

## Planning Committee

13/06/2019

Application Address	20 Grove Road East, Christchurch, Dorset, BH23 2DQ
Proposal	Sever land and erect 1 no. 2 bedroom dwelling to the rear of the garden with associated access and parking.
Application Number	8/18/3551/FUL
Applicant	Mr Martin White
Agent	Miss Nicole Pace
Date Application Valid	4 February 2019
Decision Due Date	1 April 2019
Extension of Time date (if applicable)	
Ward	Christchurch Town
Recommendation	Delegate to the Head of Planning to secure a s106 agreement and then Grant in accordance with the recommendation details within the report.
Reason for Referral to Planning Committee	This application is brought to the Planning Committee at request of (former CBC) Cllr Mrs L Smith on the grounds that it is against Local Plan Policy HE2/ H12.

### 1 **Description of Development**

- Planning consent is sought for severance of the rear garden and erection of 1 x 2 bedroom dwelling to the rear of no.20 Grove Road East, with associated access and parking from Portfield Close.
- The applicant has provided the following information.

	Existing dwelling	Proposed dwelling
Site Area: (ha)	0.0312	
Use	Residential	Residential
Approximate ridge Height (m)	8.6	5.5
Approximate Depth (m)	16.0	9.1
Approximate Width (m)	5.5	5.0
Distance from site boundary	2.4 (NW,	2.6 (SE, Portfield CI)

	Grove Rd East) 1.0 (SW) 0 (NE)	0.9 (SW) 0.3 (NE)
No. of Storeys	2	2
Parking Spaces	3	1
No. of Residential Units	1	1

4 Amended plans were submitted during the application process showing a corrected red-line area relating to the site boundary at the rear of the premises adjacent to the highway in Portfield Close.

## 5 **Key Issues**

6 The main considerations involved with this application are:

- The principle of the development
- Impact on character and surrounding area
- Impact on residential amenity
- Parking provision
- Landscaping & amenity space
- Heathlands mitigation
- Other Issues

7 These points will be discussed as well as other material considerations at para 30 to 48 below.

## 8 **Planning Policies**

### **Development Plan:**

#### **Christchurch and East Dorset Local Plan Core Strategy (2014)**

- KS1: Presumption in favour of sustainable development  
 KS12: Parking Provision  
 HE2: Design of New Development  
 H12: Residential Infill  
 ENV12: Landscape Quality

### **Supplementary Planning Documents:**

Dorset Heathlands Planning Framework SPD 2015 - 2020  
 Borough Wide Character Assessment 2003

### **The National Planning Policy Framework (2019)**

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.

Relevant NPPF sections include:

- Section 5 Delivering a sufficient supply of homes

Para.59;

*“To support the Government’s objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.”*

Para 68;

*‘Small and medium sized sites can make an important contribution to meeting the housing requirement of an area, and are often built-out relatively quickly. To promote the development of a good mix of sites local planning authorities should:*

*c) support the development of windfall sites through their policies and decisions – giving great weight to the benefits of using suitable sites within existing settlements for homes;*

Para.70;

*“Plans should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area.”*

- Section 12 Achieving well-designed places

The requirement for good design set out in section 12; paragraph 127 requires that development should add to the overall quality of the area. Permission should be refused for development of poor design that fails to take opportunities available for improving the character and quality of an area and the way it functions (para 130).

- Section 15 Conserving and enhancing the natural environment

Conserving and enhancing the natural environment (section 15); the planning system is to contribute to and enhance the natural and local environment (para 170) including protecting and enhancing valued landscapes, minimising impacts on biodiversity and providing net gains in biodiversity where possible. Decision making principles are set out in paragraph 170.

## 9 **Relevant Planning Applications:**

- |    |  |
|----|--|
| 10 | 20 Grove Road East<br>Pre-App: Erect a new 3 x bed dwelling to the rear of the garden, accessed from Portfield Close (8/18/2074/PAL)                     |
| 11 | 16 Grove Road East   |
| 12 | 8/14/0064: Severance of Land and creation of 1 x 1 bed dwelling with associated access from Portfield Close and parking provisions – Granted 26/11/2014. |

13     **Representations**

14     In addition to letters to neighbouring properties, a site notice was posted at the front of the site in Grove Road East and at the rear of the site in Portfield Close on 14 March 2019, with an expiry date for consultation of 4 April 2019.

