

Planning Committee



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| Application Address | 44 Minterne Road Christchurch BH23 3LE |
| Proposal | Alterations and remodel of the existing dwelling inclusive of demolition of the existing garage, single storey rear and side extension and creation of first floor accommodation. |
| Application Number | 8/24/0318/HOU |
| Applicant | Mr Michal Lydka |
| Agent | Matthew Austin |
| Ward and Ward Member(s) | Mudford, Stanpit & West Highcliffe Cllr Lesley Dedman Cllr Paul Hilliard |
| Report status | Public |
| Meeting date | 26 September 2024 |
| Summary of Recommendation | Grant, subject to conditions |
| Reason for Referral to Planning Committee | Applicant is a direct family member (spouse) of an Officer working within the planning section. |
| Case Officer | Charlotte Haines |
| Is the proposal EIA development | No |

Description of Proposal

1. This application seeks permission for the erection of a single storey rear and side extension following the demolition of the existing detached garage and the enlargement of the roof to create first floor accommodation.

Description of Site and Surroundings

2. The application site lies within a cul de sac within the residential area of Stanpit. The surrounding area is characterised by a mix of two storey houses and bungalows. Minterne Road is characterised by predominantly detached single storey bungalows and chalet bungalows. These bungalows are varied in terms of scale, design, style and massing.

3. The application site consists of a hipped roof bungalow and is typical of the surrounding development in the road. The dwelling is set back in its plot with off-road parking.
4. The application site partly falls within future high risk flood zone 3a (2133).

Relevant Planning History

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|---------------|--|--|---------|----------|
| 8/21/0813/HOU | 46 Minterne Road Christchurch BH23 3LE | Single storey rear extension. | Granted | 11/11/21 |
| 8/13/0344 | 40 Minterne Road | Create gable ends and insert dormer window to side to create accommodation in the roofspace. Erection of single storey extension to rear | Granted | 28/08/13 |
| 8/06/0328 | 44 Minterne Road | Construct pitched roof over existing flat roof extension to rear | Granted | 14/08/06 |
| 8/03/0075 | 44 Minterne Road | Erection of single storey pitched roof extension and replacement garage with pitched roof | Granted | 25/03/03 |
| 8/01/0346 | 44 Minterne Road | Single-storey rear extension with pitched roof above. Erection of detached garage to rear following demolition of existing. | Granted | 31/07/01 |

Constraints

- Future Flood Zone 3a (Year 2133)

Public Sector Equalities Duty

5. 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

6. For the purposes of section 40 Natural Environment and Rural Communities Act 2006, in assessing this application, consideration has been given as to any appropriate action to further the “general biodiversity objective.
7. 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.
8. 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

9. **Wessex Water** – No comments have been received.
10. **Christchurch Town Council** – No comments have been received.

Representations

11. One representation has been received raising the following comments: -
 - Loss of privacy to rear garden of neighbouring property due to overlooking from 1st floor Juliette balcony
 - Juliette balcony could be removed to allow access onto flat roof of rear extension which would lead to overlooking of rear gardens of neighbouring properties.
 - Suggest a smaller window instead of a Juliette Balcony.

Key Issues

12. The key issues involved with this proposal are:
 - The impact upon the character of the area
 - The impact on neighbours' living conditions
 - Flood Risk
 - Parking and Highway Safety
13. These issues will be considered along with other matters relevant to this proposal below.

Policy Context

14. 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.
15. Christchurch and East Dorset Local Plan Part 1 - Core Strategy 2014
KS1 Presumption in favour of sustainable development

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|------|--|
| KS11 | Transport and Development |
| KS12 | Parking Provision |
| HE2 | Design of new development |
| H12 | Residential Infill |
| ME6 | Flood Management, Mitigation and Defence |

16. Saved Policies of the Christchurch Local Plan 2001

H12: Residential Infill

17. Draft BCP Local Plan

18. The draft BCP Local Plan was submitted to the Secretary of State on 27 June 2024 for examination. The Local Plan examination is expected to take around 12 months. If approved by the Inspectors, the Local Plan will replace the current Local Plans around the middle of 2025. Due to the stage the Plan has reached, the majority of policies are attracting very limited weight at this time. Although a small number attract a limited weight at this time including the following relevant policy:

Policy BE3: Living conditions

19. This draft policy is broadly in line with the existing relevant policies HE2 of the Christchurch and East Dorset Local Plan Part 1 - Core Strategy 2014 and saved policy H12 Christchurch Local Plan 2001; namely that proposals should be compatible with surrounding uses; not result in an unacceptable impact upon public amenity or the living conditions of current or future occupiers considering overlooking, overshadowing, privacy, noise, levels of sunlight and daylight and whether the development is overbearing or oppressive.

