



Appeal Decision

Site Visit made on 25 June 2021

by Scott Britnell MSc FdA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 September 2021

Appeal Ref: APP/D1265/D/21/3270480

5 Ballard Estate, Swanage BH19 1QZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Barry Moorhouse against the decision of Dorset Council.
 - The application Ref 6/2020/0281, dated 19 June 2020, was refused by notice dated 10 February 2021.
 - The development proposed is ground floor extensions.
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Decision

1. The appeal is allowed and planning permission is granted to erect single storey extensions with pitched roofs and insert three roof lights within the north east elevation and install a rainwater harvest tank at 5 Ballard Estate, Swanage BH19 1QZ in accordance with the terms of the application, Ref 6/2020/0281, dated 22 June 2020, subject to the conditions set out on the attached schedule.

Preliminary Matters

2. The description of development in the banner header above has been taken from the application form. The description in my formal decision has been taken from the Council's decision notice, which I consider more clearly and fully reflects the proposal. I note that the appellant has used the same description in his appeal form and I do not consider that any parties will suffer injustice by me using the same.
3. The application was made by Mr and Mrs B Moorhouse. The appeal has been made by Mr Barry Moorhouse, who it is reasonable to consider was one of the original applicants and so is eligible to make this appeal.
4. Following the submission of the appeal, the Government published the National Planning Policy Framework 2021 (the Framework). I sought comments from the main parties with regards to this matter and where responses have been received I have taken these into account in determining the appeal.
5. During the course of the application the appellant submitted amended drawings. For the avoidance of doubt, I have assessed the proposal on the basis of the drawings listed on the Council's Decision Notice.

Main Issue

6. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

7. The appeal site is located on the Ballard Estate, a distinctive compact estate of bungalows which has its origins as an army camp laid out during the first world war. Although plot sizes are generally small, a number of have been redeveloped. Consequently, there is variation amongst the dwellings with regard to their size, form and materials particularly in the vicinity of the appeal site. The appeal dwelling, in terms of its design and form, is not recognisable as a former barracks block.
8. The proposal would increase the overall footprint of the appeal dwelling and the scale and massing of its roof. However, it would relate well to the size of the appeal dwelling and would not appear overly dominant in respect of the overall size of the plot. The proposed main roof would have a hipped form and would slope away from the road into the site. The closest part of the appeal dwelling to the road would have a significantly lower hipped roof and would also slope away from the road. In conjunction with its overall scale, this would ensure that the proposal does not appear overbearing within the streetscene.
9. A number of concerns have been expressed by occupants of neighbouring and nearby dwellings that the proposal would result in a two storey dwelling. Three roof lights would be installed on the north east elevation and it may be possible that the internal loft space created under the proposal could accommodate a further bedroom or additional living area. However, due to the form and scale of the proposal and the retention of the current eaves height, the appeal dwelling would retain the external appearance of a single storey property. Moreover, while the ridge of the dwelling would be extended it would not be raised or heightened. Consequently, the proposal would respect the estate's prevailing form of development and would protect the area's distinctive character.
10. The proposal also includes a rainwater harvest tank. The Council has no objection to this element and there is no compelling evidence that leads me to consider that such a feature would be unacceptable in this location. However, no information beyond its proposed location has been submitted. Therefore, in the event that the appeal is allowed, a planning condition would be required to secure full details of this element.
11. The appeal site is located in the Dorset Area of Outstanding Natural Beauty (AONB). Paragraph 176 of the Framework states that great weight should be given to conserving and enhancing landscape and scenic beauty in Areas of Outstanding Natural Beauty which, along with other designated areas, have the highest status of protection in relation to these issues. It also states that the scale and extent of development within all these designated areas should be limited.
12. The proposal seeks to extend an existing dwelling and would be limited in terms of its scale and extent. It would be seen in the context of surrounding residential development with views of it limited to the immediate locality. Moreover, the proposal would not significantly affect views into or out of the surrounding countryside. Thus, the proposal would conserve the landscape and scenic beauty of the AONB.
13. I conclude that the proposal would not cause harm to the character and appearance of the area. It would accord with Policy STCD of the Swanage Local

Plan Adopted June 2017 and Policy LHH of the Purbeck Local Plan Part 1 Adopted November 2012 (PLP). In summary, these state that the Ballard Down area should continue to support single storey development only and require development to positively integrate with its surroundings. The proposal would also accord with Policy D of the PLP, which states, amongst other things, that proposals for development will be expected to conserve the appearance and character of landscape assets. It would also accord with the overarching aims of the Framework.

