

# PLANNING APPLICATION REPORT

**Case Officer:** Matthew Jones

**Parish:** South Milton **Ward:** Salcombe and Thurlestone

**Application No:** 3230/17/FUL

**Agent/Applicant:**

Michael Stopher  
56 Fore St  
Kingsbridge  
TQ7 1NY

**Applicant:**

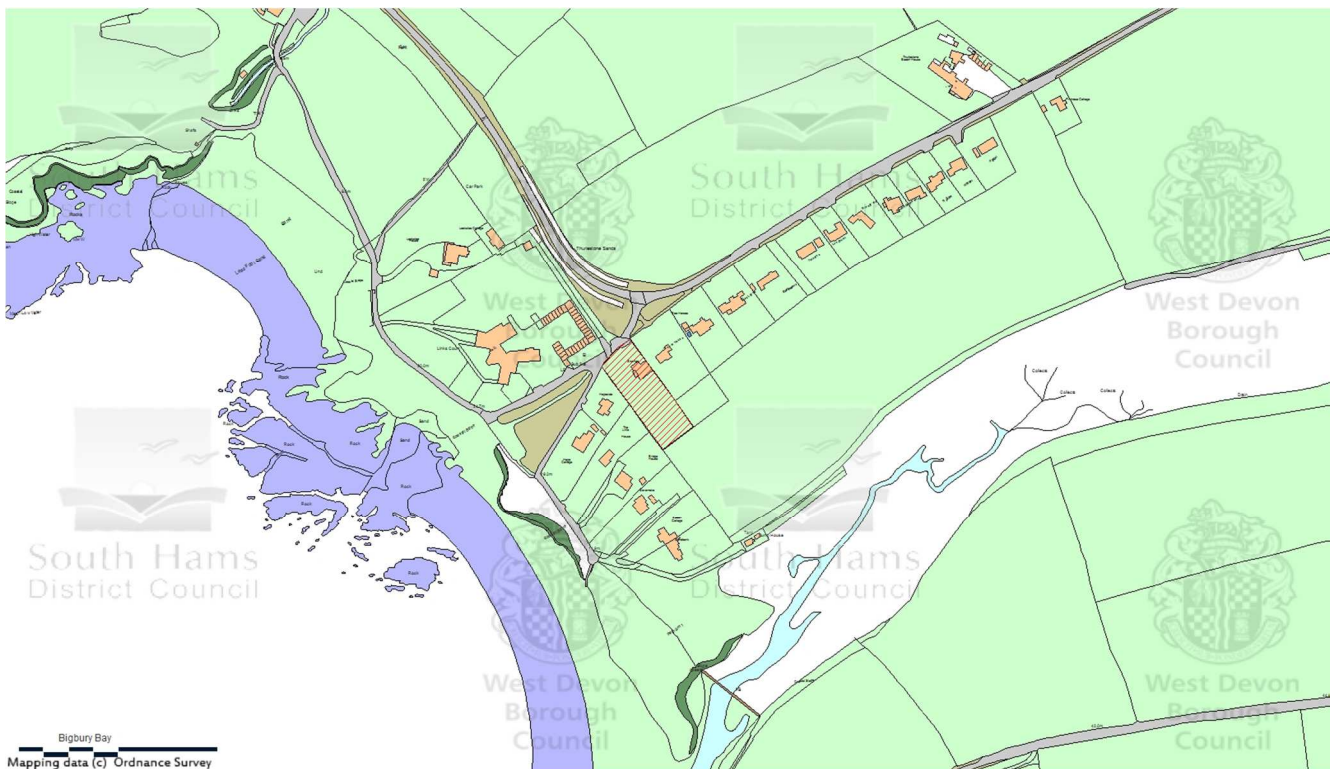
Mr Michael Stopher  
56 Fore Street  
Kingsbridge  
TQ7 1NY

**Site Address:** Skerries, South Milton, TQ7 3JR

**Development:** Demolition of existing house to rebuild new dwelling

**Reason item is being put before Committee**

The ward members have requested that the application be determined by the Development Management Committee because this is a very prominent site and concerns have been raised with regard to the design and its adherence to local distinctiveness, and the impact of the development within the AONB.



