

## PLANNING COMMITTEE



Application Address	1 Twynham Avenue, Christchurch, BH23 1QU
Proposal	<p>Single storey rear extension and new side entrance. Replacement outbuilding (existing garage to be replaced on existing foundations with a new storage building). Variation of Condition 2 of Application no. 8/20/1110/FUL (Approved plans)</p> <p>To include the below amendments to the approved proposal;            Replace existing front door with a window and create an office, create new fire escape door to the side elevation and replace pitched roof on approved extension with a flat roof.</p>
Application Number	8/21/0602/CONDR
Applicant	Life Chiropractic Clinic
Agent	Aspire Architects Ltd
Date Application Valid	29/06/2021
Decision Due Date	30/07/2021
Extension of Time Date (if applicable)	30/09/2021
Wards	Christchurch Town
Status	Public report
Meeting date	23 September 2021
<b>Recommendation</b>	Approve subject to conditions
Reason for Referral to Planning Committee	<p>This application is brought before committee at the request of Cllr Cox for the following reasons;</p> <ul style="list-style-type: none"> <li>The roof should remain a pitched tiled roof. The change to the design is in conflict with point 1 of Saved</li> </ul>

	<p>Policy H12, Policy HE2 in terms of architectural style, materials and visual impact and point 1 and 3 of Policy HE3.</p> <ul style="list-style-type: none"> <li>• This application for a flat roof extension is not in keeping with conservation area and character of the area and is therefore in conflict with point 1 of Saved Policy BE4.</li> <li>• The original front door is of historical and architectural merit and should be retained.</li> </ul>
Case Officer	Katie Whitney

### Description of Development

1. The proposal is an application under Section 73 of the Town and Country Planning Act (1990) to vary a condition on an existing planning permission – also referred to as a minor material amendment. In this case the application seeks permission to vary condition 2 of application 8/20/1110/FUL (the approved plans) to replace the existing front door with a window and create an office. Create a new fire escape door to the north west side elevation and replace the pitched roof on the approved extension with a flat roof.
2. The height of the approved pitched roof is 3.3 metres and the flat roof now proposed will have a height of 2.6 metres.
3. The property is a converted former dwelling currently in use as a chiropractors' clinic.

### Key Issues

4. Principle of development
5. Impact on visual amenities and the setting of the adjacent Conservation Area
6. Impact on neighbouring living conditions

### Planning Policies

7. Development Plan:

#### **Christchurch and East Dorset Core Strategy 2014**

KS1: Presumption in favour of sustainable development

HE1: Valuing and conserving our historic environment

HE2: Design of New Development

### **Christchurch Borough Council Local Plan (2001)**

BE4: New development in Conservation areas

BE5: Development affecting the setting of Conservation Areas

### **Supplementary Planning Documents and guidance:**

- Christchurch Conservation Area Appraisal & Management Plan (2008)
- Christchurch Borough-wide Character Assessment (2003)

### **The National Planning Policy Framework (2021)**

Section 2 – Achieving sustainable development

Paragraph 11 – “Plans and decisions should apply a presumption in favour of sustainable development...

For decision-taking this means:

- (c) approving development proposals that accord with an up-to-date development plan without delay; or
- (d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
  - (i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
  - (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of this Framework taken as a whole.”

Section 12 Achieving well-designed places

Section 15 Conserving and enhancing the natural environment

Section 16 Conserving and enhancing the historical environment

### **Relevant Planning Applications and Appeals**

8. **8/20/1110/FUL** – Single storey rear extension and new side entrance. Replacement outbuilding (existing garage to be replaced on existing foundations with a new storage building) – Granted 23/04/2021
9. **8/19/1305PNDEM** – Demolition of existing building – Prior approval not required 24/10/2019

10. **8/19/0026/OUT** – Demolish existing chiropractic clinic and replace with a 3-storey development of 6 no. flats with associated parking and vehicular access from Twynham Avenue – Refused 09/12/2019 – Dismissed at appeal 09/04/2020
11. **8/18/0750/OUT**– Outline application to demolish existing chiropractic clinic and erect a 4 storey block of 11 flats with associated parking – Non determination appeal dismissed 07/06/2019

## **Representations**

12. 16 representations have been received objecting to the scheme on the following grounds; -

Flat roof out of keeping with the present house, Avenue and its historic value to Christchurch.

