

Planning Committee

Application Address	44 Minterne Road Christchurch BH23 3LE
Proposal	Variation of condition 3 (Approved Plans) and condition 5 (Obscure Glazing of Windows – No Further Windows) of planning permission 8/24/0318/HOU (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) to reduce the size of the side extension; reduce the size of the dormer; amendments to fenestration and external facing materials, additional rooflights on NW and SE elevation.
Application Number	P/26/01738/CONDR
Applicant	Mr Michal Lydka
Agent	Mr Michal Lydka
Ward and Ward Member(s)	Mundeford, Stanpit & West Highcliffe Cllr Lesley Dedman Cllr Paul Hilliard
Report status	Public
Meeting date	25 June 2026
Summary of Recommendation	Grant in accordance with the details 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 is made under section 73A for a minor amendment to planning permission 8/24/0318/HOU granted on 30th September 2024 for 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.
2. The current application seeks to vary condition 3 to reflect changes to the extensions made during their construction. The main changes involve the reduction in the size of the side extension;

reduction in the size of the dormer; amendments to fenestration and external facing materials and introduction of additional rooflights on North West and Southeast elevations. It was observed during the site visit that the alterations and extensions to the property were nearing completion and thus this application seeks to regularise the changes made during the construction. Although the proposal is retrospective, this does not have a bearing on the decision.

Description of Site and Surroundings

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

Relevant Planning History

P/25/00365/HOU (appeal)	44 Minterne Road Christchurch BH23 3LE	Bungalow re-modelling. Demolish Garage, erect side & rear extensions, enlarge roof to form first floor accommodation.	Dismissed	14/11/25
P/25/00365/HOU	44 Minterne Road Christchurch BH23 3LE	Bungalow re-modelling. Demolish Garage, erect side & rear extensions, enlarge roof to form first floor accommodation.	Refused	13/05/25
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 BH23 3LE	Alterations and remodel of the existing dwelling inclusive of demolition of the existing garage, single storey rear and side extension and	Granted	30/09/24

		creation of first floor accommodation.		
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Constraints

- Christchurch Town Council Neighbourhood Plan UNADOPTED - 0.00m
- Flood Risk 1 in 1000 - 0.00m
- Flood Risk 1 in 100 - 0.00m
- Flood Risk 1 in 30 - 0.00m
- Flood Zones plus Climate Change - 0.00m
- Strategic Flood Risk - FZ3a Tidal 2133 - 0.00m
- Highways Inspected Network - 5.64m

Public Sector Equalities Duty

6. 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

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. No third-party representations have been received.

Key Issue(s)

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
 - 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. Supplementary Planning Documents
 - Parking Standards SPD 2022
 - Christchurch Borough-Wide Character Assessment (2003)
18. 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.
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 - 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
 - Section 15 - Meeting the challenge of climate change, flooding and coastal change

Planning Assessment

Principle of development

19. The principle of extensions and alterations to the dwelling has already been established through the grant of planning permission 8/24/0318/HOU of which this application seeks to vary condition 3 of which relates to the approved plans. This application and report will deal specifically with the proposed changes to the approved extensions and alterations as shown on the submitted plans.
20. The application is retrospective as the extensions and alterations to the dwelling with these changes has been substantially completed. The retrospective nature of the application is however in itself not a factor which can influence the eventual determination of this proposal.

The Impact upon the Character of the Area

21. The proposed amendments would not significantly alter the character and appearance of the development is approved. The design and composition of materials would still present a contemporary appearance. The proposed changes include a reduction in the size of the fascia of it extends only across half of the front elevation however this would still provide a focal point. Furthermore, the front elevation would have reduced glazing on the within the apex of the gable. The glazing on the front elevation would be mirrored on either side which gives it a balanced appearance.
22. The proposed changes do not alter the overall scale and form of the approved gable roof extension over the dwelling with the ridge and eaves height to remain the same. The side extension and dormer have been reduced in size. The side extension as amended is narrower than the approved extension and has a staggered footprint with the front part of this extension set in. The side extension has also been amended to omit the open sided porch with recessed window and also the doors serving a storeroom. Consequently, the front elevation of the proposed side extension would now be blank. Given this is a single storey side extension which is significantly set back from the front elevation it is not considered that this would have a detrimental impact on the street scene. The proposed Changes do not increase the height of the wrap around rear/side extension, and it would still appear as a single storey side addition that has a subservient relationship with the enlarged dwelling.
23. Whilst the height of the dormer would be slightly increased by 0.2m (20cm), it would still be set down in relation to the ridge height of the enlarged roof over the dwelling. Furthermore, its overall size has been reduced so that it now only extends from a central part of the roof slope and consequently is now set back from the front edge of the roof. Whereas the dormer on the approved scheme spanned the dormer spanned the full length of the roof slope. It is considered that the dormer as revised has an even greater subservience than the approved dormer.
24. The applicant has confirmed that the no changes are proposed to the approved materials for the enlarged dwelling. However, they have the advised that they propose to use charred wood cladding for the dormer and under eaves that would match the colour of roof tiles. Therefore, a condition is recommended requiring the development to be carried out in accordance with the approved external facing materials for the walls and the roof and the now proposed external facing materials for the dormer and under eaves.
25. The proposed changes to the approved development are therefore considered to comply with the test in Policy HE2 to be compatible with or improve its surroundings in its layout; site coverage; architectural style; scale; bulk; height; materials and visual impact

