

PLANNING APPLICATION REPORT

Case Officer: Chris Mitchell

Parish: Thurlestone **Ward:** Salcombe and Thurlestone

Application No: 3075/17/HHO

Agent/Applicant:

Mr John Edwards
Rose Cottage
Sernal Green
Droitwich
WR9 7JS

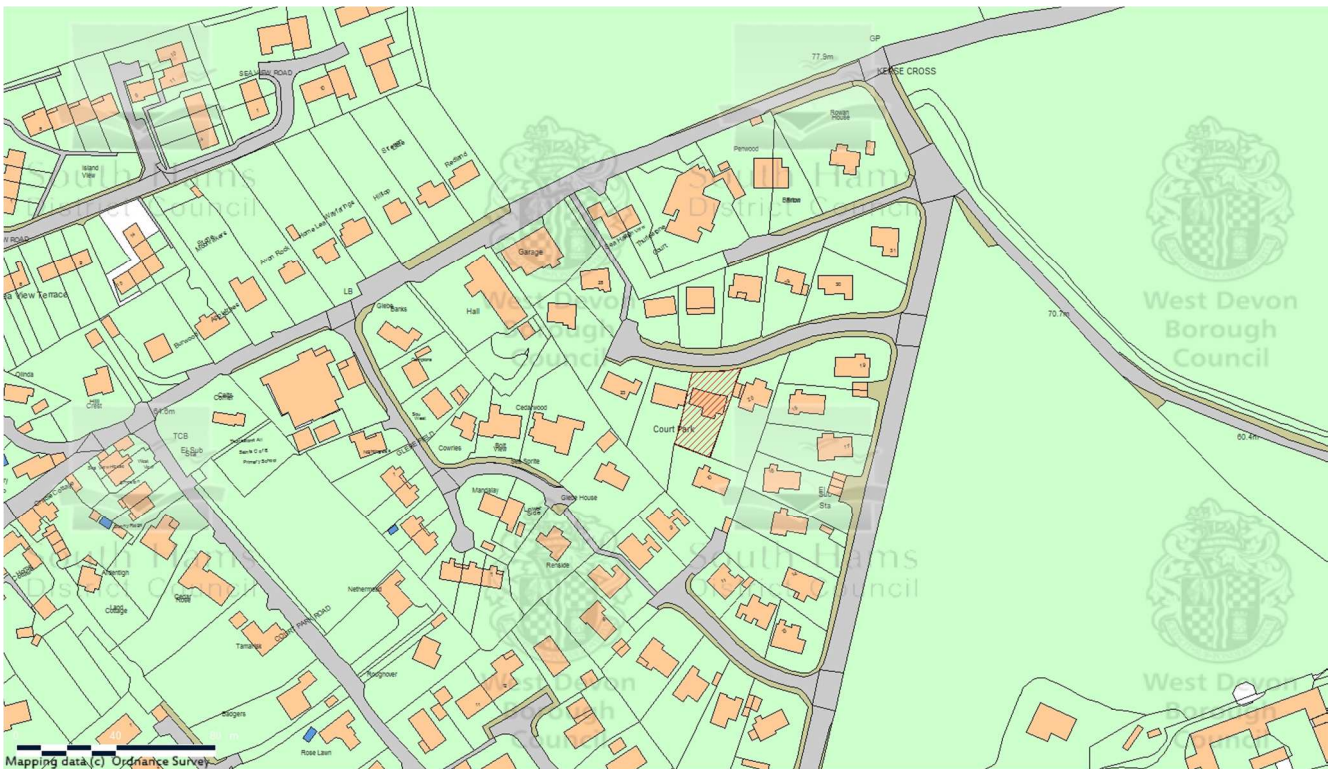
Applicant:

Mr & Mrs Paul Edwards
21 Court Park Road
Thurlestone
TQ7 3LX

Site Address: 21 Court Park, Thurlestone, TQ7 3LX

Development: Householder application for proposed alterations and extension

Reason item is being put before Committee: Loss of amenity and privacy to neighbour at number 22. Lack of compliance with Policy DP3 (Residential Amenity) of the South Hams Local Development Framework (Amenity) and Policies DEV1 (Protecting amenity and the environment) and DEV2 (Air, water, soil, noise and land) of the Emerging Joint Local Plan.



Recommendation: Conditional Approval

Conditions

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.

Reason: To comply with Section 91 of the Town and Country Planning Act, 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby approved shall in all respects accord strictly with drawing number 1330/04 (Location Plan) received by the Local Planning Authority on 21st September 2017 and drawing number 1330/05/D received by the Local Planning Authority on 5th November 2017.

Reason: To ensure that the proposed development is carried out in accordance with the drawings forming part of the application to which this approval relates.

3. The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those of the existing building, unless amendments have been agreed in writing with the Local Planning Authority.

Reason: In the interests of visual amenity.

4. The privacy screens as detailed on drawing 13305/05D on the east and west elevations of the first floor balcony hereby permitted shall be installed prior to the use of the balcony and shall thereafter be retained and maintained.

Reason: In the interests of the residential amenities of the adjoining occupiers.

