortunately this section of High East Street is often missing from the historic photo record.

It is therefore thought perhaps the building is a later addition or infill of a what was a larger courtyard; the shopfront is of historic interest, being a fine example of a mid 19th Century shopfront which compliments other symmetrical shopfronts up High East Street and is a positive contributor to the character and appearance of the Conservation Area.

5. Description of development

Addition of a first floor extension to provide one unit of residential accommodation.

The front elevation facing High East Street would be of brick with two simple casement windows. A pitched plain tile roof which sits subserviently between the two buildings either side would finish the front elevation, and this simple design follows advice of the Conservation Officer.

The pitched roof is then returned back to form a flat roof to the middle of the roofscape to ensure the window in the side gable elevation of Number 10A is not blocked.

To the rear, the existing parapet wall would be built up by approx. 0.6 metres, with a pitch roof behind, featuring three roof lights. This pitch roof to the rear is lesser in height than the front roof, and then returns to the central flat roof section.

The historic shopfront would be retained, with no changes required. Internally at ground floor level, a new lobby would be created to allow separation between the ground floor takeaway area, and the stairs up to the new flat above

6. Background and relevant planning history

1/E/90/000177 - Decision: GRA - Decision Date: 21/05/1990
Continue Class A3 use of premises (use for the sale of food and drink for consumption on the premises or hot food for consumption off the premises)

1/E/90/000202 - Decision: GRA - Decision Date: 22/05/1990
Erect illuminated hanging sign

1/E/90/000203 - Decision: GRA - Decision Date: 22/05/1990
Erect illuminated hanging sign

P/PAP/2022/00284 - Decision: RES - Decision Date: 20/09/2022
Written advice - First floor extension to existing property

The application is made jointly with planning application ref P/FUL/2023/01247 –
Recommended for approval

7. List of constraints

Application site is Grade II listed: LB - 10-12, HIGH EAST STREET listed building grade G2. HE
Reference: 1110579 - Distance: 0

Adjacent to Grade II listed building: 9, HIGH EAST STREET listed building grade G2. HE
Reference: 1292030 - Distance: 0

Within setting of other Grade II Listed Buildings including:

45, HIGH EAST STREET List Entry: 1218610.0; - Distance: 16.92;
43, HIGH EAST STREET List Entry: 1324433.0; - Distance: 21.09
46, HIGH EAST STREET List Entry: 1119051.0; - Distance: 17.8
8, HIGH EAST STREET List Entry: 1110578.0; - Distance: 10.36
7 AND 7A, HIGH EAST STREET List Entry: 1292026.0; - Distance: 18.12

CON - Application is within Dorchester Conservation Area - Distance: 0

8. Consultations

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

Representations received

Dorchester Town Council – *No Objection - request that a planning condition be made that the proposed extractor fan be maintained as per the recommendations stated in the Odour Assessment report submitted with the application.*

Dorchester East Ward Member Cllr Jones –

The proposed alterations will improve the street scene.

Concerns raised with regards to:

- impacts on residents to the rear of the property who feel the siting of the extractor has moved the problem from one neighbour to another
- bathroom and kitchen vents would be blocked
- windows overlook living spaces to rear
- size of the proposed accommodation does not meet technical space standards

Dorchester East Ward Member Cllr Rennie (previous Ward Cllr)–

Concerns with regards to:

- the design might not be in accordance with other properties on the street
- potential for loss of light to windows
- blocking of neighbouring vents
- overlooking into neighbouring properties

- potential impacts of abutments to neighbouring properties

DC - Conservation Officers – Support, the proposals would enhance the character and appearance of the Conservation Area and no harm to the listed building.

DC - Building Control– *Proposed lobby with inward opening doors would provide required fire separation between takeaway and residential flat*

DC – Highways – No objection. Construction Management Statement required

Representations received

Dorchester Civic Society

The Society supports this application which will provide an improved North elevation. This is subject to the rights of adjoining neighbours being preserved as to their privacy and the Right to Light.

The majority of comments made by third parties relate to planning matters and are summarised in associated Officer Report ref P/FUL/2023/01247:

Matters relating to heritage assets can be summarised as such:

No supporting structural information is provided ensuring that the existing building can withstand the additional floor – there is a potential for structural damage to neighbouring properties as a result of the proposals.

No supporting information is provided as to how the proposals would abut/join the properties on either side.

The proposals would be harmful to the setting of the Conservation Area and adjacent listed buildings – adding another storey attached to Number 10A High Street would take away the distinctive look of this property, with its distinctive narrow shopfront

The proposals would block the side elevation of Number 9 and adversely impact its setting from resultant obscuring of this part of the building.

The proposals would impact the character & appearance of the Conservation Area.