Future leaks with a flat roof so seems an odd decision

Highly likely that a further floor would be requested to be added in the future.

Future flat development

1A would suffer from loss of light and amenity.

Beautiful old building would destroy the unique features.

The previous plans for a pitched tiled roof is of sympathetic design in keeping with the character of the area.

The site abuts the Conservation Area and the property was previously owned by Sir Donald Bailey inventor of The Bailey Bridge during the Second World War.

BCP Conservation Officer should be involved.

Front door is an architectural feature of the property and should be retained

Xray machine to be install internally – ensure all health and safety measures are complied with

## **Consultations**

### **13. Christchurch Town Council**

No comments received

### **14. BCP Trees & Landscaping**

15. The proposed minor works will not occur close to or within the root protection area of the TPO trees, in the neighbouring garden. Therefore, the Officer has no objection to the proposal.

### **16. BCP Highways**

17. This revised scheme results in no increase upon the 6 no. treatment rooms, nor any material alterations to the vehicular access, turning and

parking arrangements, previously proposed and subsequently approved within the extant consent. Furthermore, a Class E: Clinic use located within zone A requires only 1 no. parking space per treatment room thus there is ample space within the existing area of hardstanding to accommodate 6 no. vehicles in accordance with the BCP Parking Standards SPD – 2021 (Parking SPD).

18. As standard practice, any application proposing a material amendment to highway matters approved within an extant consent, will be required to satisfy the new Parking SPD in full. However, the Local Highway Authority (LHA) do not consider this proposal to result in any material alterations to the highway matters approved within the extant consent. Consequently, in this instance, the LHA could not substantiate a reason for refusal regarding aspects of this revised scheme that fail to accord with all requirements of the current Parking SPD, namely those pertaining to EV charging points and cycle parking.

19. No highway objection subject to the imposition of a condition re: Vehicular Access, Turning and Parking.

## **20. Constraints**

- Conservation Area adjacent
- Medium Pressure Pipeline
- Highways Inspected Network
- Heathland 5km Consultation Area
- Airport Safeguarding
- Wessex Water Sewer Flooding
- Tree Preservation Order adjacent

## **Planning Assessment**

### **Site and Surroundings**

21. The site comprises a detached building located at the junction of Twynham Avenue and Barrack Road, the former being a primarily residential street distinguished by a mix of dwellings of varying age and design; the latter a busy, primary feeder road into the town centre wherein development is mixed in terms of age, use, design and scale.

22. The majority of properties on the east side of Twynham Avenue occupy a similar frontage position to the road with the exception of No. 1A immediately to the north which is set further back into its site. This neighbour has windows to its flank elevation, facing into the application site. To the west is a doctors' surgery adjacent to which is a building which operates as a pharmacy. To the south, on the opposite side of Barrack Road lie a number of apartment blocks of varying design and height, whilst

to the east, the site is adjoined by a substantial property and along this boundary are a number of mature trees protected by a Tree Preservation Order (1981 No.2). The boundary of the Central Christchurch Conservation Area adjoins the south-east boundary of the property.

23. The application site is currently occupied by a two-storey building which appears to have been constructed as a residential unit but which is currently in use as a chiropractic clinic. The property appears to date to the inter-war period. The car parking area to the rear of the building is hard surfaced and screened from the highway by virtue of an attractive brick wall and planting. Access to the site is gained via a driveway off Twynham Avenue.

