

1.0 Application Number: WD/D/19/000233
Application Site: RASHWOOD LODGE, CLAPPENTAIL LANE, LYME REGIS, DT7 3LZ
Proposal: 2 storey extension and new detached double garage
Applicant: Mr & Mrs Pickett
Case Officer: Christopher Lee
Ward Member(S): Cllr D Turner
Recommendation Summary: Approve with conditions

2.0 Summary of Recommendation: GRANT subject to conditions

3.0 Reason for the recommendation:

- 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.
- There are no material considerations which would warrant refusal of this application

4.0 Table of key planning issues

Issue	Conclusion
Principle of development	The site is within the DDB and therefore the principle for a residential extension and garage is considered acceptable.
Scale, design, impact on character and appearance	Whilst the proposed extension would be of a significant size, its proposed sympathetic form and relationship to the host dwelling are considered to be acceptable. The property is set well back from the street scene and therefore there is deemed to be no significant impact on the character of the area. The proposed garage is of an acceptable scale and design and would be largely screened from public view by existing trees and hedgerow at the property frontage.
Impact on amenity	Whilst there would be a potential negative impact on the amenity of the neighbouring property 'West Side' in terms of privacy issues and overbearing nature such impact is

	<p>deemed not to be significant to prevent normal enjoyment of the dwelling house and therefore would not warrant refusal of the application.</p> <p>The proposed garage would have adequate separation from neighbouring properties so as not to represent any negative impact on neighbouring amenity.</p>
Impact on landscape or heritage assets	<p>The site lies within the Area of Outstanding Natural Beauty however the site is within a town setting and the proposed extension and garage are of an acceptable scale and design. Therefore no impact on the landscape setting is apparent.</p>
Economic benefits	<p>There would be short term minor economic benefits as a result of the proposals in terms of employment of local builders and contractors.</p>
Access and Parking	<p>The application proposes additional parking provision in the form of the proposed double garage.</p>
Land Stability	<p>The site lies within Land Instability Zone 1 however there is not considered to be a significant impact on land stability subject to the recommended condition and informative.</p>
Land Contamination	<p>Planning constraints show the area to be potentially affected by land contamination however no consultation response has been received from Environmental Health and as such the proposal is considered not to be affected by contaminated land.</p>

5.0 Report Body Text

Description of Site

Rashwood Lodge is a two storey detached residential property of an unorthodox hexagonal design sited at the South Western extent of Clappentail Lane in Lyme

Regis. Due to the sloping nature of the topography, Rashwood Lodge itself sits somewhat higher in the street scene than the neighbouring property to the East, 'Dovedale' which is a bungalow.

Properties along this part of Clappentail Lane are generally of a mixture of sizes and designs, and are set well back from the road side. The area is predominantly residential in nature and properties are generally detached within large garden plots. The roadside shows extensive tree and hedgerow screening.

Clappentail Lane is a narrow road which, as noted, slopes downwards to the North East; resulting generally in differing levels between the properties.

6.0 Relevant Planning History

Application No.	Application Description	Decision	Date of decision
1/D/07/001886	Demolish existing detached garage and erect replacement garage. Demolish existing conservatory and erect single storey extension	Approved	11 December 2007
1/D/09/001408	Car port	Approved	03 November 2009
WD/D/14/000498	A small bay window extension to existing lounge	Approved	16 May 2014
1/D/13/000680 (relating to neighbouring property West Side)	Small extension to ground floor & roof extension with integral bedroom & en-suite	Approved	11 July 2013

7.0 List of Constraints

- Within defined development boundary for Lyme Regis
- Area of Outstanding Natural Beauty : *(statutory protection in order to conserve and enhance the natural beauty of their landscapes - National Parks and Access to the Countryside Act of 1949 & Countryside and Rights of Way Act, 2000)*
- Historic Contaminated Land
- Surface Water Flooding Area

- Land Instability Zone 1

8.0 Consultations

Highways Authority – No objection

Technical Services – No objection. Conditions and informatives are recommended

Environmental Health – No comments received at the time of writing.