15     23 representations have been received, 21 raising objection; 2 neutral comments. The issues raised comprise the following:-

- Substantially out of character with the surrounding area
- Loss of privacy due to overlooking of neighbouring gardens
- Loss of off-road parking at 20 Grove Rd East
- Additional congestion through on street parking in Grove Rd East
- Harm to highway safety
- Two-storey development is not in keeping with other previously approved back-land single-storey development in the Grove Road East
- Cramped and overbearing presence on side boundaries
- Will diminish the quality and quiet enjoyment of the private garden amenity spaces of neighbouring residents
- Will diminish the sense of openness at the head of Portfield Close.

16     **Consultations**

17     Dorset Highways Authority  
No objection (received 18/02/2019) – subject to condition regarding turning & parking

18     Natural England  
No objection (received 18/02/2019) – subject to adequate Heathlands Mitigation

19     **Constraints**

20     Heathlands 5km Consultation Zone

21     **Planning assessment**

22     **Site and Surroundings**

- Long, level site on the south east side of the road.
- Mature 2-storey, semi-detached Edwardian house
- Dwelling set-back behind a small, enclosed frontage
- Narrow rear garden approx. 32 meters in length
- Detached single garage at rear of site with vehicular access from Portfield Close.
- Additional off-road parking space between the garage and rear boundary for 2 vehicles.

23     The site is located within an established residential area comprising dwellings of similar scale and varying design.

- 24 The area has a mature, established character, with dwellings generally set back behind small enclosed gardens with low walls/hedges along the frontages and long rear gardens.
- 25 The character of Grove Road East includes a range of detached and semi-detached dwellings and a variety of designs. Red brick predominates but render, tile hanging and pebble dash are also present with in the main slate and concrete tile roofs. To the rear of the site the dwellings in Portfield Close are terraced and more regular in form and appearance with render and plain clay tiles. These two-storey houses of more recent construction than many of those in Grove Road East are on comparatively smaller plots, with frontages largely given over to hard-standing for off road parking.

## 26 **Key issues**

### Principle of Development

- 27 Paragraph 11 of the NPPF and Policy KS1 of the Local Plan place a presumption in favour of sustainable development. Policy KS2 - Settlement Hierarchy of the Local Plan states that the location, scale and distribution of development should conform with the settlement hierarchy. The site lies within the urban area of Christchurch which is identified as a 'Main Settlement' in the settlement hierarchy in Policy KS2 and this will provide the major focus for community, cultural, leisure, retail, utility, employment and residential development. This will include infill development as well as options for some greenfield development. The proposals would provide additional residential accommodation within a sustainable location and are considered to comply with Policy KS2.
- 28 The site involves development of an existing residential garden. The NPPF confirms that residential gardens do not fall within the definition of previously developed land contained in Appendix 2 of the Framework. Nonetheless, the Core Strategy policies do not include a policy to resist inappropriate development of residential gardens. Therefore the proposal needs to be considered against the adopted policies listed in 8. above.
- 29 Furthermore, Christchurch, following the publication of the Housing Delivery Test does not have a five year housing land supply. It currently stands at 4.77 years (20% buffer) and consequently the NPPF advises in paragraph 11 that the policies which are most important for determining the application are therefore out-of-date. This means that the "tilted balance" described in para. 11 of the NPPF has to be applied to the proposals and the weight attached to the adopted policies listed at 8. above is affected as a result. This site does not involve policies in the Framework that protect areas or assets of particular importance which are listed in Footnote 7 on page 6 of the NPPF and includes for example habitats sites/SSSIs, green belt, heritage assets and areas at risk of flooding. Therefore the application should be approved unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
- 30 The proposed development would make a modest but nonetheless valuable contribution to addressing this current lack of housing supply and weight is attached to this in the Planning Balance exercise below. The Strategic Housing Market Assessment identifies that Christchurch has a higher percentage of demand for 2 and 3 bedroom properties and an 80% requirement for houses and 35% detached and 25% semi-detached and 20% terraced dwellings. This scheme provides for a single 2 bedroom dwelling and it is considered to meet the needs as identified in the SHMA.

