

# Planning Committee

Application Address	12 Purewell, Christchurch, BH23 1EP
Proposal	Demolish existing garages and erect 1 detached garage
Application Number	8/23/0516/FUL
Applicant	Mrs A Andrews
Agent	Mr Chris Shipperley
Ward and Ward Member(s)	Christchurch Town – Cllr Tarling Cllr Cox
Report Status	Public
Meeting Date	19 October 2023
<b>Summary of Recommendation</b>	<b>Grant in accordance with the details set out below for the reasons as set out in the report</b>
Reason for Referral to Planning Committee	<p>Called in by Councillor Mike Cox for the following reasons:</p> <p><i>The increase in the size of this development will have a significant affect on the local neighbours given the bulk and scale of the increase. The effect on the amenity space for neighbours will be detrimental and will be out of character to the surrounding area. As such I believe this development is in contravention of policies HE2 and HE3</i></p> <p><i>In addition there will be a noticeable and detrimental effect on the flood plain which is not consistent with local planning policies</i></p> <p><i>11/09/2023 - Thanks for your email. I have consulted with local residents and the size and bulking of the new "Garage" is still significantly larger and so I would like my call in to still stand.</i></p>
Case Officer	Mufaweli Mubukwanu
Is the proposal EIA Development?	No

## Description of Proposal

- As originally submitted, the planning application sought permission to demolish an existing garage and to be replaced by 2 detached garage blocks for three motor vehicles each (block A) and (block B).

2. Following concerns raised by the Case Officer and Heritage Officer, amended plans were submitted which essentially changed the description of the proposals to 'Demolish existing garages and erect 1 detached garage'. Block B was omitted with the amended plans.

### **Description of Site and Surroundings**

3. The application site is within the built-up area of Christchurch partly within the Purewell Conservation area with the host property inside the Conservation Area but the proposed garage outside the heritage asset, adjoining its northern boundary. 12 Purewell is an end of terrace with gate access/driveway to the east leading to the rear of no's 12 and 14 Purewell. The rear garden mainly consists of vegetation and trees which are protected by virtue of a Tree Preservation Order.
4. The immediate area is characterised by a mix of commercial and residential properties. Purewell consists of varying frontages of predominantly terraced properties. The application site has an unusually large garden in comparison to surrounding residential properties. Following a site visit, it was apparent that number 16 is currently vacant land.
5. The Council's adopted Conservation Area Appraisal (2010) describes the elements that give Purewell its character as;
- Linear settlement with good enclosure to most of the street
  - Modest domestic scale throughout
  - Mature trees to private gardens
  - Consistency to building lines
6. The application site lies within Character Area (1) Purewell West of the Appraisal which is noted for its mix of building types, periods and styles which contribute to the special interest of this sub area. The scale of buildings varies between 2 and 3 storey with 2-storey being dominant. There are also a number of listed buildings within the immediate vicinity of the site; including No 14 Purewell, no.8 to the west and the Former Starre Inn pub on the corner, both Grade II listed buildings. There are also a number of locally listed buildings in the vicinity within the Conservation Area. The Council's records show 12 Purewell to be a locally listed building although it is not noted as such in the Conservation Area Appraisal.

### **Relevant Planning History:**

7. None relevant

### **Constraints**

8. In considering whether to grant planning permission or permission in principle for development which affects a listed building special regard shall be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest - section 66 - Planning (Listed Buildings and Conservation Areas) Act 1990.
9. With respect to any buildings or other land in a Conservation Area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area – section 72 - Planning (Listed Buildings and Conservation Areas) Act 1990.
- Tree Preservation Order 1983 NO 12 and 2023 No 11
  - Flood zones 2, 3 and 3a
  - Listed Buildings 8 and 14 Purewell Grade II
  - Locally Listed Buildings 10 and 12 Purewell
  - Purewell Conservation Area
  - Contaminated Land – Medium Risk
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## Public Sector Equalities Duty

10. In accordance with section 149 Equality Act 2010, in considering this proposal due regard has been had to the need to —
- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
  - advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
  - foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

## Other relevant duties

11. For the purposes of this application, in accordance with section 17 Crime and Disorder Act 1998, due regard has been had to, including the need to do all that can reasonably be done to prevent, (a) crime and disorder in its area (including anti-social and other behaviour adversely affecting the local environment); (b) the misuse of drugs, alcohol and other substances in its area; and (c) re-offending in its area.