## **Recommendation:** Conditional Approval

### **Conditions**

Time

Accord with Plans

Samples prior to installation

Eaves and verges details prior to installation

Roof specification prior to installation

Window details prior to installation

Render details prior to installation

Natural stone details prior to installation

Landscape plan prior to commencement

Detailed drainage prior to commencement

Retain garaging for parking of motor vehicles

Conform to recommendations of ecological survey

### **Key issues for consideration:**

The main issues are the massing and design of the proposal, its visual impact within the streetscene, undeveloped coast and AONB, drainage, ecology, parking and turning, and any impact upon the amenity of neighbouring properties

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### **Site Description:**

'Skerries' is a detached dwelling located within South Milton Parish. The site is within designated countryside, outside of any recognised settlement, but forms part a row of anomalous detached dwellings within the area around Thurlestone Beach and South Milton Ley. Access is from the main highway which runs directly to the north of the site. Agricultural land is to the south, which drops down to South Milton Ley which is a SSSI. The residential curtilage of two dwellings 'The Ley House' and 'Hopeside' is to the east and west respectively.

The site slopes down from north to south. The existing building is in a tired and dilapidated condition and is a large dormer bungalow with associated balconies and an integral garage. The large box dormers appear to be later, unsympathetic additions to the original building. The dwelling is finished in render and slate with plastic windows and rainwater goods.

The site is within the AONB and Undeveloped Coast and is visible from areas around the highway and the South West Coastal Path, particularly around Thurlestone Beach and South Milton Ley. The Coastal Path crosses the ley over a wooden footbridge to the south of the application site.

The Parish of South Milton has an emerging Neighbourhood Plan which has been submitted for examination. Its policies are a material consideration during assessment of this scheme.

### **The Proposal:**

Planning permission is sought for a replacement dwelling. The new dwelling is a five bedroom two storey dwelling with a main pitched zinc roof and a series of smaller flat roofs, with walls finished in render with aluminium windows and doors. There are also elements of natural stone walling incorporated into the scheme.

The new building is approximately within the same location of the existing building but its main building line is set back from that of the existing dwelling. However a single storey garage protrudes further forward toward the highway.

## Consultations:

- County Highways Authority

No objection

- South Milton Parish Council

Objection – Due to conflict with Neighbourhood Plan with specific regard to the design and materials, and subsequent impact upon street scene, skyline, undeveloped coast and AONB and cause obstruction to an important fly-way towards South Milton Ley SSSI.

## Representations:

Approximately 64 letters of representation have been received at the time of writing this report, 14 letters in support of the scheme and approximately 50 objecting. Comments made in support of the scheme are summarised as follows:

- The dwelling will be more environmentally friendly
- The proposed dwelling will be an improvement on the existing, adding diversity
- The design is well considered
- The existing dwellings are of a mixture of styles
- There are other similar designs, such as Sand Bank, in the locality
- There will be minimal impacts on the highway or neighbours
- The building maintains the height and scale of neighbouring properties

Comments made objecting to the scheme are summarised as follows:

- The design and scale of the dwelling is not in-keeping with the area
- Specifically, the roof does not conform to neighbouring properties
- Will be harmful to the landscape and AONB
- Will be harmful from the Coastal Path
- Will cause light pollution
- The scheme is in conflict with the replacement dwelling policy
- Could set a precedent
- The landscaping is not an effective way to assimilate the development
- Will negatively impact upon amenity of neighbouring properties
- Conflicts with emerging Neighbourhood Plan
- There are errors within the submitted plans

## Relevant Planning History

47/1362/15/F - Demolition of existing house to rebuild new dwelling - Withdrawn

## Analysis

### Principle of Development/Sustainability:

The principle of replacement dwellings within the countryside is accepted by policy DP17, subject to its various requirements. This policy states that:

*'Proposals to replace a dwelling in the countryside will be permitted provided:*