Key issues for consideration: Design, impact upon the amenity and privacy to neighbouring properties and impact upon Area of Outstanding Natural Beauty.

Site Location

The site is located to the east of Thurlestone village centre on Court Park with access taken from Court Park Road. The property is a detached 1960's dwelling house with large gabled roof with dormers front and back and finished with rendered walls, UPVC windows and doors and concrete tiled roof.

Proposal

The proposal seeks a lower ground floor extension on the rear elevation to provide a TV room with a balcony above at ground floor level with access taken from the dining area and kitchen and two Juliette balconies off bedroom No. 3. At first floor level the existing rear dormer would be extended to the east of the roof to provide additional space to a bedroom and the creations of a three quarter length balcony is proposed with privacy screens at either end above the existing flat roof of the conservatory, kitchen and bedroom with access taken from bedrooms one and two.

The garage would be converted into additional living accommodation with removal of garage door and insertion of a window. The part of the front garden would have the construction of a low retaining wall with a hardsurfaced area to be laid to provide additional off street car parking. The extensions and alterations would be built in materials that would match that of the existing dwelling house.

Consultations:

- County Highways Authority No objection
- Environmental Health Section - No comments received
- Town/Parish Council - The council have visited the site of the proposed extension and object to this on the following grounds.

It is likely that the Bay tree to the west of the property would be damaged or killed by the building of the required footings. This tree is the only privacy afforded 22 Court Park.

The building would be in very close proximity, and an overbearing intrusion of privacy for permanent residents to the South, East and West of the property.

It is highly likely that the proposal would lead to an increase in traffic movement.

Representations from Residents

There have been 15 letters of representations to the current and previous proposal raising the following points:

- The first floor balcony would result in loss of privacy and amenity to no.s 22 and 23 rear gardens;
- The principle of a first floor balcony is unacceptable to properties within Court Park and would set a dangerous precedent;
- Concern to loss of privacy from ground floor balcony with the removal of Bay tree on the boundary between no. 22;
- Concern to issues of noise from the proposed balconies;
- The extension of the rear dormer would have dominant impact upon No. 20;
- The two side windows one at ground floor level and one at first floor would result in loss of privacy to No. 20;
- Issues of property being used as a holiday home;
- Loss of privacy to No's 5, 8, 9 and 10 Court Park from the first floor balcony;
- The increase in glazing is unacceptable;
- Overdevelopment of the site;
- There is a covenant stating that the boundary hedges between properties in Court Park should be no more than 2m in height, if boundary screening were reduced to this overlooking would occur to both neighbouring properties from the first floor balconies;
- Concern that 3 parking spaces provided cannot be achieved on the land to the front of the property due to slope of the land.

Relevant Planning History

55/1554/01/F	Erection of extension and conservatory	Conditional Approval
55/0441/91/3	Alterations to provide housekeepers accommodation ancillary to main house	Conditional Approval

ANALYSIS

Principle of Development/Sustainability:

The principle of a first floor balcony at this level has been given careful consideration and whilst there are no other balconies within Court Park there is a roof terrace at first floor level on neighbouring property of Glebe House in Glebe Field planning approval 55/1485/14/F to the south west that already overlooks neighbouring properties gardens. Therefore the principle of a balcony depending on how much harm it would cause to neighbouring properties amenity is acceptable.

There is existing level of overlooking to both neighbouring properties gardens from the existing bedroom windows and the Local Planning Authority are mindful that the balcony is accessed from bedrooms which have a lesser use being classed as secondary habitable rooms.

The original proposal sought a full length and depth balcony at first floor level with no privacy screens on either elevation. This was not acceptable and a revision has been submitted with the balcony set back by 0.5m on the south elevation and brought in by 1.5m on the west elevation and 3.5m on the east elevation together with the installation of 1.8m high privacy screens on both east and west (side) elevations to ensure that no direct overlooking would occur to neighbouring dwellings at No. 22 and 23 Court Park. Consequently this balcony is acceptable as it would not cause significant loss of privacy or amenity to neighbouring properties.

This amendment overcomes officer concerns to the issue of overlooking into neighbouring properties gardens and directs the view from this balcony across the applicants garden and out to sea. It is recommended that a condition would be placed on any permission granted that the privacy screens hereby approved shall be installed prior to the use of the balcony and shall thereafter be retained and maintained.

The balcony at ground floor level has been increase with a small linked balcony that extends by 1m in depth along its length with access taken from the kitchen. This alteration is considered to be acceptable and does not result in any significant overlooking that currently exists from the proposed balcony and there is sufficient mature boundary screening.

The proposed extensions and alterations to the property are considered to be acceptable and would not harm character and appearance of the building or local area. It is recommended that a matching materials condition be placed on any permission granted.

Neighbour issues

The objection raised to the extension of the first floor rear dormer and its dominate impact upon No. 20 is noted though as the application site is set forward to No. 20 and the massing of the dormer extension would be minimal as it would be stepped in from the side wall and set into the roof. Therefore the increased massing of the dormer would be minimal and would not result in having a dominant impact upon this neighbour.

