

Planning Committee



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| Application Address | 44 Minterne Road Christchurch BH23 3LE |
| Proposal | Bungalow re-modelling. Demolish Garage, erect side & rear extensions, enlarge roof to form first floor accommodation. |
| Application Number | P/25/00365/HOU |
| Applicant | Mr M Lydka |
| Agent | Mr Jeremy Isaacs |
| Ward and Ward Member(s) | Mudford, Stanpit & West Highcliffe Cllr Lesley Dedman and Cllr Paul Hilliard |
| Report status | Public |
| Meeting date | 8 th May 2025 |
| Summary of Recommendation | Refuse for the reason(s) set out below |
| 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 two-storey side extension and a single storey rear extension following the demolition of the existing detached garage and the enlargement of the roof to create first floor accommodation.
2. This application follows a previous refused scheme for the same development. The application was refused for the following reasons: -

It is considered that the proposed two storey flat roof side extension, by reason of its scale, mass, bulk and design is not considered to respect the scale or character of the resultant enlarged dwelling and would not appear as a subordinate addition to the dwelling. Overall, the scheme is a poor design which disregards the prevailing form,

appearance and character of the host property and surrounding area. The scheme fails to be compatible with or improve its surroundings in its architectural style, scale, bulk and visual impact. As such the development is contrary to Policy HE2 of the Christchurch and East Dorset Local Plan, Part 1 Core Strategy 2014, saved Policy H12 of the Borough of Christchurch Local Plan 2001 and Section 12 of the National Planning Policy Framework 2024.

The proposed two storey flat roof side extension would be sited approximately 1.5m from the side elevation of no. 46 where there are windows serving habitable rooms. The proposed extension would measure 6.2m in height and would have a depth of 7m. This increase in height coupled with the depth and proximity to the neighbour would significantly reduce the levels of light entering these habitable rooms and would also have an overbearing impact on this neighbour. The proposal fails to be compatible with or improves its surroundings in its relationship to nearby properties including minimising general disturbance to amenity. As such the proposal is considered contrary to Policy HE2 of the Christchurch and East Dorset Core Strategy adopted 2014 Policy H12 of the Borough of Christchurch Local Plan and the NPPF.

3. This application proposes a revised design to the 2-storey side extension. The main changes are as follows: -
 - Ridge height of the 2-storey side extension reduced from 6.2m to 6.1m (a reduction of 0.1m)
 - Eaves height of the 2-storey side extension reduced by from 4.9m to 4m (a reduction of 0.9m)
4. These applications follow an earlier grant of planning 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

5. 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.
6. 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.
7. The application site partly falls within future high risk flood zone 3a (2133).

Relevant Planning History

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|---------------|--|--|---------|----------|
| 8/24/0720/HOU | 44 Minterne Road Christchurch BH23 3LE | Demolition of existing garage. Erection of 2 storey side extension, single storey rear extension & creation of 1st floor accommodation | Refused | 20/02/25 |
| 8/24/0318/HOU | 44 Minterne Road Christchurch | Alterations and remodel of the existing dwelling inclusive of demolition | Granted | 30/09/24 |

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|---------------|--|--|---------|----------|
| | BH23 3LE | of the existing garage, single storey rear and side extension and creation of first floor accommodation. | | |
| 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

8. Future Flood Zone 3a (Year 2133)

Public Sector Equalities Duty

9. 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

10. In accordance with regulation 9(3) of the Conservation of Habitats and Species Regulations 2017 (as amended) ("the Habitat Regulations), for the purposes of this application, appropriate regard has been had to the relevant Directives (as defined in the Habitats Regulations) in so far as they may be affected by the determination.

11. With regard to sections 28G and 28I (where relevant) of the Wildlife and Countryside Act 1981, to the extent consistent with the proper exercise of the function of determining this application and that this application is likely to affect the flora, fauna or geological or physiographical features by reason of which a site is of special scientific interest, the duty to take reasonable steps to further the conservation and enhancement of the flora, fauna or geological or physiographical features by reason of which the site is of special scientific interest.
12. 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”.
13. For the purposes of this application, in accordance with section 2 Self-build and Custom Housebuilding Act 2015, regard has been had to the register that the Council maintains of individuals and associations of individuals who are seeking to acquire serviced plots in the Council's area for their own self-build and custom housebuilding.
14. 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.
15. 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

16. **Christchurch Town Council** – No comments have been received.