## **Key issues**

### **Principle of development**

24. The proposed changes to the approved scheme, LPA ref 8/20/1110/FUL, includes replacing the existing front door with a window to create an internal office, a new fire escape door to the north west side elevation and replacing the approved pitched roof on the extension with a flat roof.
25. In assessing the potential impact of these changes to the approved scheme on the character and appearance of the area it should be noted that irrespective of the decision on this application, the earlier consent remains. It is understood works have commenced and therefore as this permission has been enacted and therefore remains in perpetuity.
26. Government guidance in the National Planning Practice Guidance (NPPG) states as follows;
- Permission granted under section 73 takes effect as a new, independent permission to carry out the same development as previously permitted subject to new or amended conditions. The new permission sits alongside the original permission, which remains intact and unamended. It is open to the applicant to decide whether to implement the new permission or the one originally granted.
27. The NPPG further advises that a s73 application needs to be considered against the Development plan and material considerations, under section 38(6) of the 2004 Act, and conditions attached to the existing permission. Local planning authorities should, in making their decisions, focus their attention on national and development plan policies, and other material considerations which may have changed significantly since the original grant of permission. In this respect the development plans are unchanged since the earlier permission. The recent changes to the NPPF do not materially affect the assessment of the proposals and there are no other material considerations which have significantly changed since approval of the earlier scheme.
28. It is also noted that the applicant submitted a prior approval application in 2019 to demolish the existing building on site. Demolition of the building

cannot be prevented through the planning system. Consequently, the removal of the front door is given limited weight in the balancing exercise below.

### **Impact on character and appearance of the area and the Christchurch Conservation Area**

29. The site lies directly adjacent to the boundary of the Christchurch Central Conservation Area, however the proposed works all lie outside of the Conservation Area. In accordance with the provisions of Policy HE1 of the Local Plan, the impact of the proposals on the setting and character of the heritage asset is a consideration in the assessment of the proposals. It should be noted however that saved Policy BE4 of the 2001 plan relates specifically to development within Conservation Areas and is not applicable to this application.
30. Section 72 of the Listed Buildings and Conservation Areas Act 1990 states that in determining planning applications Local Authorities should have special regard to whether the proposed development preserves or enhances the character and appearance of the Conservation Area. However, there is no statutory requirement to consider the setting of a Conservation Area.
31. Paragraph 206 of the NPPF advises that Local planning authorities should look for opportunities for new development within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably. Development within close proximity to conservation areas should seek to preserve or enhance the setting of the designated area.
32. The context of the Conservation Area in the immediate area adjoining the site is of a post-war 2-storey flat roof block of flats opposite the site. The buildings opposite are not identified as contributing to the character of the Conservation Area in the adopted Conservation Area Appraisal. The property currently appears unobtrusive when viewed from both within Twynham Avenue and in views from the adjacent Conservation Area on Barrack Road.
33. The side and rear elevations of the property are partially screened by the boundary wall and boundary planting. The proposed flat roof rear extension will have a maximum height of 2.6 metres and a depth of between 2.6-3.3 metres. As such the proposed development is subservient and will respect the design, scale and form of the existing building and spaces. It is considered that the proposed changes to the roof on the extension as detailed above will result in a less dominant form of development particularly when viewed from the Conservation Area. On account of the shallow L-shape footprint of the extension, the previous approval with its hipped roofs is comparatively complex and busy in appearance. In contrast the proposed flat roof is considered to be a neater

and simpler solution which is nonetheless in keeping with the scale, form and character of the existing building.

34. With regards to the minor changes to the fenestration, it is considered that the scale and nature of these changes would be appropriate to the character of the building, the area and does not cause harm to the setting of the Conservation Area. The scheme results in less than substantial harm to the heritage asset. Applying the guidance in paragraph 202 of the National Planning Policy Framework (2021), this impact must be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. The scheme will facilitate the ongoing use of the property as a chiropractic clinic, which is its current lawful use and is compatible with mixed-use character of the area.
35. The scheme is considered to comply with the test in Policy HE2 to be compatible with or improve its surroundings in its layout; site coverage; architectural style; scale; bulk; height; materials and visual impact. The scheme complies with the test in Policy HE1 that the significance of all heritage assets and their settings (both designated and non-designated) will be protected and enhanced.

### **Impact on neighbouring living conditions**

36. The applicant has a fallback position to build an extension of greater height. The footprint is unchanged. Therefore the current proposals have a lesser impact on the closest adjoining property (No. 1a).
37. The scheme is considered to comply with the test in Policy HE2 to be compatible with or improve its surroundings in its relationship to nearby properties including minimising general disturbance to amenity.