Supplementary Planning Documents

Parking Standards SPD 2022

Christchurch Borough-Wide Character Assessment (2003)

20. National Planning Policy Framework ("NPPF"/"Framework")

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

The requirement for good design set out in section 12; paragraph 135 requires that developments should function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development. Development that is not well designed, especially where it fails to reflect local design policies and government guidance on design should be refused (para 139).

Section 14 - Meeting the challenge of climate change, flooding and coastal change

Paragraph 167 - All plans should apply a sequential, risk-based approach to the location of development – taking into account all sources of flood risk and the current and future impacts of climate change – so as to avoid, where possible, flood risk to people and property. They should do this, and manage any residual risk, by:

- a) applying the sequential test and then, if necessary, the exception test as set out below;
- b) safeguarding land from development that is required, or likely to be required, for current or future flood management;
- c) using opportunities provided by new development and improvements in green and other infrastructure to reduce the causes and impacts of flooding, (making as much use as possible of natural flood management techniques as part of an integrated approach to flood risk management); and
- d) where climate change is expected to increase flood risk so that some existing development may not be sustainable in the long-term, seeking opportunities to relocate development, including housing, to more sustainable locations.

Paragraph 173 advises 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. 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.

Paragraph 174 states that applications for some minor development and changes of use (footnote 60) should not be subject to the sequential or exception tests but should still meet the requirements for site-specific flood risk assessments.

Footnote 60 - This includes **householder development**, small non-residential extensions (with a footprint of less than 250m²) and changes of use; except for changes of use to a caravan, camping or chalet site, or to a mobile home or park

home site, where the sequential and exception tests should be applied as appropriate.

Planning Assessment

The Impact upon the Character of the Area

21. Policy HE2 states that 'the design of a development must be of a high quality, reflecting and enhancing areas of recognised local distinctiveness'. The development must be compatible with or improve its surrounding in its layout; site coverage; architectural style; scale; bulk; height; materials and visual impact.
22. The existing property is single storey and is lower in height than the neighbouring properties on either side. Furthermore, the existing bungalow is smaller in size than the other bungalows within the road.
23. This application is proposing the enlargement of the existing single storey bungalow to a chalet style bungalow. The design has a symmetrical single gable that runs front to back of the property.
24. The original properties within the road typically comprised single storey bungalows with modest hipped roofs and are set back from the highway. However, a number of properties in the vicinity of the site have been given permission to extend up into the roof space or demolish the existing bungalow for a chalet bungalow with accommodation in the roof. Therefore, the design and form of the dwellings within the street scene has changed over recent years resulting in a mixed character of bungalows and more modern looking chalet style bungalows. The addition of a half storey and the proposed gable roof form in terms of design would not be competing visually on the street scene despite appearing more conspicuous.
25. There is no set style of property on the road to adhere to. Whilst the form of the new roof would substantially differ from the existing, it would retain the same roof pitch, and the increased height is not considered significant having regard to the varying heights within the street scene.
26. Whilst the proposed dwelling house would adopt a similar gable form to the adjacent property at no.40, as well as a number of other properties in the road; the proposed design, fenestration and materials would result in a more contemporary finish. The grey fascia to the front and rear creates a focal point that would provide a more cohesive appearance to the elevations.
27. The proposed extensions would result in a dwelling that has a larger footprint and volume than the existing bungalow, with a ridge height of approximately 6.7m, which represents an increase of approximately 1.5m. This would also exceed the ridge heights of the properties on either side by approximately 0.5m (No.40) and 1.1m (No.46). Whilst this is a noticeable increase in height, it is not considered that this would lead to an incongruous and overbearing form of development in the street scene given the variation in heights and roof forms along the road and within immediate vicinity of the site. The eaves height is also raised by approximately 1 metre, but this is not considered to be significant and would not result in a built form that is visibly incongruous or harmful in the context of the area. The side extension and dormer windows will further increase the mass and bulk of the roof however they will respect the scale and form of the enlarged dwelling and incorporate degrees of subservience.
28. In terms of materials, the proposed use of white render to the walls is considered acceptable and is prevalent in the surrounding development. Whilst not

commonplace in the road, the use of composite slate for the roof is evidenced on a number of extended roofs of surrounding properties within the surrounding area.