Representations

17. 1 objection has been received from the adjacent neighbour in which the following summarised concerns were raised:
 - Having reviewed the revised plans, they remain concerned that the proposal will have an overbearing impact on their home.
 - The proximity and height of the proposed building will significantly reduce the natural light entering their property.
 - The proposed building is 68cm from their boundary and only minor changes made to the height of the building, do not feel the revised design adequately addresses the issue.
 - Proposed extension will substantially diminish the daylight we receive forcing them to rely more heavily on artificial light and negatively affecting their living conditions.
 - Do not consider the changes are substantial enough to address the issue.

Key Issue(s)

18. 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

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

Policy Context

19. 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 Part 1 – Core Strategy 2014 and saved policies of the Christchurch Local Plan 2001.

20. Christchurch and East Dorset Local Plan Part 1 - Core Strategy 2014

KS1 Presumption in favour of sustainable development

KS11 Transport and Development

KS12 Parking Provision

HE2 Design of new development

H12 Residential Infill

ME6 Flood Management, Mitigation and Defence

21. Saved Policies of the Christchurch Local Plan 2001

H12: Residential Infill

22. 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, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.”

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 172 - 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 181 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 176 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 62 - 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

23. 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.

24. Saved Policy H12 states that “proposals for private or institutional residential development, on allocated and non-allocated sites, or extensions to residential premises will be permitted provided that” they meet a number of criteria including “they are appropriate in character scale design and materials on the immediate locality”.
25. 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.
26. 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. A proposal to enlarge the single storey bungalow to a chalet style bungalow has already been approved. This approved also included a wrap around a single storey flat roof rear/side extension.
27. The current proposal is a resubmission following the refusal of the previous scheme to enlarge the property which included a two-storey side extension that had flat roof and a small, hipped element. Both the current proposal and previously refused scheme proposed a single storey flat roof rear extension of a similar design to that on the approved scheme. The principal difference with the approved scheme was the introduction of a two-storey side extension in place of the single storey side extension.
28. It was considered that the two-storey side extension would substantially increase the mass and bulk of the overall dwelling so that it has the appearance of a larger two storey dwelling.
29. The current scheme retains this two-storey side extension albeit with minor changes principally the slight reduction of the ridge height and a reduction in the eave's height resulting in an increased depth to the hipped element of the roof. Whilst the reduced eaves height of the proposed two storey side extension would now be similar to those of the enlarged dwelling, the proposal would be of a similar ridge height and with the same flat roof design which results in a significantly enlarged dwelling that would contrast significantly with the surrounding development which comprises a more modest single storey bungalows or chalet bungalows with dormers.
30. The previously approved wraparound rear/side extension extended up to the side boundaries leaving narrow gaps. Whilst it was accepted that a number of properties in the road have substantially filled the plots, these typically comprise of the pitched roofs of the bungalows with the lower eave's height close to the boundary or the addition of single storey side extensions extend up to the side boundary leaving narrow gaps. In contrast, the proposal would introduce a two-storey largely flat roof extension which would have a ridge height in excess of 6 metres which would be in close proximity with the boundary with No.46.
31. The applicants' agent has submitted with the current application a Design and Access Statement in which it is argued that given the proposed side extension would be set back approximately 5.3m from the front elevation and over 10m from the application site frontage, the side extension is subservient to a main dwelling, it would not create terracing effect and it would not be visible in much of the street scene.
32. However, the changes made to the design of the two-storey extension are modest and the reasoning behind refusal reason 1 on the preceding application remains by reason of its largely flat roof design which is inconsistent with the steep pitched gable roof of the chalet bungalow. The revised proposal retains a small, hipped element which was introduced as

part of the amended plans which were submitted during the course of the previously refused application. Whilst this half-hipped roof element would reduce the height of the wall closes to the neighbour, the front and rear elevations would comprise of a vertical rendered wall. It is therefore considered that the proposed two storey extension would not be subservient to the enlarged building introducing a bulky incongruous feature that would fail to have an appropriate relationship to its plot and spacing within the road.