The Heritage Statement is inadequate & misleading

9. 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 - includes 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 when considering whether to grant listed building consent.

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 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.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of conservation areas.

10. Relevant policies

Development plan

In this case the development plan comprises:

Local Plan Adopted West Dorset and Weymouth & Portland Local Plan:

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

ENV4: Heritage assets

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 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 plan should be accorded very limited weight in decision making.

National Planning Policy Framework 2024 (as amended 2025)

Paragraph 11 sets out the presumption in favour of sustainable development. 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 16 'Conserving and Enhancing the Historic Environment'- Paragraph 212 says 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).

11. 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.

12. 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 are unaware of any PSED considerations relevant to this application

13. Planning Assessment

Principle of development

The principle of addition of a second floor is supported by Conservation Officers who are of the opinion that the proposals would enhance the character and appearance of the Conservation Area.

Design, impact on character, and impact on heritage assets

The proposals have the support of the Conservation Officer, who sees the infill of this ‘gap’ with a suitably designed and detailed roof extension to enhance the character and appearance of the Conservation Area.

The extension is subservient to both buildings on either side of the site, the roof being set well down from the roofs of buildings on both sides which will allow both gables of these buildings to still be ‘read’.

The extension would be suitably detailed with a brick frontage (with Flemish bond as recommended by Conservation), and traditionally styled timber casement windows. The roof would be plain clay tile as recommended by Conservation.

The original historic shopfront would be retained, with no external alterations to the ground floor shop required.

Internally on the ground floor, a new lobby would be provided to ensure suitable fire separation between the takeaway and new residential flat, and a corridor established with stairs to the new upstairs. The configuration of the lobby is acceptable to Conservation Officers subject to detail being provided.

It should also be noted that the scheme is supported by the Dorchester Civic Society who comment that the application would provide an improved North elevation.

Conditions are required to ensure suitability & quality of proposed materials, joinery and method statements for abutment and internal lobby alterations.

14. Summary of issues and the planning balance

There would be no harm to significance of the heritage asset, and no harm to the setting of the adjacent listed buildings. The proposal would enhance the character and appearance of the Conservation Area.

15. Recommendation:

Grant listed building consent subject to the following conditions:

1. The work to which this listed building consent relates must be begun not later than the expiration of three years beginning with the date on which the consent is granted.

Reason: This condition is required to be imposed by reason of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

2. The works hereby permitted shall be carried out in accordance with the following approved plans:

12673-01 Location Plan.pdf

12673-02 A Existing Plans, Elevations & Sections.pdf

12673 - 106 Proposed plans and elevations

12673 - 106 G Proposed plans and elevations

12673 - 107 Existing and Proposed Rear Elevations

12673 - 108 C Lobby Section

Reason: To preserve the architectural and historical qualities of the building.

3. Prior to construction of the extension hereby approved, a detailed method statement detailing abutment and construction methodology to include details of (but not limited to) tying in/connections with adjacent buildings, surface water drainage, rainwater goods, shall be submitted to and agreed in writing by the Local Planning Authority. The development shall thereafter proceed in accordance with the approved details.

Reason: In the interests of protecting adjacent heritage assets

4. Prior to installation of first floor extension brickwork, a sample panel of the proposed external facing material measuring at least 1 metre by 1 metres, demonstrating the proposed brick, coursing, mortar mix and pointing detail, shall be erected on site, and approved in writing by the Local Planning Authority. Thereafter, the development shall proceed in accordance with details of the sample panel as have been agreed.

Reason: To ensure a satisfactory visual appearance of the development and in the interests of the heritage asset.

5. Prior to installation of new pitched roof, details and samples of all external facing materials for the wall(s) and roof(s) shall be 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 and in the interests of the heritage assets

6. Prior to the installation of new external windows, detailed drawings (at a scale of 1:5 section and 1:20 elevation) showing the design, materials, colour, finish and construction specifications of all new windows (and passageway door if proposed) shall be submitted to and approved in writing by the Local Planning Authority and the development shall thereafter be completed in accordance with the approved details.

Reason: To safeguard the character of the locality and in the interests of the appearance of the development and in the interests of the heritage asset

7. Prior to installation of any works to facilitate a new entrance lobby, a method statement including detailed annotated section drawings showing construction method, materials, details of abutment(s) and joinery details shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall proceed in strict accordance with the details as agreed.

Reason: In the interests of the heritage asset

8. No plumbing pipes or other services (other than those shown on the approved drawings) shall be located on the exterior of the building(s).

Reason: To preserve or enhance the character and appearance of the heritage asset.

Informative Notes:

1. Please ensure all conditions with regards to linked planning application ref P/FUL/2023/01247 are submitted and discharged, and thereafter works proceed in accordance with the agreed details as approved

2. 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.