Residential Amenity

26. There are no changes to the scale and form of the gable roof or rear extension. Whilst the proposed side extension and dormer would be slightly increased in height, the scale of these extensions which is a combination of their height and footprint would be reduced.
27. Given the proposed changes would not result in an increase in the scale and form of the approved extensions to the dwelling and in the case of the dormer and side extension would actually be

reduced in scale, it is not considered that the proposed changes would have a greater overbearing or overshadowing impact on the neighbour.

28. The approved side extension was approximately 0.5m from the side boundary with the neighbour at No.46 at its closest point. The proposed changes to the side extension involve an alteration to its footprint so that it is staggered with the front part of the side extension being narrower. Furthermore, the extension as a whole has been brought away from the boundary with the neighbour at No.46. Consequently, the side extension would now be between 1.1m-1.7m metres from the boundary. These distances are shown on the submitted block plan.
29. The approved scheme incorporated a door which led into a utility room. The proposed changes would now introduce a small window serving a bathroom and a further door which would serve as the main entrance door into the property. It is not considered that this would lead to a significant level of overlooking or loss of privacy to No.46 nor would it give rise to any unacceptable overlooking from the neighbour towards the application property despite the presence of windows on the side elevation of this neighbouring property. It is also noted that the existing windows on the side elevation of this neighbouring property are obscure glazed and as such no mutual overlooking would arise between the windows however were these openings to be fitted with clear glazed windows the above assessment would still apply.
30. It was accepted that given the close proximity of the proposed extension to the side elevation of No.46 which has windows serving habitable rooms and its position to the southeast, the approved extension would result in some loss of outlook and light to the habitable rooms of this neighbouring property. Given the greater separation between the side extension and the side elevation of No.46, it is considered that there would be a slight reduction in the loss of outlook and light to the habitable rooms of this neighbouring property. Furthermore, there would be an improved relationship with this neighbour when compared with the approved side extension.
31. The main change on the rear elevation is the provision of two full height windows at first floor each of which would be set behind a Juliet balcony. However, the approved rear elevation had a set of full height window which was set behind a Juliet balcony and also recessed back behind the eaves of the Gable Roof. In contrast, the full height windows and Juliet balcony would be flush with the rear elevation. Given the new position of the windows, this would increase overlooking however the nature of the overlooking would be very oblique and would primarily be across the gardens of the adjacent properties on either side. It is noted that the side elevation of the bungalow and rear extension of No.46 projects beyond the rear elevation of the enlarged property.
32. However, due to the position of the nearest full height window in relation to the side elevation of No.46, any views would be so oblique as to prevent any meaningful views towards this neighbour. The main views would be of their rear garden away from their rear elevation. As such it is not considered that the new position of the first-floor windows would result in any significant increase in overlooking towards this neighbour. The new position of the window would also not be significantly nearer to the rear elevations of the properties behind which front onto Stanpit and as such would not lead to any significant increase in overlooking towards these neighbouring properties.
33. Whilst the proposal would now introduce 2 full height windows, they would both remain behind a balustrade that would prevent any stepping onto a balcony thus avoiding views to either side. It was considered necessary to condition that the first-floor window on the approved scheme remain in its recessed position in order to ensure that the flank walls provide screening that further minimises overlooking. This condition also sought to ensure that no access was given onto the recessed area which sat between the full height window and the balustrade. However, as the proposed changes involve the formation of two windows which would not be in a recessed position behind the edge of the gable roof, this condition is no longer applicable. It's also noted that the proposed changes would be for a Juliet balcony with the balustrade sitting flush in front of the full height windows.
34. However, the full height windows and Juliet balconies shown on the amended scheme would continue to sit slightly above the flat roof of the rear extension. It is therefore considered necessary

to repeat the condition which restricts 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. This is in the interests of ensuring that there would not be any unacceptable overlooking to neighbouring gardens resulting in loss of privacy and disturbance to the occupiers of these neighbouring properties.