For the purposes of this report regard has been had to the Human Rights Act 1998, the Human Rights Convention and relevant related issues of proportionality.

## Consultations

12. **Historic England:** Historic England provides advice when our engagement can add most value. In this case we are not offering advice. This should not be interpreted as comment on the merits of the application.
13. **Natural England:** No objection
14. **BCP Trees & Landscaping:** Welcomes removal of Block B from the scheme. No objections subject to condition for foundation design and details of pruning works.
15. **BCP Conservation/Heritage:** The suggestions posed in the original Report have been taken into account, hence, the proposal is now considered acceptable from a conservation point of view given it would represent a betterment over the existing situation, in line with para. 206 of the NPPF and Policy HE1 of the Christchurch and East Dorset Local Plan.
16. **BCP Environmental Health:** No records on previous contamination. Informative suggested and added to Decision Notice
17. **BCP Highways:** With regard to the amended plans dated 30 August 2023, the Highway Authority are still supportive of the proposal, subject to a condition controlling the garages not being used for commercial purposes or operations.
18. **Christchurch Town Council:** No comments provided
19. **Wessex Water:** Raise no objection, standard advice provided

## Representations

20. Site notices were erected around the site on 31 July 2023 with an expiry date of 21 August 2023 and a press advert was placed on 1 August 2023. Following the submission of amended plans on 30 August 2023 further site notices were erected round the site on 4 September 2023 with an expiry date of 18 September 2023. In total 20 objections have been received in respect of the original
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submitted scheme and the subsequent amended scheme. Comments received in response to the proposals are summarised below:

- Flood Risk area/increased risk of flooding due to scale of proposed buildings
- Loss of light due to height of 5m pitched roof
- Important wildlife corridor
- Protected Trees will be seriously undermined
- Trees felled
- Visually intrusive
- Excessive noise
- Loss of vegetation
- No details provided in respect of proposed driveway to garage B
- Endangered species on site

Comments following revised application:

- Loss of light due to pitched roof design and height
- Increased flood risk
- Visually intrusive on numbers 15 and 16 Amsterdam Square
- Impacts on wildlife

## **Key Issues**

21. The key issues involved with this proposal are:

- Character and appearance of area
- Impact on Heritage assets - Conservation Area and listed buildings
- Impacts on neighbouring amenities and privacy
- Ecological impacts
- Flood Risk
- Impacts on protected trees

22. These issues will be considered along with other matters relevant to this proposal below.

## **Policy context**

23. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning applications must be determined in accordance with the development plan for an area, except where material considerations indicate otherwise. The development plan in this case comprises the Christchurch and East Dorset Local Plan and saved policies of the Christchurch Local Plan 2001.

24. Local documents: Christchurch and East Dorset Local Plan 2014

KS1	Presumption in favour of sustainable development
S12	Parking Provision
HE1	Valuing and Conserving our Historic Environment
HE2	Design of new development
HE3	Landscape Quality
ME1	Safeguarding biodiversity and Geodiversity
ME6	Flood Management, Mitigation and Defence

Christchurch Borough Council Local Plan (2001) – Saved Policies

H12	Residential Infill
BE5	Setting of Conservation Areas
BE15	Setting of Listed Buildings

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## 25. Supplementary Planning Documents and Guidance

BCP Parking Standards – SPD (2021)  
Purewell Conservation Area Appraisal 2010  
Christchurch Borough-Wide Character assessment (2003)

## 26. National Planning Policy Framework 2023 (“NPPF” / “Framework”)

National Planning Policy Framework (“NPPF” / “Framework”)

Including in particular the following:

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 14 – Meeting the challenge of climate change, flooding and coastal change