### **Summary**

38. The proposal will reduce the height of the rear extension from a pitched roof to a flat roof. The resulting appearance of the extension is comparable with other rear extensions in the area and is therefore compatible with the character and appearance of the area and the setting of the adjacent Conservation Area.
39. The changes to the fenestration are minor and will not impact on the character of the property or the living conditions of neighbours.

### **Planning Balance**

40. The scheme is considered on balance to have an acceptable impact on the character of the area and is not considered to adversely affect the setting of the adjacent Conservation Area. The scheme therefore has

neutral environmental impacts. There are no negative social or economic factors identified.

41. The proposals are therefore considered to comply with the Development Plan and are recommended for approval.

## **RECOMMENDATION**

### **42. Approve subject to 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: ASP.20.067.002B, ASP.20.067.100A, ASP.20.067.200A, ASP.20.067.400D

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

3. The materials and finishes to be employed on the external faces of the development, hereby permitted, shall match those of the existing building unless otherwise first agreed in writing by the Local Planning Authority.

Reason: To ensure satisfactory visual relationship of the new development to the existing.

4. The demolition of the garage shall not begin until it has been demonstrated in writing if the structure contains asbestos. If asbestos is found within the structure, a scheme to address the management and/or safe disposal of asbestos and asbestos-containing materials shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of, where necessary, an asbestos identification survey by a qualified contractor, measures to be adopted to protect human health and the preferred asbestos disposal route. The works shall be carried out in accordance with the agreed details.

Reason: To protect the health of site workers and future occupiers of the site, in accordance with local planning policy.

5. The areas of hardstanding utilised for vehicular access, turning and parking, as shown on approved plans, shall be permanently retained and kept available for staff and visitors of the development hereby permitted at all times.

Reason: In the interests of highway safety.

6. The erection of the tree protective fence and construction of the new storage building hereby approved shall be carried out in accordance with the Arboricultural assessment and method statement ref: GH2119, dated 26/02/21 and Tree Protection Plan ref: GH2119b, dated 25/02/21, unless otherwise agreed in writing with the Local Planning Authority. This condition shall not be discharged until an arboricultural supervision statement, the contents of which are to be confirmed at a pre-commencement meeting between the Tree and Landscape Officer, Arboricultural Consultant and Site Manager, is submitted to and approved in writing by the Local Planning Authority on completion of development.

Reason: To ensure the protected trees on site are given adequate protection before and during the works on site in accordance with Policies HE2 and HE3 of the Local Plan.

7. The development shall be carried out in accordance with the agreed details shown on Proposed Drainage Plan' drawing no. ASP.20.067.400, Rev C, dated 29/03/2021 agreed under App. No. 8/20/1110/FUL.

Reason: To ensure that protected trees, their rooting environments are afforded adequate physical protection during construction.

8. All soft landscape works shall be carried out in accordance with the approved details 'Landscape Plan' Drawing no. 235-1, dated 21/05/21 agreed under App. No. 8/20/1110/FUL. The works shall be carried out prior to the occupation of any part of the development and the planting carried out in the first planting season following completion of the development or its first occupation, whichever is the sooner. Any planting found damaged, dead or dying in the first five years following their planting are to be duly replaced with appropriate species.

Reason: This is required as the long term establishment, maintenance and landscaping of the site is necessary to preserve the amenity of the locality. This decision has also had regard to Policies HE2 and HE3 of the Local Plan and Government Guidance contained in the National Planning Policy Framework.

The following Informative Notes are drawn to the Applicant's attention:

1. The applicant is advised that bats are protected in the UK by Schedule 5 of the Wildlife and Countryside Act 1981 and Part 3 of the Conservation of Natural Habitats and Species Regulations 2017 and they are also protected by European and International Law. Work should proceed with caution and if any bats are found, all work should cease, the area in which the bats have been found should be made secure and advice sought from National Bat

Helpline (tel: 0345 1300 228). website  
<https://www.bats.org.uk/ourwork/national-bat-helpline>

### **Background papers**

Case file – Ref 8/21/0602/CONDR

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