35. The dormer on the roof slope facing towards the neighbour at No.46 has been reduced in scale as it now only projects from the central part of the roof as opposed to along its full span. Therefore, whilst the dormer would be slightly taller, its scale is substantially reduced and as a result would have a lesser impact on this neighbour. The window in the dormer is broadly in the same position and will continue to serve a bathroom and as such can be obscure glazed and hung in such a way as to prevent any overlooking towards No.46. A further roof light is also proposed however this would serve a dressing room which is not habitable space and the submitted elevations show that this roof light would be set no lower than 1.7 metres above finished floor level.
36. No additional ground floor windows are proposed on the side elevation facing towards No.40. The window which would serve a snug/office 2 is the same window that was shown on the approved plans as serving a playroom. This window is broadly consistent with that which is already present on the existing bungalow.
37. The proposed changes also include the replacement of the approved single roof light on the roof slope facing towards No.40 with a double roof light and the addition of a further single roof light. However, it is not considered that this would lead to any additional overlooking because these windows are high level and serve non-habitable rooms as the high-level double roof light sits over the staircase, and the additional roof light would serve a dressing room.
38. A condition was attached to the previous permission requiring the window openings on the side elevations of the enlarged property both in the form of the dormer window and the roof light be obscure glazed to prevent any mutual overlooking between these non-habitable rooms within each of the dwellings. The applicant has confirmed that the roof lights now proposed to serve dressing rooms within bedrooms 1 and 2 would be high level and as such it is not necessary for these to be obscure glazed. A condition is however recommended that requires that the rooflights are high level (1.7m above finished floor level). The applicant has also confirmed that the window within the dormer which serves a bathroom. Would be obscure glazed and non-opening where it is below 1.7 metres above finished floor level. This can also be conditioned.
39. These proposed amendments are not considered to have a significantly greater impact on neighbouring living conditions than the approved development and as such the development is considered to comply with policies HE2 and H12 of the Local Plan.

Flood Risk

40. 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.'
41. A condition was attached to the original permission requiring the floor levels of the extension to be the same as the existing dwelling. This was to accord with the Environment Agency's Standing Advice. As the extensions have been substantially completed, it's not considered necessary to reattach this condition.

Parking and Access

42. The extension both as approved and as built does not affect the car parking and access provisions within the site. Whilst the extension is in place of an existing garage that has been demolished as per the approved scheme, it was considered that the driveway and hardstanding to the front provides ample room for 2 parking spaces. Whilst the proposed changes would omit a storage area that could have provided space to provide storage for 4 bicycles, this space was not shown on the

plans as dedicated for bicycle storage and nor was any condition attached to the permission requiring this. Given this and having regard to the fact that there was no secure and covered cycle storage provided within the existing bungalow, it is not considered that the loss of this storage space is an issue.

Biodiversity Net Gain

43. It is considered that the proposal is de minimis as the application seeks to vary a condition attached to a permission granted in respect of a householder application in 2024. Furthermore, in this case, the application is retrospective as the development subject of this application has been substantially completed.

Planning Balance/Conclusion

44. The proposed changes to the design of the dwelling are considered to be acceptable and do not harm the visual amenities of the site or wider street scene. The changes to the scheme are not considered to result in any adverse impact on residential amenities. The changes are therefore compliant with Local Plan policy HE2.

Recommendation

Grant, subject to the following:

Conditions

1. The development hereby permitted shall only be carried out in accordance with the following approved plans:

Site, Location & Existing Floor Plans & Elevations – Drawing Number PL JL S1 V1 2024 Rev B received on 16/04/2026

Block Plan – Drawing Number PL JL S1 V1 2024 Rev B received on 16/04/2026

Proposed Ground & First Floor Plans – Drawing Number PL JL S3 V5 2024 Rev A received on 16/04/2026

Proposed Elevations - Drawing Number PL JL S2 V5 2024 Rev A received on 16/04/2026

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

2. The development hereby permitted shall only be constructed of materials the details of which are set out below: -

Walls – White render, Panel timber effect cladding

Roof – Composite Slate

Dormer and under Eaves - Charred Wood Cladding of a similar colour to the external facing materials for the roof

Reason: To safeguard the visual amenities of the locality.

3. Both in the first instance and upon all subsequent occasions the dormer window on the North West 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.

4. The base of the proposed roof windows on the North West and South East elevations shall not be installed lower than a minimum of 1.7 metres above the internal floor level of the room That they serve. and once installed shall thereafter at all times shall be retained.

Reason: To preserve the residential amenities of nearby residential properties.

5. A fixed balustrade shall be fixed directly in front of the full height windows on the rear elevation which serves a bedroom as shown on approved plan no. PL JL S3 V5 2024 Rev A and thereafter the windows 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

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 application was acceptable as submitted and no further assistance was required.

2. The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition ("the biodiversity gain condition") that development may not begin unless: (a) a Biodiversity Gain Plan has been submitted to the planning authority, and (b) the planning authority has approved the plan. The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be Bournemouth, Christchurch and Poole Council. There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are listed in paragraph 17 of Schedule 7A of the Town and Country Planning Act 1990 and the Biodiversity Gain Requirements (Exemptions) Regulations 2024.

Based on the information provided, this application would not require the approval of a biodiversity gain plan before development can be begun because the statutory biodiversity gain condition does not apply in relation to development that is the subject of a householder application within the meaning of Article 2(l) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

Background Documents:

P/26/01738/CONDR

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.