33. Despite the revisions made to the design of the two-storey side extension it is still considered not subservient to the dwelling nor is it compatible to the character and form of the existing properties within the road. It is therefore considered that this element of the proposal would adversely affect the visual amenities of the area and falls contrary to policy HE2 and saved policy H12.

Residential Amenity

34. Local Plan 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.
35. The previously approved scheme proposed first-floor accommodation development above the existing footprint of the bungalow. The bungalow itself is set away from the boundary with no.46 by approximately 5m. A 1.8 metres high close boarded fence is on the boundary with No 46, that property is set back only 0.5 to 0.75 metres from the boundary.
36. The current scheme also proposes first-floor development above the existing footprint but also extends over the proposed single storey side extension so as to enable three rather than two bedrooms to be provided at first floor. This two-storey side extension would result in first-floor development being brought closer to this neighbour. The previously refused extension was approximately 0.6m from the boundary with this neighbour at its closest point and 0.9m at its furthest point. The proposed two storey extension has been brought away from the boundary by approximately 0.2m and as a result would now be 0.8m from the boundary with this neighbour at its closest point. This change is very marginal and the proposed extension would remain within 1m from the boundary with the neighbour.
37. The Design and Access Statement accompanying the application sets out the revisions made to the proposed design of the two-storey side extension in order to address the impact on No. 46, which are in summary:
- The height has been reduced by 0.2m
 - The width has been reduced by 0.2m
 - The eaves level has been lowered from 6.3m to 4m taken from the ground floor level.
38. Whilst the stated reduction in height and width are correct, it is incorrect in respect of the eaves level which has only reduced from 4.9m to 4m.
39. The amended design retains a hipped roof element that was introduced as an amendment during the course of the previously refused application.
40. Whilst it is acknowledged that the eaves height has been lowered, the proposed side extension remains two-storey in height in close proximity to the southeast elevation of No.46. It is noted that there are two obscure glazed windows on the side elevation of the neighbouring bungalow (no 46) which serve as the sole windows to habitable rooms (dining room and office). The proposed two storey extension would be approximately 1.3m from these windows and is located to the southeast of these windows. Therefore, despite the design changes made the proposed extension would still lead to significant overshadowing

which would diminish the levels of light entering these windows of these habitable rooms. Given the close proximity of the proposed two storey extension coupled with the overall height and depth and its location to the southeast, it would lead to a significant loss of outlook and light to the habitable rooms of this neighbouring property.

41. As has been stated above, an objection has been received from the occupiers regarding the impact on their property and to advise that the design changes made to the proposed extension as part of this application do not address their concerns over loss of light to the rooms in which the windows on this side elevation serve. These concerns were raised when objecting to the previously refused application.
42. In the design and access statement, the agent lists a number of examples of side extensions close to adjoining properties that have been allowed in the surrounding area. However, each case must be assessed on its own merits and in this instance, it is the presence of 2 habitable room windows on the south facing side elevation and close to the boundary which differs from these examples given.
43. No windows are proposed on the side elevation of the extension and as a result there would be no overlooking. There are windows on the front and rear elevations. This includes a full height window on the rear elevation however this would have oblique views towards the side elevation of the rear extension at No.46 where there is a window. The window would have a Juliette balcony preventing it from becoming an opening onto the flat roof area over the single storey rear extension. This would avoid any overlooking into neighbouring properties. The front window would overlook the driveway and road beyond with oblique views towards the side elevation of No.46 however there are no window openings forward of the proposed two storey extension and as such the front window would not overlook any habitable rooms of this neighbouring property.
44. 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.
45. The side facing rooflights on the southeast would serve a staircase/landing (a non-habitable space) and as secondary openings to the bedrooms 1 and 2. The rooflights would face towards a side facing dormer window at no.40. Had permission been recommended, this would have been subject to a condition for these rooflights to be obscure glazed and non-opening to prevent any overlooking.
46. 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.
47. Whilst revisions have been made in the current application to address the impact on No 46 these are very modest. It is therefore considered that the revised scheme fails to overcome the adverse impacts on No 46. This impact arises from the extension's height and distance from the side elevation of No 46 which has two windows serving habitable rooms on its southeastern elevation. As with the refused scheme to extension would lead to a loss of light in the two rooms and would be overbearing. This will unacceptably impact on the occupants of No 46 and as such the scheme is considered to be contrary to Policy HE2 not being compatible with or improving its surroundings in its relationship to nearby properties including minimising general disturbance to amenity.