29. The proposal incorporates a wraparound rear/side extension which would extend up to the side boundaries leaving narrow gaps. The single storey extension would be sited on an area previously occupied by a detached garage. A number of properties substantially fill the plots or have single storey side extensions which extend up to the side boundary leaving narrow gaps. Therefore, the proposal to extend the built form in close proximity to the boundaries would not appear out of keeping within the street scene. Furthermore, the proposed side extension is set back from the front elevation of the dwelling and is set down in height beneath a flat roof. The proposed extension would therefore appear subservient to the main dwelling. The enlarged building would have an appropriate relationship to its plot and would not appear as overdevelopment.
30. The single storey extension would extend into the rear to a depth of 4.4m from the rear elevation of the chalet bungalow (the one and half storey element). The proposed raised roof would be over the existing dwelling and as such the one and half storey element. It is considered that the proposed single storey extension would not extend so far to the rear of the plot that it would be out of character in the context of the locality.
31. The proposed first floor alterations would not be out of keeping in a varied street scene and would have an acceptable relationship with the adjacent properties. Due to the varying ridge heights within the road, it is not considered that the change in ridge heights would appear out of character within the street scene. The development will change the character of the dwelling; however, the proposal is acceptable in terms of design, scale and massing in its context.
32. There have been examples of similar forms of development within the immediate area and although this property will appear more prominent within the street, it is considered the proposed extensions to the dwelling are compatible to the character and form of the existing properties within the road and would not adversely affect the visual amenities of the area. The proposal, therefore, complies with policy HE2 and saved policy H12.

Residential Amenity

33. Policy HE2 states that; 'development will be permitted if it compatible with or improves its surroundings in; its relationship to nearby properties including minimising disturbance to amenity'. Saved policy H12 states that residential development should not adversely affect residential amenities by noise or disturbance, or loss of light or privacy.
34. The first-floor development is proposed above the existing footprint of the host dwelling which is set away from the boundary with no.46 by approximately 5m and does not extend beyond the rear elevation of this neighbouring property comprising of the patio doors set within its rear extension. Given this separation distance, the proposed first floor development would not have an overbearing impact or lead to a significant loss of light to this neighbour.
35. Whilst increasing the height and massing of the roof to the host dwelling which would be a relatively steep pitch, the dwelling is broadly in line with the neighbouring properties on either side. As a result, it is not considered the proposal would result in any significant adverse impacts as a result of loss of light or overbearing impact to this neighbour.