*a. the existing dwelling has a lawful use, has not been abandoned, and is not a caravan, mobile home or other temporary structure;*

- b. the size of the new replacement dwelling shall not be significantly larger than the original house volume;*
- c. the number of new dwellings is no more than the number of dwellings to be demolished and replaced;*
- and*
- d. any new replacement dwellings should be positioned on the footprint of the existing dwelling, unless on design, landscape, highway safety, residential amenity, or other environmental grounds a more appropriate location can be agreed.'*

Officers consider the proposed replacement dwelling to be significantly larger than the existing dwelling, leading to conflict with policy DP17. However, officers are also mindful that the existing dwelling itself is smaller than its neighbours, and thus represents an anomaly within the streetscene. For instance, the two adjoining properties, The Ley House and Hopeside, are both very large buildings. As such, a bigger dwelling would actually offer more conformance to the prevailing massing of buildings within the area,

Therefore, officers consider that there are site specific reasons which overcome this policy conflict, and lead officers to conclude that a significantly larger dwelling can be supported in principle, subject to the detailed scale, design, massing and visual impact.

#### Design/Landscape:

This is sensitive location within the AONB which benefits from a high level of scenic beauty. However, the area is also characterised by a series of large dwellings, including the very large Links House apartment building. The existing building within the application site, due to its tired state, spate of unsympathetic alterations and comparatively diminutive size, is considered to present a negative contribution to the area.

With regard to the scale of the proposal, the scheme conforms to the general heights and massing of dwellings within the area. Indeed, the proposed dwelling approximately maintains the ridge heights of the two neighbours on either side, and both The Ley House and Hopeside are very large buildings. The appearance upon the skyline conforms to the various other properties along the row.

Therefore, although the building will be bigger and higher than the existing dwelling, this increase in massing will be seen within the immediate context of the number of large dwellings within this location, and therefore will not be harmful to the character of the streetscene, undeveloped coast or South Devon AONB.

In terms of design, the scheme introduces components of modernist architecture into an area where there is a lack of clear uniformity or similarity in the existing architecture across the streetscene, with an assortment of styles, finishes and materials visible.

However, within this assortment of styles is another existing property, 'Sandbank', which is by the same architect and has a similar style to that proposed here. Importantly, when the application site is viewed from the south from the sensitive areas around the Ley and Coastal Path, it is seen with the existing modern style property directly within the foreground. As such, it cannot be argued that the scheme will introduce an alien style into the streetscene when viewed from these areas, as it will be seen in direct combination with the similarly designed dwelling Sandbank.

The main common factors of dwellings along the Links Road are that they are large and detached under pitched roofs with a tangible building line. This scheme approximately maintains the building line, massing and height of its neighbours, and features a pitched zinc roof as its main roof feature. Although officers acknowledge the presence of flat roof elements, notably to the principal elevation, these elements are not considered to lead to a design response which is inappropriate or fails to respond to the limited local distinctness across the Links Road streetscene. Officers have had particular regard to paragraph 60 of the Framework in reaching this conclusion, which states that:

*'Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness.'*

Through its height, location, massing and orientation the building adheres to what is distinctive across the Links Road streetscene, and in the absence of any other tangible uniform architectural style, an objection to the modernist elements of the design is considered to amount to an unsubstantiated and unnecessary imposition of architectural styles and tastes to the detriment of innovation. Officers consider the proposed building to be a positive addition to the streetscene which will provide a greater degree of interest and innovation and raise the general standard of design, without introducing an unsubtle or incongruous impact within its sensitive context.

#### Neighbour Amenity:

With regard to Hopeside, there is an existing first floor balcony providing overlooking at a distance exceeding 20m toward this property. Overlooking from the first floor areas of the proposed dwelling is not considered to be above and beyond that currently experienced. In terms of The Ley House, there will be a small increase in dominance and loss of light towards this property. However, this is limited, and when viewed in the context of the large scale of The Ley House and its generous curtilage, the neighbour impact is considered to be acceptable.