### Impact on character and appearance of surrounding area

- 31 The new dwelling proposed will be located in the bottom section of the rear garden at no.20, and will not be visible from Grove Road East. As a consequence there will be no impact on the street-scene at the front of the site. The new dwelling is sited at the head of the cul-de-sac Portfield Close and as such will be visible along the length of this road. Here it will be viewed with the existing dwelling at No.41 and the rear elevations of the Grove Road East properties. The design, scale and form of the development are modest, and as such the building is not considered to be incongruous in this setting. The proposed materials of white render and fibre cement slate tiles are considered suitable in its context bearing in mind the dwelling's visibility within Portfield Close.
- 32 Due to the length of the plot the proposed development can be accommodated without appearing cramped, or the site overdeveloped. Acceptable gardens are provided for the new dwelling (10m) and a similar depth retained for No.20. Adequate pedestrian access to the rear garden has been retained adjacent to the SW side boundary. Whilst the gap between the NE side wall of the house and the site boundary is minimal (approx.0.3m) it is adequate to allow for construction of foundations and eaves overhang without impinging on the neighbouring property at no.18.
- 33 It is noted that consent was recently granted for a plot severance and formation of a detached dwelling in what was originally an existing garden building at the rear of the site at no.18 Grove Road East (App. No. 8/14/0064 in 12. above). This dwelling is a two-storey, 1 bedroom house, accessed from the head of the cul-de-sac in Portfield Close, and having associated off-road parking space at the front/side of the site adjacent to the proposed new dwelling. There is therefore evidence of infill development in the vicinity and further capacity to accommodate further development subject to the application of Local Plan policies.

### Impact on residential amenity

- 34 With respect to potential overlooking, the one window at first floor level in the NE side elevation which serves a bathroom can be controlled by condition with obscure glazing (Condition 4). The proposal will not therefore result in direct overlooking of the neighbouring property to either side of the site. The opening up of further windows under householders permitted development rights can also be restricted by condition (Condition 7), so that future privacy is protected.
- 35 To the front of the new dwelling the windows will offer views down the length of the Portfield Close, and across the frontages of neighbouring properties. These areas being already open to public view, it is considered that this relationship is a common one and acceptable.
- 36 Two rear-facing first floor windows are proposed serving a bedroom and will look out over the rear garden at the property and towards the neighbouring gardens at no.18 & 22 Grove Road East. The neighbouring property at no.18 has a conservatory attached to the rear elevation, this is separated by approx. 16 meters from the rear windows of the new dwelling, and this is considered to be an adequate distance for back-to-back development in an urban context not to result in a substantial loss of privacy to this neighbour. Taking into account the level of mutual overlooking that already exists in the area across rear gardens, the two additional upper floor windows in the rear elevation are not considered to result in substantial additional overlooking of neighbouring gardens, or impinge on the privacy and amenity of the adjacent dwellings.

- 37 Due to the hipped-roof configuration which leans the bulk of the roof in-away from the boundaries, and the stepped ridge-line the proposal is not overly dominant or oppressive on the side boundaries. The scheme was modified at pre-application stage by omitting a side dormer.
- 38 The NE side wall of the building is approx. 6 m from the front of the dwelling at no 42A, which is set at a right-angle to the site. However, there are no windows in the front of no.42A which has only a front door in its south elevation and the outlook from No.42A which is orientated towards the rear garden is not considered to be significantly affected.
- 39 Given the orientation, and its position on the plot, the proposed dwelling raises no significant issues of massing or significant loss of light or amenity to the neighbouring properties in Grove Rd E, or other properties in Portfield Close.