Section 15 – Conserving and enhancing the natural environment

Section 16 – Conserving and enhancing the historic environment

## Planning Assessment

### **Impact on character and appearance of the area**

- 27. The existing building on the site which appears derelict, will be replaced with a new three bay garage. The existing building has a footprint of 15m x 12m (approx.) with a mono-pitch roof measuring approx.. 3.9m to the front and 3.6m to the rear. The replacement garage has a footprint of 14.1m x 11.8m (approx.). Its height to eaves is 3m with a ridge height of 5m.
  - 28. The application as originally submitted, proposed the erection of two detached garage blocks of similar design and scale. Concerns were raised in respect of the proposed block B to be sited to the north in the site and its negative impacts on the character of the area and that of the adjoining Purewell Conservation Area. The amended plans omitted the proposed block B and as such this assessment is based on block A only.
  - 29. The proposed garage as stated in the design and access statement is for residential use by the occupants of 12 Purewell. The application site has the benefit of a rear garden accessed via a gated driveway off Purewell. It is not uncommon for properties with this type of access to have garage provision to the rear. There are several properties within the wider area with rear garages. It is not considered that the proposed garage would result in a built form which is out of character and appearance within the wider area.
  - 30. The garage block would be sited around 30m from the road frontage, with a currently vacant site to the south between No's 14 & 18. Whilst the proposal would result in a modest increase in bulk and
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height, due to its siting and set back from Purewell, this would result in a minor change to the street scene. The proposed materials of brick and clay tile are reflective of traditional buildings in the Conservation Area and are considered to result in an improvement over the existing building. It is considered that the development would have acceptable impacts on Purewell and the wider area.

31. Overall, the proposal would respect the character and appearance of the adjoining properties and the street scene of Purewell, therefore is considered acceptable and in accordance with Policy HE2 of the Core Strategy.

### Impacts on heritage assets

32. The application dwelling is located within the Purewell Conservation area, whilst the proposed garage would be sited outside, but adjoining the northern boundary of the conservation area. The building immediately to the south-west, No.14 is listed Grade II. 10 – 12 Purewell are locally listed buildings & 8 Purewell is a Grade II listed building, as is the Starre Inn to the southern side of Purewell.
  33. Paragraph 199 of the NPPF requires that, *'when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the assets conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial, total or less than substantial harm to its significance.'*
  34. Paragraph 200 of the NPPF also requires that *'Any harm to, or loss of, the significance of designated heritage asset (from its alteration or destruction, or from development within its setting) should require clear and convincing justification.'*
  35. The BCP Heritage/Conservation officer was consulted on the proposals. Concerns were raised in respect of the two proposed garages and in particular block B which was considered to result in negative impacts of the setting of the conservation area. Their comments read in part as following, *'Another garage – Block B, is proposed to be built north of the proposed Block A and within the garden area. New surfacing would be laid out leading to this additional garage. The loss of greenery to accommodate additional built form and a driveway would be a retrograde step and would not be welcomed, given that greenery and mature trees provide a very important contribution to the backdrop to buildings especially in this part of the CA.'*
  36. Further concern was raised in respect to the proposed cladding on block A and roof materials. Following these comments, the applicant's agent provided amended plans to omit the cladding and change the roof tiles to clay as indicated on plan number 9714/102 rev A and B. Following these amendments, the proposals are considered to result in a building of traditional form and materials, in keeping with the pattern of development in the area.
  37. The access and turning area adjoining the proposed garage (which are within the Conservation Area) are existing and therefore there are no physical changes to the Conservation Area. Therefore the assessment is made on the setting of the various heritage assets listed above. In this regard the proposed garage block is considered to represent an improvement over the existing building with its mono-pitch roof, use of render and overall tired condition. The increase in overall height is mitigated by the lowered eaves and traditional pitched roof and materials which will related more successfully to the adjoining listed building (also in red brick). Due to the separation distances to the other listed and locally listed buildings set out in para. 32 above and the poor quality of the existing building to be replaced, the setting of these heritage assets will be preserved.
  38. The scheme therefore has acceptable impacts on the setting of the conservation area and that of the Listed Building and nearby locally listed buildings. The scheme results in less than substantial
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harm to the heritage assets. Applying the guidance in paragraph 202 of the NPPF (2023) 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, removes a building which detracts from the setting of the Conservation Area, replacing with secure residential garaging and the public benefits in this case are considered to outweigh any impact to the heritage assets.