36. Whilst the existing bungalow is perpendicular to the road, the side boundary with the property to the southeast (No.40) extends into the rear at an angle. Consequently, the bungalow has a greater proximity to this boundary as it extends further into the plot. The rear corner of the existing bungalow is approximately 0.7m from this boundary. The neighbouring chalet bungalow at no.40 is also positioned close to the bungalow. Therefore, there is already a close built relationship between the existing dwelling on the site and this neighbouring property.
37. The first-floor development would extend over the footprint of the existing bungalow. Therefore, the increased height of the bungalow would project beyond the rear elevation of No.40 where there are rear facing windows and patio doors. However, the bungalow extends slightly further into the rear than that of No.40 by approximately 0.9m. The increased eaves height would be approximately a metre and the overall height of the roof pitches away from this boundary. Furthermore, the nearest window on the rear elevation of this neighbouring property is set further away from the boundary at a distance of approximately 1.7m. This window also forms part of a wider set of windows and patio doors which serve a living room that face over the neighbours' garden. The proposed first floor extension would not break the 45-degree horizontal or vertical splay and is therefore deemed not to create harmful oppressive impacts to this neighbour.
38. The proposed single storey extension would extend further to the rear and would bring built form of the dwelling closer to the boundary at approximately 0.4m. However, the extension is single storey in height measuring approximately 3.3m with a flat roof. The proposed single storey extension would break the horizontal splay but would not break the vertical splay.
39. Having regard to the above, it is considered that the proposal extensions to the bungalow would not lead to a significant loss of outlook or light, nor would it have a significant overbearing impact on the neighbouring property at No.40.
40. The proposal seeks to replace this with a single storey wrap/ around rear side extension. The proposed extension would extend to a similar depth to the rear extension at No.46. The proposed extension would be approximately 0.9m from the boundary and approximately 1.5m from the side elevation of the neighbours' rear extension where a window is present. However, it is noted that an existing garage is positioned this location and within a similar proximity to the boundary. Due to its flat roof design, the proposed extension would have a lower height of 3.1m due to its flat roof design when compared to the detached garage which has a pitched roof (ridge height of 3.5m).
41. The extension does extend slightly along the side of the dwelling and approximately 0.5m from the side boundary with the neighbour. It is noted that there are a set of windows on the side elevation of the neighbouring dwelling which serve as the sole windows to habitable rooms (dining room and office). The proposed extension would be approximately 1.2m from these windows. No windows are proposed on the side elevation of the extension and as a result there would be no overlooking.
42. Given the close proximity of the proposed extension to the boundary and its position to the southeast, it is considered that there will be some loss of outlook and light to the habitable rooms of this neighbouring property. However, these currently have viewed over the boundary fence into the neighbours' side driveway and entrance which itself is enclosed by the existing bungalow. It was also observed on site that these windows are obscure glazed. Having regard to this and noting the low height of the single storey flat roof extension, it is considered that it would not lead to a significant loss of outlook or light to the habitable rooms within this property.

43. The front facing gable would have a large first floor window proposed which will overlook the road and as such would not result in a loss of privacy to any of the neighbouring properties.
44. The side facing rooflight (east) would serve a staircase/landing (a non-habitable space) and would face towards a side facing dormer window at no.40. A condition is recommended to be imposed for the window to be obscure glazed to prevent any overlooking.
45. The side facing dormer window (west) would serve a bathroom (a non-habitable room) and would face towards the roof and side elevation of no.46 where there are windows serving habitable rooms. A condition is recommended to be imposed for the window to be obscure glazed to prevent any overlooking.
46. The proposed new rear facing window will serve a bedroom. Whilst this will result in the introduction of a level of overlooking towards the properties to the south which front onto Stanpit. However, the window-to-window distances would be in excess of 35m and would be acceptable. the significant separation distances involved, it is considered that there would be no harmful overlooking towards these neighbouring properties to the south and they would retain acceptable privacy levels and thereby acceptable living conditions. The proposed new rear facing window would have oblique views towards the neighbouring gardens to the southeast of the properties which front onto Victoria Road, notably no.2. However, the first-floor window would be approximately 25m from the rear elevation of this boundary. Whilst it would be closer to the rear boundary of the property at approximately 15m, any views would be onto the very bottom of this neighbouring garden which itself is less private and already overlooked by surrounding properties.
47. This window is set back from the rear elevation between flank walls and as such would adequately minimise any opportunity for overlooking. Direct views out of this window would be towards the very bottom of the gardens of the adjacent properties on either side. It is noted that this would be a Juliette balcony meaning that there would be no opportunity to step onto a balcony thus avoiding views to either side. It is considered necessary to condition that the window to remain in its recessed position in order to ensure that the flank walls provide the screening that minimises overlooking.
48. Whilst there would be new overlooking of neighbouring gardens, it is not considered to be so materially harmful that planning permission should be refused. Due consideration has been given to the reasonable fall-back position regarding Permitted Development (PD) in this regard.
49. The flat roof over the single storey rear extension is in line with the lower edge of the full height window/Juliette balcony. It is considered that the use of the flat roof as a terrace would lead to unacceptable overlooking to neighbouring gardens resulting in loss of privacy and disturbance to the occupiers of these neighbouring properties. A condition has been imposed to restrict the flat roof area of the proposed extension from being used as an external balcony, terrace or amenity space without the prior benefit of planning permission.
50. It is therefore considered that proposed extensions to the dwelling would not give rise to an unacceptable level of overlooking to the adjoining properties and as such would not lead to loss of privacy to these neighbours.
51. The enlarged dwelling would retain adequate private amenity space for future occupiers.