Lyme Regis Town Council

Initial comments offered no objections to the proposals however after a subsequent site visit formal objections (of 19/03/2019 and 30/05/2019) were submitted stating:

- *Recommendation for refusal given the overbearing size of the extension, and the impact and degree of intrusion upon the privacy of the neighbouring property.*

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

Representations received

5 letters of objection have been received; three prior to the submitted amendments, and two after re-consultation. The issues raised are regarding:

- Impact on the privacy of occupiers of neighbouring properties.
- Overbearing impact on neighbouring properties.
- Scale and design of the proposed extension.
- Potential impact on land stability.
- Impact on drainage.
- Potential precedent for overdevelopment in the area.
- Concern over potential noise impact arising from use of the proposed basement room as a home cinema

9.0 Relevant Policies

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

- INT1- Presumption in favour of Sustainable Development
- ENV1 – Landscape, seascape & sites of other geological interest
- ENV7 - Coastal erosion and land instability
- ENV9 – Pollution and Contaminated Land

- ENV10 - The landscape and townscape setting
- ENV12 – The design and positioning of buildings
- ENV16 – Amenity
- SUS2 – Distribution of development
- COM7 - Creating a safe and efficient transport network

National Planning Policy Framework

As far as this application is concerned the following section(s) of the NPPF are considered to be relevant;

- 2. Achieving sustainable development
- 4. Decision-making
- 12. Achieving well-designed places
- 15. Conserving and enhancing the natural environment

Para 38 - Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, 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.

Other material considerations

- WDDC Design & Sustainable Development Planning Guidelines (2009)
- West Dorset Landscape Character Assessment 2009
- Dorset Area of Outstanding Natural Beauty: A Framework for the Future AONB Management Plan 2019 – 2024

10.0 Human rights (standard text)

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.

11.0 Public Sector Equalities Duty (standard text)

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 PSED.

12.0 Financial benefits

There could be short term minor economic benefits as a result of the proposals in terms of employment of local builders and contractors.

13.0 Planning Assessment

Principle of Development

The application site lies within the Defined Development Boundary for Lyme Regis, and is in a predominantly residential area. Therefore the proposal for a residential extension and detached garage is considered to be acceptable in principle; subject to consideration of material planning issues.

Design/Visual Amenity & Impact on the Character of the Area of Outstanding Natural Beauty

The proposed two storey side extension would be set back from the frontage of the host dwelling by approximately 3.5 metres with a roof ridge that is set down by approximately 0.7 metres from the peak of the conical roof (notwithstanding the existing chimney). The proposed extension’s overall width would be around 5.3 metres which, in relation to the dwellings existing width of approximately 8.6 metres would be a fairly significant addition to the property. That said, the design of the proposed extension would reflect the hexagonal profile of the existing building, and it is considered that this would serve to soften the impact of the additional width. In this regard the proposed extension is deemed to represent a sympathetic addition to the property that is respectful of its design and the visual amenity of the site itself.

The application drawings detail an 8 metre (approx.) gap between the North Eastern building line of the proposed extension and the boundary with the neighbouring property West Side. It is noted that the topography of the site sees Rashwood Lodge sitting higher in the street scene than West Side, and that the proposed extension would bring the built form closer to the boundary with West Side. However the plot is considered to be of ample size so as to accommodate the development without appearing cramped within its curtilage. In this regard the proposed extension is not considered to represent any adverse impact on the visual amenity of the site or the character of the street scene given the mix of

dwelling types, lack of local distinctiveness and its distance away from the street frontage.

The proposed garage, whilst sited towards the front (Southern) extent of the curtilage would be largely screened from public view by established hedgerow and trees. Similar front garages that are well screened are evident within the locality and as such the proposed location of the garage, along with its single storey scale is considered acceptable in visual amenity terms.

The application site lies firmly within the Defined Development Boundary for Lyme Regis, and the proposals are considered not to represent any adverse impact on the character of the Dorset Area of Outstanding Natural Beauty.

Neighbouring Amenity

The neighbouring property West Side currently benefits from two rooflights (serving a bedroom) in its South Western roof slope, and the proposed two storey side extension would show first floor windows giving possible views towards those windows and the side and front garden area of West Side. During the course of the application an originally proposed East facing window on the first floor was removed from the drawings as it was deemed that this window would allow the most direct views towards the neighbouring roof lights and garden area. It is considered that the remaining first floor windows (one with a North Easterly aspect across the driveway of West Side, and the other with a South Easterly aspect towards the front garden of Rashwood Lodge itself) would not allow close or direct views into the neighbouring property or garden. Whilst the neighbouring roof lights could be visible from the proposed windows, views would be indirect and at a distance of approximately 14 metres so as to prevent clear views into rooms. As such it is considered that there would be no resulting significant adverse impact in terms of loss of privacy that would warrant refusal of the application.