#### Parking Provision

- 40 As noted above, there are material differences in character between the front of the site in Grove Road East and rear of the site in Portfield Close. Grove Road East's older Edwardian style properties interspersed with later development, both in the form of semi and detached dwellings generally has parking on road although the newer properties in the area mainly have off-road driveway parking and garages. This creates some pressure for parking. No. 20 having vehicular access from the rear to off-road parking is therefore unusual against its immediate neighbours.
- 41 No. 20 will remain as a single dwelling and it is considered that the level of additional vehicular movements created in both Grove Road E and Portfield Close would be minor and would not generate substantial disturbance through noise that would materially impact highway safety or the amenity of neighbouring dwellings. The additional pressure for parking created in Grove Road E for one additional dwelling is not considered to provide overriding grounds to warrant refusal of the application.
- 42 The Highways Authority have raised no objection to the proposed development in terms of road safety, subject to a condition on the consent regarding completion and maintenance of the parking area at the new dwelling (Condition 5).
- 43 The site is located within a sustainable urban area and is within walking distance of public transport and Christchurch town centre. The provision of off-road parking for one vehicle at the proposed dwelling, and subsequent loss of parking at the parent property, is considered to be acceptable due to the sustainable location, and as such conform with Local Plan Policy KS12.

#### Landscaping & amenity space

- 44 The proposed dwelling is a two bedroom property and has been provided with a reasonable amount of external amenity space at the rear. The proposed garden measures approximately 10 meters in depth by 6 meters in width, and a similar amount of garden space has been maintained at the parent property. Therefore, the amenity space at both the original and proposed dwelling is considered to be acceptable.
- 45 The development will not result in the loss or damage to any significant tree or other landscape feature. Further details of the proposed boundary treatment for segregation of the

plot has been conditioned to be submitted and agreed by the Local Planning Authority (Condition 6).

### Heathlands Mitigation

#### 46 Dorset Heathlands

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 proposal for net increase in residential units is, in combination with other plans and projects and in the absence of avoidance and mitigation measures, likely to have a significant effect on the site. It has therefore been necessary for the Council, as the appropriate authority, to undertake an appropriate assessment of the implications for the protected site, in view of the site's conservation objectives.

47 The appropriate assessment (separate document to this report) has concluded that the likely significant effects arising from the proposal are wholly consistent with and inclusive of the effects detailed in the supporting policy documents, and that the proposal is wholly compliant with the necessary measures to prevent adverse effects on site integrity detailed within the documents:

#### 48 Dorset Heathlands Planning Framework SPD

The mitigation measures set out in the Dorset Heathlands 2015-2020 SPD can prevent adverse impacts on the integrity of the site. The SPD strategy includes Heathland Infrastructure Projects (HIPs) and Strategic Access Management and Monitoring (SAMM). In relation to this development the Council will fund HIP provision via the Community Infrastructure Levy but SAMM, which forms the second strand of the strategy, requires that contributions be secured via s106 from all development where there is a net increase in dwellings. The strategic approach to access management is necessary to ensure that displacement does not occur across boundaries.

49 Officers have requested the applicants complete a unilateral undertaking which secures the necessary contribution towards Strategic Access Management and Monitoring in accordance with the Dorset Heathlands SPD. This contribution does not relate to the provision of infrastructure so it is not subject to pooling restrictions, is reasonable and necessary; the contribution complies with Regulations 122 and 123(3) of the Community Infrastructure Levy Regulations 2010 (as amended). With the mitigation secured the development will not result in an adverse effect on the integrity of the designated site and is therefore in accordance with policy ME2.

### Other Issues

#### 50 CIL

Community Infrastructure Levy (CIL) – as the proposal is for one additional dwelling a contribution toward CIL is required.

#### 51 **Summary**

- The proposal seeks development in a sustainable location in an urban area.
- The density proposed reflects the surrounding character.
- No material harm is apparent to neighbouring properties.

- Parking provision is considered adequate and the additional traffic created by a single dwelling would not give grounds for refusal on highway safety.
- Adequate outside amenity space has been provided for both the original and proposed dwelling.

## 52 **Planning balance**

53 The scheme provides residential development in a sustainable location. The Local Plan area for Christchurch currently has an under-supply of housing. Options to meet that under supply outside of the current urban area is limited by the green belt, areas at risk of flooding and potential impacts on protected heathlands. There will continue to be an ongoing need to look for infill sites in the urban area such as this in order to meet housing demand. Significant weight is therefore attached to this aspect.