Flood Risk

48. 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."

49. 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.
50. The application property is located within future flood zone 3a. Therefore, had permission been recommended, this would have been subject to a condition for the floor levels of the extension to 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. On this basis, it is considered that the proposed development is in accordance with policy ME6.

Parking and Access

51. 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.
52. 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.
53. Therefore, it is considered the parking provision is acceptable and accords with Policy KS12.

Other Matters

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

Planning Balance / Conclusion

55. Despite the revisions made to the design of the two-storey side extension it is still considered not subservient to the dwelling nor is it compatible to the character and form of the existing properties within the road. It is therefore considered that this element of the proposal would adversely affect the visual amenities of the area and falls contrary to policy HE2 and saved policy H12.
56. It is also considered that the revised scheme fails to overcome the adverse impacts on No 46. This impact arises from the extension's height and distance from the side elevation of No 46 which has two windows serving habitable rooms on its southeastern elevation. As with the refused scheme to extension would lead to a loss of light in the two rooms and would be overbearing. This will unacceptably impact on the occupants of No 46 and as such the scheme is considered to be contrary to Policy HE2 not being compatible with or improving its surroundings in its relationship to nearby properties including minimising general disturbance to amenity.

Recommendation

Refuse, for the following reasons:

1. It is considered that the proposed two storey flat roof side extension, by reason of its scale, mass, bulk and design is not considered to respect the scale or character of the resultant enlarged dwelling and would not appear as a subordinate addition to the dwelling. Overall, the scheme is a poor design which disregards the prevailing form, appearance and character of the host property and surrounding area. The scheme fails to be compatible with or improve its surroundings in its architectural style, scale, bulk and visual impact. As such the development is contrary to Policy HE2 of the Christchurch and East Dorset Local Plan, Part 1 Core Strategy 2014, saved Policy H12 of the Borough of Christchurch Local Plan 2001 and Section 12 of the National Planning Policy Framework 2024.
2. The proposed two storey flat roof side extension would be sited approximately 1.5m from the side elevation of no. 46 where there are windows serving habitable rooms. The proposed extension would have a ridge height of 6.1m and an eaves height of 4.1m and would have a depth of 7m. This increase in height coupled with the depth and proximity to the neighbour would significantly reduce the levels of light entering these habitable rooms and would also have an overbearing impact on this neighbour. The proposal fails to be compatible with or improves its surroundings in its relationship to nearby properties including minimising general disturbance to amenity. As such the proposal is considered contrary to Policy HE2 of the Christchurch and East Dorset Core Strategy adopted 2014 Policy H12 of the Borough of Christchurch Local Plan and the NPPF

Informatives

1. In accordance with paragraph 39 of the revised NPPF the Council, as Local Planning Authority, takes a positive, creative and proactive approach to development proposals focused on solutions. The Council works with applicants/agents in a positive and proactive manner by offering a pre-application advice service, and as appropriate updating applicants/agents of any issues that may arise in the processing of their application and where possible suggesting solutions. In this instance:

The applicant/ agent did not take the opportunity to enter into pre-application discussions.

The applicant was advised that the proposal did not accord with the development plan and that there were no material planning considerations to outweigh these problems.

2. For the avoidance of doubt the decision on the application hereby determined was made having regard to the following plans:

Location, Block & Existing Elevations – Drawing Number PL JL S1 V1 2024

Site Plan – Drawing Number 207 PL 101,

Proposed Floor Plans – Drawing Number 207 PL 102 Rev A

Proposed Elevations – Drawing Number 207 PL 103 Rev A

Street Scene Elevation – Drawing Number 207 PL 106 Rev A

Background Documents:

P/25/00365/HOU

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.