Officers note the comments made regarding the 'upside down' design of layout of the house, with living accommodation at first floor level and bedrooms below. However, the overlooking from these first floor areas is not considered to be significantly harmful in comparison to existing relationships between properties across Links Road. The proposal is therefore considered to conform to the requirements of policy DP3.

In any case, the internal reconfiguration of an unlisted building is not development, and other properties could introduce first floor living accommodation at any time, without the need for planning consent.

#### Highways/Access:

The scheme reuses the existing vehicular access and provides both turning and acceptable levels of parking.

#### Ecology and Drainage

The ecological work undertaken by the applicant indicates that no protected species will be harmed through redevelopment of the site. The Council has no evidence that the land to the side of the existing dwelling provides a specific access to wildlife accessing the Ley.

Foul water is to be connected to the main sewer system and the use of soakaways for surface water is acceptable in principle, subject to a condition requiring percolation testing and a detailed drainage strategy.

#### The Neighbourhood Plan

Officers note the comments made with regard to the conflict with the emerging Neighbourhood Plan, particularly General Housing Policy H4. As this plan is emerging, the weight it can be attributed is limited at this time. However, the general issues raised regarding design, local distinctiveness and the natural landscape are captured within other Development Plan policies and the Framework, and this recommendation is made with total regard to the concerns raised by the Parish Council.

In any case, policy H4 is a housing policy, but it is not clear if this is a policy that should be used to assess a scheme for a replacement dwelling; there is no additional housing provision as a result of this

application. In addition, the emerging NP policy requires housing development to enhance the AONB, and it is unclear how replacement dwelling applications can always provide a tangible enhancement to the AONB. Overall, the emergent status of the policy, coupled with the ambiguity of the policy with specific regard to this application, leads officers to attribute only limited weight to the NP within the planning balance.

### Conclusion

Officers acknowledge that, by reason of the massing and scale of the proposal, the scheme is significantly larger than the existing dwelling and thus in conflict with that requirement of policy DP17. However, the diminutive scale of the existing dormer bungalow, in direct comparison to its larger neighbours, is a material consideration which is attributed significant weight and which overcomes this conflict with that specific policy of the Development Plan. As such, the principle of a larger replacement dwelling on this specific site is accepted by officers.

The existing building is a notably smaller and tired building which has experienced unsympathetic extensions and alterations, leading it to have a negative contribution to the streetscene.

By contrast, the proposal is considered to offer more conformance to the streetscene with regard to scale and massing, also provides an interesting and innovative interpretation of modernist design principles, and overall provides a positive contribution to the streetscene. It will do so without prejudicing the character and appearance of the AONB and undeveloped coast upon which its impact is neutral. The design of the scheme ensures that there will not be significant harm to the amenity of neighbouring properties. The scheme is therefore recommended for approval subject to appropriate 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**

CS7 Design  
CS9 Landscape and Historic Environment

#### **Development Policies DPD**

DP1 High Quality Design  
DP2 Landscape Character  
DP3 Residential Amenity  
DP5 Conservation and Wildlife  
DP7 Transport, Access & Parking  
DP17 Residential Extensions and Replacement Dwellings in the Countryside

#### **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)**

SPT1 Delivering sustainable development  
SPT2 Sustainable linked neighbourhoods and sustainable rural communities  
TTV32 Residential extensions and replacement dwellings in the countryside  
DEV1 Protecting amenity and the environment  
DEV10 Delivering high quality housing  
DEV24 Landscape character  
DEV25 Undeveloped coast  
DEV27 Nationally protected landscapes  
DEV28 Protecting and enhancing biodiversity and geological conservation  
DEV30 Trees, woodlands and hedgerows

#### **Emerging South Milton Neighbourhood Plan**

H4 General Housing Policy

#### **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.

#### **Conditions**

1. The development to which this permission relates must be begun not later than the expiration of eighteen months 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).

2. Except for any details required by any of the conditions attached to this permission, the development hereby approved shall accord with the detailed drawings and other submitted documentation hereby approved.