As discussed above the proposals would see the built form of Rashwood Lodge brought closer to the boundary with West Side at two storey height, meaning that the proposed extension would be more apparent when looking to the North West from within the garden of the neighbouring property. However, the layout of the area shows Rashwood Lodge is stepped back from West Side and there would remain a distance of approximately 8 metres between the proposed extension and the neighbouring boundary, with the views (as described) taking place from a distance of at least 12 metres (approximately). Therefore it is not considered that the proposed extension would be unduly overbearing on the garden amenity space of West Side.

The proposed home cinema use of the basement room is deemed not to fall outside of what would normally be acceptable in a residential property, and as such any noise issues that might arise would be a civil matter.

The proposed garage would have adequate separation from neighbouring properties so as not to represent any impact on neighbouring amenity.

Land Instability

With regard to the comments from the Technical Services Officer the proposals are not considered to be affected by land instability subject to a condition requiring excess surface water to be directed to a piped drainage system and not to soakaway. An informative would be placed on the permission to advise that ground conditions, excavations, temporary supports etc. are carefully monitored during any construction work in case of localised land slippage particularly given the sloping nature of some areas of the site.

Contaminated Land

No comments have been received from the Environmental Health Officer and therefore the proposal is considered not to be affected by contaminated land.

14.0 Conclusion

The proposed development complies with national and local planning policy and is recommended for approval.

15.0 Recommendation

Grant subject to the following conditions (and their reasons):

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:

Garage Floor plans and Elevations - Drawing Number ED246-10
received on 19/01/2019

Proposed First Floor and Second Floor Plan - Drawing Number
ED246-06b (Amended) received on 18/04/2019

Proposed Ground Floor Plan - Drawing Number ED246-05c
(Amended) received on 18/04/2019

Proposed North West and South West Elevations - Drawing Number
ED246-08b (Amended) received on 18/04/2019

Proposed South East and North East Elevations - Drawing Number
ED246-07c (Amended) received on 18/04/2019

Basement and Roof Plans - Drawing Number ED246-09b (Amended)
received on 18/04/2019

Location Plan - Drawing Number ED246-loca (Amended) received on
18/04/2019

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

3. All additional surface water generated as a result of the development hereby approved shall be discharged to a piped drainage system and not to soakaway.

REASON: In the interest of protecting the site from surface water flooding.

4. As indicated on the Application Form signed 17/01/2019, the external materials for the proposed extension shall match (in texture and appearance) those of the existing dwelling.

REASON: In the interest of ensuring a satisfactory visual appearance of the development.

5. As indicated on the Application Form signed 17/01/2019, the external materials for the proposed garage comprise rendered wall over brick plinth for the walls and natural slates for the roof.

REASON: In the interest of ensuring a satisfactory visual appearance of the development.

Informatives

1. National Planning Policy Framework Statement

In accordance with paragraph 38 of the NPPF the council, as local planning authority, takes a positive approach to development proposals and is focused on providing sustainable development. The council works with applicants/agents in a positive and proactive manner by:

- offering a pre-application advice service, and
- as appropriate updating applications/agents of any issues that may arise in the processing of their application and where possible suggesting solutions.

In this case:

The applicant/agent was updated of any issues and provided with the opportunity to address issues identified by the case officer.

2. Bats:

All species of bat in the UK are protected by both domestic and European legislation, making it illegal to harm, injure, kill or disturb them, or to destroy, obstruct or otherwise damage places where they roost or seek shelter. As such, should any bat species or evidence of bat species be found prior to or during the development, all works must stop immediately and an ecological consultant or John Stobart at Natural England (Tel: 07825844475) must be contacted for further advice before works can proceed. All contractors working on site should be made aware of the advice and provided with the contact details of a relevant ecological consultant.

3. It is advised that the geotechnical aspects of the site and development are reviewed/considered by a competent person and ground conditions, excavations, temporary supports etc. are carefully monitored during any construction work in case of localised land slippage particularly given the sloping nature of some areas of the site.