54 It is acknowledged that the loss of parking at the parent property may potentially result in some additional on-street parking in Grove Road West at the front of the site. Although this results in some impacts to residents, the Council encourages sustainable development and seeks to strike a balance between the benefit of development, the impact on the surrounding area, and on residential amenity. The assessment of the remaining material considerations above has not revealed any other matters of significant harm.

55 In this instance the loss of off-road parking at 20 Grove Road East is not so significant as to outweigh the benefit of much needed additional housing. Subject to securing suitable mitigation for the impact of the development on protected heathlands, the proposals are considered to be acceptable.

## 56 **Recommendation**

57 **Delegate to the Head of Planning to secure a s106 agreement and then GRANT** permission with the following conditions, which are subject to alteration/addition by the Head of Planning & Regulation provided any alteration/addition does not go to the core of the decision:

### **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.

2. The development hereby permitted shall be carried out in accordance with the following approved plans no. XC-19-087 - 001, 002, 005, 006, 100, 200

Received on 13th March 2019

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

3. The materials to be used in the external surfaces of the proposed development shall be as specified in the approved application unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of design and amenity.

4. The bathroom window in the north east (side) elevation shall be obscurely glazed and fixed shut, or otherwise hung with an opening top-light only, in such a way so that the effect of the obscure glazing is not negated.

Reason: To protect the privacy of neighbouring premises.

5. Turning and parking construction  
Before the development hereby approved is occupied or utilised the turning and parking shown on Drawing Number XC.18.087.002 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.

6. Notwithstanding the submitted plans, prior to occupation details of the position, design, materials and type of boundary treatment to be erected for the severance of the plot at No.20 Grove Road East hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details and completed in all respects before the dwelling is first occupied and thereafter retained.

Reason: In the interests of the living conditions of the occupiers.

#### Informative Note

1. This planning consent does not convey the right to enter land or to carry out works affecting or crossing the boundary with land which is not within your control without the land owners consent. This is however, a civil matter and this planning consent is granted without prejudice to this.
2. This permission is granted under Town and Country Planning Legislation and does not alter or impinge upon the rights of adjoining landowners under common law or under the Party Wall Act 1996. If any part of the development is physically attached to, or relies for support on, the neighbouring property the consent of the relevant landowners/occupiers will need to be obtained under the provisions of the Party Wall Act 1996.
3. This consent is subject to a Unilateral Undertaking dated ..., to mitigate the impacts of the development on Dorset Heathlands in accordance with Policy ME2 and The Dorset Heathland Planning Framework 2015 - 2020.
4. Completed CIL documentation has been received.
- 58 If a suitable unilateral undertaking has not been completed by **13 August 2019**, then **Delegate to the Head of Planning to REFUSE** for the following reason;
  1. The proposal is within 5Km of a Site of Special Scientific Interest (SSSI). This SSSI is also part of the designated Dorset Heathlands SPA (Special Protection Area) and Ramsar site

and is also part of the Dorset Heaths SAC (Special Area of Conservation). The proximity of these European Sites (SPA and SAC) means that determination of the application should be undertaken with regard to the requirements of the Habitat Regulations 1994, in particular Regulations 48 and 49. If the Council had been minded to grant permission in all other respects it would have to carry out an appropriate assessment in accordance with the advice and procedures set out broadly in Circular 06/2005. The applicant has failed to demonstrate in accordance with the Habitat Regulations that the proposals will cause no harm to the SPA and SAC heathland. It is clear, on the basis of advice from Natural England that, the proposed development would in combination with other plans and projects within close proximity to heathland and in the absence of any form of acceptable mitigation be likely to have an adverse effect on the heathland special features including those which are SPA and SAC features. Having regard to the Waddenzee judgement (ECJ case C-127/02) the Council is not in a position to be convinced that there is no reasonable scientific doubt to the contrary. For these reasons, and without needing to conclude the appropriate assessment, the proposal is considered contrary to the recommendations of the Berne Convention Standing Committee on urban development close to the Dorset Heathlands and also the provisions of the Dorset Heathlands Planning Framework 2015-2020 Supplementary Planning Document (SPD), which took effect on 3rd January 2017.

### **Background Documents:**

Case File – 8/19/3551

NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.

The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.

Case officer: Alison Underwood