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

3. Prior to installation, a schedule of materials and finishes, and samples of the materials to be used in the construction of the external surfaces, including roofs, shall have been submitted to and approved in writing by the Local Planning Authority. The work shall thereafter be carried out in accordance with the approved details and shall thereafter be permanently retained in that form unless otherwise agreed

in writing with the Local Planning Authority.

Reason: To enable the Local Planning Authority to consider the details of the materials.

4. Prior to installation, constructional details at a scale of 1:20 of all eaves and verges shall be submitted to and approved in writing by the Local Planning Authority. The work shall thereafter be carried out in accordance with the approved details and shall thereafter be permanently retained in that form unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure that the development displays good design practice.

5. Prior to installation, a full roofing specification including sections, indicating the finish, and specification of the roofs, including the flat roofs, shall be submitted to and approved in writing by the Local Planning Authority. The work shall thereafter be carried out in accordance with the approved details and shall thereafter be permanently retained in that form unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure that the development displays good design practice.

6. Prior to installation, full details of all new windows and external doors shall have been first submitted to and approved in writing by the Local Planning Authority. Such details shall be at full or half scale and shall include cross sections, profiles, reveal, surrounds, materials, finish and colour in respect of new windows, doors and other glazed panels. The work shall thereafter be carried out in accordance with the approved details and shall thereafter be permanently retained in that form unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of the appearance of the development and the surrounding area

7. Prior to application, details of the proposed render type and colour(s) shall be agreed in writing with the Local Planning Authority. The work shall thereafter be carried out in accordance with the approved details and shall thereafter be permanently retained in that form unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure that the finishes and colours are appropriate to the locality.

8. The stonework shall be constructed of natural stone which matches the colour and texture of that occurring locally, a sample of which shall be submitted to and agreed in writing by the Local Planning Authority, prior to installation. The new stonework shall be laid on its natural bed and pointed in a lime mortar recessed from the outer face of the stone. Machine cut or sawn faces shall not be used in the wall or for quoin stones. The work shall thereafter be carried out in accordance with the approved details and shall thereafter be permanently retained in that form unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure that the development displays good design practice.

9. No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the site and details of any to be retained, together with measures for their protection in the course of development.

All planting, seeding, turfing or hardsurfacing comprised in the approved landscaping scheme shall be carried out by the end of the first planting and seeding seasons following the occupation of the buildings or completion of the development, whichever is the sooner. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation. The landscaping scheme shall be strictly adhered to during the course of the development and thereafter.

Reason: To ensure the provision of an appropriate landscaping scheme in the interests of the visual amenities of the locality and to assimilate the development into its surroundings.



10. Notwithstanding the submitted details, the development hereby permitted shall not be commenced until full details of drainage scheme for the surface water have been submitted to and approved in writing by the LPA. The drainage scheme should follow the drainage hierarchy with soakaways as the first choice. Only if soakaways are not feasible will an alternative scheme be considered. Percolation testing in accordance with DG 365 will be required to support the use of soakaways, or justify an alternative option. The report should include the trial logs and calculate the infiltration rate. Soakaways to be designed for a 1:100 year event plus an allowance for climate change. (Currently 40%)

The surface water should be attenuated for a 1:100 year event plus 40% for climate change. The discharge must be limited to the green field run off rate. If discharging to the sewer written permission from SWW will be required. The drainage scheme shall be installed in strict accordance with the approved plans, maintained and retained in accordance with the agreed details for the life of the development.

Reason: To ensure surface water runoff does not increase to the detriment of the public highway or other local properties as a result of the development.

11. The garage hereby permitted shall remain available in perpetuity for the parking of motor vehicles in association with the use of the dwelling.

Reason: To ensure that the off-street parking facilities remain available in the interests of highway safety.

12. Notwithstanding the details set out on the submitted drawings, the development hereby permitted shall be carried out in accordance with the comments and recommendation set out in the Bat Survey.

Reason: To safeguard the welfare of a protected species of wildlife, in the interests of the amenity of the area and the Conservation (Natural Habitats) Regulations 1994 and the 1981 Wildlife and Country Act (as amended)