The concern raised to the insertion of two windows on the east side elevation of the property are noted though the first floor window serves a bathroom which is likely to be obscure glazed and serves a secondary habitable room and therefore no significant overlooking would occur. The other side window is proposed ground floor, which can be inserted under the property's permitted development rights and therefore the Local Planning Authority has no control over such works.

The objections received to the installation of the first floor balcony and issues of overlooking to neighbouring properties balconies are noted. It is acknowledged that there is already a degree of overlooking that already exists from the existing windows from the dormers on this elevation. Whilst a balcony would permit persons the ability to stand out of this area with the reduction in size of the balcony to 1.5m in depth and installation of privacy screens on either side there would not be any significant

overlooking than previously exists. Furthermore this balcony is also accessed off bedrooms that are classed as secondary habitable rooms which have a lesser intensification of use than that of the ground floor balcony which is accessed from the main living areas.

The issues raised to overlooking from first floor balcony to No. 10 Court Park to the south is noted though there is more than sufficient boundary screening to this property and if it were removed the existing windows on the dormer would provide the same level of overlooking. The objections raised to overlooking and loss of privacy of first floor balcony to properties no. 5, 8 and 9 Court Park have also been considered though they are already overlooked by the property and its neighbours and are of sufficient distance of some 38m from the site. Consequently in officer's opinion this balcony would not result in significant loss of privacy or amenity to neighbouring properties.

The concern to loss of privacy to No. 22 rear garden from the ground floor balcony with the loss of Bay tree on the boundary with neighbouring property is noted though there is no proposal to remove this tree by the applicants and there is sufficient boundary treatment to retain the privacy between both properties.

The comments submitted regarding that boundaries within Court Park should be no higher than 2m (10ft) in height as per a covenant and if this were enforced issues of overlooking would occur to all neighbours adjoining this site. This comment is noted though covenants are civil matters not one for planning to become involved with. Even if the boundary hedges were reduced to this height there would be sufficient screening to the ground floor balcony. With regard to the first floor balcony the proposed privacy screens either side would direct views out to sea and not directly into the neighbouring properties gardens. Therefore this objection is not considered to be an overriding reason for refusing this application.

The objections raised to the creation of noise from these balconies is noted though they are not of such a size to warrant concern to the creation of antisocial behaviour. If such activities occur then Environment Health have statutory powers to investigate and control such nuisance under their own legislation.

The concerns raised to the use of the building as a holiday let are noted though these are not overriding reasons to refuse the application and the use of property is not changing from a dwelling house.

The objections that the proposed works would constitute overdevelopment of the site are noted though these extensions create minimal increase in massing upon the existing dwelling house and there is more than sufficient curtilage to accommodate such alterations.

The concern raised to the creation of three off street parking and whether this can be achieved due to land levels is noted though the garden area will have a retaining wall built with new hard surfaced area constructed and therefore this can be achieved. Furthermore the existing property provides two off street parking spaces that is sufficient for this dwelling house and there is no planning requirement to increase the number of spaces. The County Highway Officer has raised no objection to the proposal.

Conclusion

The proposed alterations and extensions to the property are acceptable and both of the proposed balconies would not result in significant overlooking or loss of privacy as detailed in this report. Therefore it is officer's opinion that this application should be recommended for approval subject to the recommended conditions.

This application has been considered in accordance with Section 38 of the Planning & Compulsory Purchase Act 2004.

Planning Policy

Section 70 of the 1990 Town and Country Planning Act requires that regard be had to the development plan, any local finance and any other material considerations. Section 38(6) of the 2004 Planning and Compensation Act requires that applications are to be determined in accordance with the development plan unless material considerations indicate otherwise.

The relevant development plan policies are set out below:

South Hams LDF Core Strategy

CS1 Location of Development

CS7 Design

CS9 Landscape and Historic Environment

Development Policies DPD

DP1 High Quality Design

DP2 Landscape Character

DP3 Residential Amenity

South Hams Local Plan (please delete as necessary)

SHDC 1 Development Boundaries

Emerging Joint Local Plan

The Plymouth and South West Devon Joint Local Plan (the JLP) will replace the above as the statutory development plan once it is formally adopted.

Annex 1 of the National Planning Policy Framework (the Framework) provides guidance on determining the weight in relation to existing and emerging development plan policies.

- For current development plan documents, due weight should be given to relevant policies according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).
- For the JLP, which is an emerging development plan, the weight is to be determined by the stage of its preparation, the extent to which there are unresolved objections, and its degree of consistency with the Framework.

The JLP is at a relatively advanced stage of preparation. The precise weight to be given to policies within the JLP will need to be determined on a case by case basis, having regard to all of the material considerations as set out on the analysis above.

PLYMOUTH AND SOUTH WEST DEVON JOINT LOCAL PLAN -: PUBLICATION (as considered by the Full Councils end Feb/Early March 2017)

DEV1 Protecting amenity and the environment

DEV2 Air, water, soil, noise and land

DEV20 Place shaping and the quality of the built environment

DEV24 Landscape character

DEV27 Nationally protected landscapes

Considerations under Human Rights Act 1998 and Equalities Act 2010

The provisions of the Human Rights Act 1998 and Equalities Act 2010 have been taken into account in reaching the recommendation contained in this report.