52. The scheme is thus 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.

Flood Risk

53. Local Plan Policy ME6 states; 'all developments (including redevelopments and extensions which require planning permission) can be permitted within areas at risk of flooding they will be required to incorporate appropriate flood resistance and resilience measures as a means of "future proofing" against the effects of climate change.'.
54. Both Policy ME6 and Paragraph 167 NPPF take a sequential approach to new development. This proposal is considered to be 'minor' development in flood risk terms and therefore the Sequential or Exception tests are not applicable to this proposal as set out in paragraph 174 of the NPPF.
55. The application property is located within future flood zone 3a. Therefore, a condition is recommended to floor levels of the extension hereby permitted shall be the same as the existing dwelling and flood resistance and resilience measures shall be incorporated as appropriate in accordance with the Environment Agency's Standing Advice. Subject to this condition, it is considered that the proposed development is in accordance with policy ME6.

Parking and Access

56. Policies KS11 and KS12 refer to the design of development to provide safe and permeable layouts and promoting all modes of transport alongside parking provision. This proposal does not change the parking or access for this property.
57. The extensions would result in an increase in the number of bedrooms from 2 to 4 within the dwelling. The site is within Zone B as set out in the Parking SPD and for a four-bedroom property the requirement is for two parking spaces and secure storage for 4 bicycles (1 per bedroom). The dwelling has a driveway and hardstanding to the front which provides ample room for 2 parking spaces. Furthermore, there is a storage area shown on the proposed ground floor plan where there is ample space to provide storage for 4 bicycles.
58. Therefore, it is considered the parking provision is acceptable and accords with Policy KS12.

Other Matters

59. The application is for householder developer and as such is exempt from the Biodiversity Net Gain requirement.

Planning Balance/Conclusion

60. The proposal would preserve the character and appearance of the street scene of Minterne Road and of the existing dwelling. Neighbouring living conditions would be preserved. It is not considered that the proposal would result in material harm by way of loss of sunlight, overbearing impact or loss of outlook/overshadowing. The proposal would not give rise to an increase in flood risk. In addition, sufficient on-site parking provision and vehicular access arrangements would be retained for the enlarged dwelling and the proposal would not adversely affect highway and pedestrian safety.

61. It is considered that 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 as per paragraph 11c of the NPPF means that it should be approved without delay.
62. Therefore, the scheme is recommended for approval.

Recommendation

63. **GRANT permission subject to the following 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:

Site location, Block plan and Existing floor plans and elevations – Drawing Number PL JL S1 V1 2024 Rev A received 23/07/2024

Proposed Block Plan – Drawing Number PL JL S1 V1 2024 Rev A received on 03/09/2024

Proposed Floor Plans - Drawing Number PL JL S3 V5 2024 received on 20/05/2024

Proposed Elevations – Drawing Number PL JL S2 V5 2024 received on 20/05/2024

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 on the approved plan and within the application form unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of design and amenity.

4. Both in the first instance and upon all subsequent occasions the dormer window on the west elevation and the rooflight on the east elevation shall be glazed with obscure glass which conforms to or exceeds Pilkington Texture Glass Privacy Level 3 and shall either be a fixed light or hung in such a way as to prevent the effect of obscure glazing being negated by reason of overlooking. Furthermore, notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, or any subsequent re-enactment, no further fenestration shall be installed in the said elevations without express planning permission.

Reason: To preserve the amenity and privacy of the adjoining property.

5. The recessed full height window on the rear elevation which serves a bedroom shall be installed in the recessed position as shown on approved plan no. PL JL S3 V5 2024 and a fixed balustrade shall be fixed directly in front of the window and thereafter the window and balustrade shall be retained at all times in the specified position. The adjacent flat roof area over the approved extension shall not be used at any time as a balcony or sitting out area/amenity space.

Reason: To preserve the amenity and privacy of the adjoining properties.

6. The floor levels of the extension hereby permitted shall be the same as the existing dwelling and flood resistance and resilience measures shall be incorporated as appropriate in accordance with the Environment Agency's Standing Advice.

Reason: To ensure a satisfactory form of development in relation to the level of flood risk associated with the site.

Informative Notes

1. The applicant is 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.

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 formal consultation response and representations 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.