39. The proposal is considered to preserve the character and setting of the Conservation Area and the Listed and locally listed buildings, complying with policy HE1, HE2 and H12 of the Local Plan

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

40. During this process, concerns were raised through representations received regarding the likely impacts of the proposed development would have on neighbouring occupiers living conditions, through loss of light and being visually overbearing.
41. The main properties to be affected are numbers 15 and 16 Amsterdam Square as the garage would be sited beyond their rear boundaries. There is approx.. 11m from the nearest corner of the proposed building to the nearest elevation of these neighbours. It is acknowledged that the proposed increase in roof height would result in the built form being more visible, mainly from the first-floor windows at the rear of these properties. The proposed roof would pitch away from these neighbouring properties with a relatively shallow pitch, as such limiting the visual impacts.
42. In respect of loss of light or overshadowing, as above the roof will pitch away from these neighbouring properties, and is sited to the south-east, beyond these rear boundaries, any additional impacts would be limited over and above the existing building. Such impacts would be restricted to particular times of day - afternoons onwards - where there may be a minor change to shading towards the rear of these neighbours' gardens. This would not represent overriding harm to warrant refusal of the application. The garage would be sited on the boundary with number 18 Purewell as is the existing building, with approx.. 13m to the nearest elevation of this neighbour. Due to the limited changes in footprint and overall height and the separation to properties in Purewell, it is not considered that the resulting built form would result in significant harm by way of an overbearing impact or loss of outlook to the detriment of their living conditions.
43. In respect of noise and disturbance from vehicles using the garage, the proposal needs to be considered on the basis of a typical residential use. There are no grounds to contend that this proposal would result in excessive noise that would be any different to the use of a typical domestic outbuilding. Further there is separate legislation to control noise impacts in the event of a statutory nuisance. However, in this regard a relevant condition is recommended to ensure that the garage is only used for domestic purposes and no conversion to habitable accommodation is made without prior consent from the LPA.
44. The proposals are considered to comply with policy HE2 and H12 of the Local Plan and found to be compatible with its surroundings.

### **Ecological impacts**

45. The application as originally submitted would have resulted in loss of vegetation, which could have potentially had ecological impacts. Natural England were consulted on the proposals who raised no objection. Contrary to the comments of 3<sup>rd</sup> parties, the site is not identified in the Dorset Environmental Records Centre as being part of Potential Ecological Network or Existing Ecological Network, or as having any other ecological designations. However, an informative note has been added in respect of bats. The proposals are considered to comply with policy ME1 of the Local Plan

### **Flood Risk**

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46. The site is located in flood risk zones 2, 3 and 3a.
47. Paragraph 167 of the NPPF requires that, *'When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment 55. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:*
- a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;*
  - b) the development is appropriately flood resistant and resilient such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment;*
  - c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;*
  - d) any residual risk can be safely managed; and*
  - e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.'*
48. Paragraph 168 excludes some minor applications, which includes the proposed development in this instance, from the requirement to complete the sequential and exception tests although a site-specific flood risk assessment (FRA) is required.
49. A FRA has been submitted stating that the finished floor levels in the proposed garage will be set no lower than those in the existing building. With these safeguards, the scheme is considered to comply with Policy ME6 of the Christchurch and East Dorset Local Plan Part 1 - Core Strategy (2014)

### **Impacts on protected trees**

50. Following a site visit, it was noted that some trees and vegetation on the western side of the site had been removed prior to the submission of this application. A new TPO has now been put in place for the Sycamore trees found on site at the time of the site visit. As such any works to these trees will require separate approval.
51. The agent was contacted to provide further details in relation to the foundation details for the proposed and for the pruning works to TPO trees within close proximity of the proposed details. No further details were received from the agent and reference was made in respect of the originally submitted tree protection details. However, on account of the presence of the existing building and the similarity of the replacement's footprint, it is not considered that the lack of this information, is sufficient to withhold planning permission. An appropriate pre-commencement condition has been provided by the Tree Officer and is recommended below. With these safeguards, the scheme is considered to comply with Policies HE2 & HE3.