Other Matters

14. A number of concerns have been raised by third parties, including the effect on the living conditions of occupants of neighbouring properties. These concerns include the proposal resulting in a sense of overbearing, causing overshadowing and a loss of daylight and sunlight. Given the relationship between the appeal dwelling and the neighbouring properties, and the overall scale and height of the proposal, no significant harm to living conditions would occur. I note that the Council have also reached the same conclusions.
15. The proposed rooflights would look out over the garden and south west elevation of No.7 Ballard Estate. This would result in the overlooking of those areas which would be exacerbated if the loft space was to be used as a bedroom or additional living area. However, these harmful effects could be negated by obscure glazing and fixing shut of the rooflights. Such a requirement could be secured by a suitably worded planning condition.
16. Concerns have been expressed that a bat survey has not been submitted with the proposal. However, no evidence has been submitted to substantiate bat activity in the area. Reference has also been made to a Hawthorne Tree on the border with the appeal site and No 7 Ballard Estate. It is suggested that the tree is subject to a Tree Preservation Order (TPO). However, I do not have a copy of the TPO and I note that the Council have raised no objections to the proposal relating to any potential effect on trees. As such, this is not a matter upon which the appeal turns.
17. A number of comments suggest that the appellant did not consult with the occupiers of neighbouring properties prior to submitting the planning application. However, this is a procedural matter, separate to my remit and, having had the opportunity of visiting the site in order to assess the intended development, it is not a determinative matter in my assessment of the appeal proposal. Reference has also been made to previous refusals for planning application at the appeal site and concern has been expressed that the proposal, if allowed, would set a precedent for further development in the area. I have assessed the proposal on its merits and any future proposals would need to be considered in the same manner, taking into account the particular circumstances involved.

Conditions

18. The Council has provided a list of suggested conditions in the event that the appeal is allowed. I have attached the suggested conditions with revised wording where necessary in the interests of clarity and so that they comply with the relevant tests set out by the Framework.

19. For certainty, I have imposed a condition requiring the proposal to be carried out in accordance with the approved plans. Also, to ensure that the proposal is completed in a manner sympathetic to the character and appearance of the area, I have imposed a condition relating to the external materials.
20. A condition is necessary requiring details of the rainwater harvest tank. This is required for environmental reasons and to ensure that this element is sympathetic to the character and appearance of the area. For environmental reasons, a condition is also necessary in respect of a scheme for dealing with surface water.
21. In order to protect the living conditions of the occupants of No 7 Ballard Estate from overlooking and loss of privacy, I have imposed a condition requiring the proposed rooflights to be fixed shut and obscured glazed. I have also imposed a condition removing permitted development rights for the further extension of the roof or for any further rooflights or openings to be inserted or constructed within the roof. This will protect the living conditions of the occupants of neighbouring dwellings from overlooking as well as the character and appearance of the area.
22. With the exception of the conditions relating to the rainwater harvest tank and surface water matters, it is not necessary for any of these to be pre-commencement conditions. It is however necessary for these matters to be agreed prior to any works commencing as they involve matters which could affect the initial site works.

Conclusion

23. For the above reasons, having considered the development plan as a whole, the approach in the Framework, and all other relevant material considerations, I conclude that the appeal should succeed.

Scott Britnell

INSPECTOR

Schedule of Conditions

1. The development hereby permitted shall begin not later than 3 years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved plans:

20/06/12/02, 20/06/12/01E

3. No development shall take place until full details of the rainwater harvest tank have been submitted to and approved in writing by the local planning authority. The approved details shall be implemented prior to the first use of the proposal hereby approved and shall be retained as such thereafter.
4. No development shall take place until a scheme for dealing with surface water drainage from the development has been submitted to and approved in writing by the Council. This must include details of the on-going management and maintenance of the scheme. The appropriate design standard for the drainage system must be the 1 in 100 year event plus an allowance for the predicted increase in rainfall due to climate change. The scheme must also be accompanied by the results of an assessment into the potential for disposing of surface water by means of a sustainable drainage scheme (SUDs); rainwater harvesting can form part of the scheme. The approved drainage scheme must be implemented prior to first use of the sitting/dining room hereby granted and must thereafter be maintained and managed in accordance with the agreed details.
5. Prior to any above ground works full details of the external materials and finishes to be employed on the development hereby permitted must be submitted in writing and agreed in writing by the Local Planning Authority. The development must be carried out using only the agreed materials
6. Prior to the development hereby permitted being brought into use, the three rooflights within the north east elevation must be obscure glazed and fixed shut and be retained as such thereafter.
7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) or any subsequent re-enactment thereof, no further extension to the roof shall be carried out and no further rooflights or openings shall be inserted or constructed within the roof of the building.