### **Planning Balance/Conclusion**

52. The proposal would respect and preserve the character and appearance of the surrounding area. The proposal is considered to respect residential living conditions and preserve the privacy of neighbouring properties. It is not considered that the proposal would result in material harm by way of loss of sunlight, overbearing or loss of outlook/overshadowing. The access is as existing and the proposals would not impact on parking provisions or highway safety.
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53. The proposal would be located away from the highway frontage with views from the street scene visible but at a setback distance of about 30 metres. There will not be a significant harm on the setting of Purewell Conservation Area, the adjacent Listed Building at 14 Purewell or nearby locally listed buildings. Its ecological impacts and impacts to protected trees are acceptable.
54. It is considered the proposal complies with the Development Plan as a whole and is in accordance with the relevant up to date Development Plan Policies and is sustainable development which paragraph 11c of the NPPF means that it should be approved without delay.
55. In reaching this decision the Council has had due regard to the statutory duty in Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 which states that '*with respect to any buildings or other land in a conservation area.....special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.*'

## **Recommendation**

Grant, subject to the following Conditions

## **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: 9714/100 A Proposed Site Plan, 9714 101 Block And Location Plans, 9714/102 A Proposed Garage, 9714/102 B Proposed Garage showing outline of building to be demolished and 9714/104 Existing

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

3. The development hereby permitted shall be constructed entirely of the materials details of which are shown on plan No. 9714/102 Rev A and 9714/102 Rev B unless otherwise agreed in writing by the Local Planning Authority.

Reason: This is required to ensure the satisfactory visual relationship of the new development to the existing

4. Both in the first instance and upon all subsequent occasions the garage shall be used solely for the accommodation of private vehicles belonging to the occupiers of the property to which it is shown to be related by the terms of the application and the deposited plans. At no time shall the garage be used for industrial, trade, or business activity of any description whatsoever. Further, and notwithstanding the provision of the Town and Country Planning (General Permitted Development) Order 2015, the garage shall be retained for this purpose and shall not be converted to any other domestic accommodation without express planning permission first being obtained.

Reason: The building is inappropriate for use other than as a private garage by reason of its relationship to the parent premises, the neighbourhood in which it is situated and the need to retain parking provision in accordance with the Council policy.

5. Notwithstanding details already submitted, plans and particulars showing the final type of foundations proposed for Block A and facilitate pruning works to TPO trees, shall be submitted to the Local Planning Authority for written approval prior to commencement of works on site. The development shall be carried out in accordance with the approved details.
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Reason - To ensure that the neighbouring tree, its rooting environment is afforded adequate physical protection during construction.

### **Informatives**

1. If during site works unforeseen contamination is found to be present then no further development shall be carried out until the developer has consulted the Local Planning Authority. The contamination will need to be assessed and if necessary an appropriate remediation scheme agreed with the Local Planning Authority.
2. 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/our-work/national-bat-helpline>
3. The applicant(s) is (are) advised that the proposed development is situated in close proximity to the property boundary and "The Party Wall etc. Act 1996" is therefore likely to apply.
4. For the avoidance of doubt, the applicant(s) are advised that this planning permission 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 your neighbour's consent. This is, however, a civil matter and this planning consent is granted without prejudice to this.

### **Background Documents:**

Documents uploaded to that part of the Council's website that is publicly accessible and specifically relates to the application the subject of this report including all related consultation responses, representations and documents submitted by the applicant in respect of the application.

Notes.

This excludes all documents which are considered to contain exempt information for the purposes of Schedule 12A Local Government Act 1972.

Reference to published works is not included.

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