

## PLANNING APPLICATION REPORT

**Case Officer:** Tom French

**Parish:** Buckland Monachorum **Ward:** Buckland Monachorum

**Application No:** 2173/16/FUL

**Agent/Applicant:**

Mr Paul Farnham  
1 Yelverton Terrace  
Meavy Lane  
Yelverton  
PL20 6AF

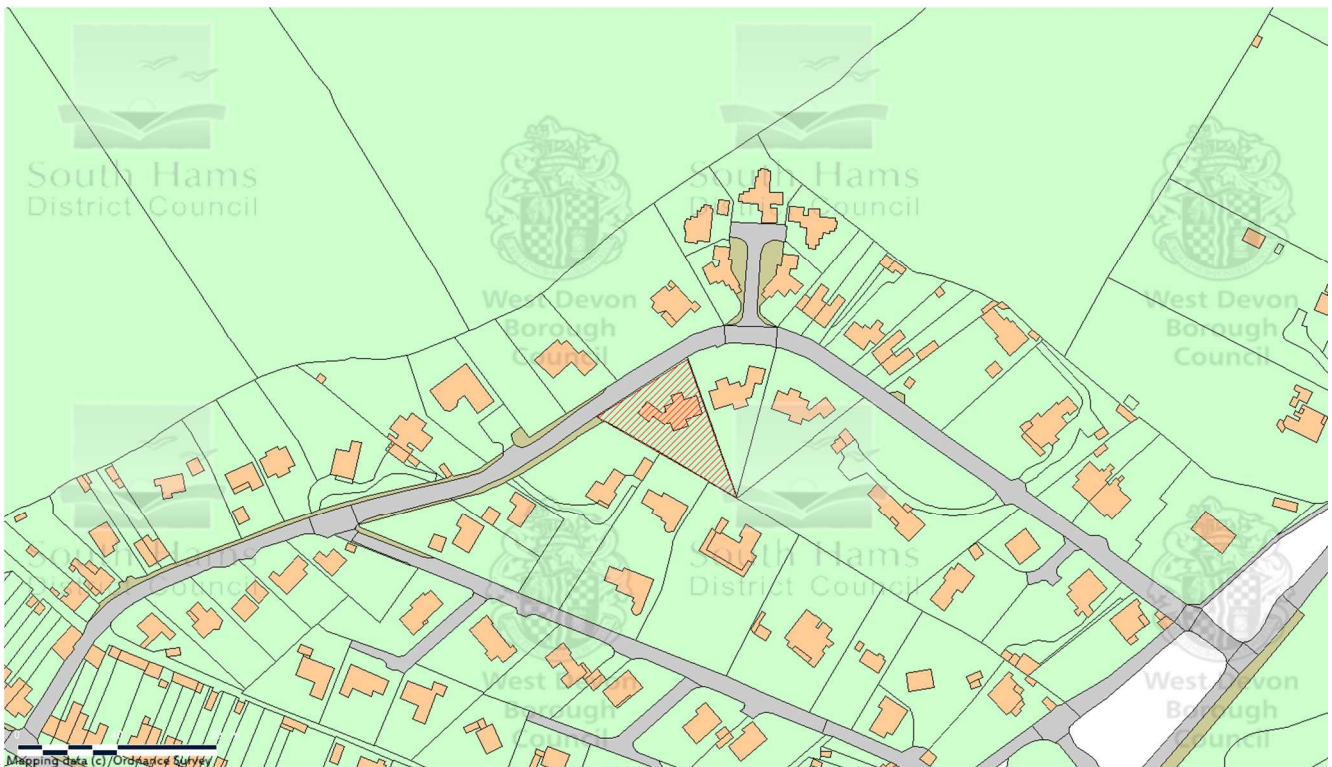
**Applicant:**

Dr & Mrs Roger and Mary Watkins  
Bay Tree House  
Crapstone  
PL20 7PS

**Site Address:** Bay Tree House, The Crescent, Crapstone, PL20 7PS

**Development:** Proposed two storey detached dwelling, demolition of existing garage, alterations to existing utility and garden room, new detached double garage and reinstatement of original vehicle entrance

**Reason item is being put before Committee:** Referred by Cllr Cheadle, concerns regarding an over development of the plot and impact on character of the area.



**Recommendation:** Conditional approval

**Conditions:** (summary of conditions, see end of report for full list)

1. Standard time limit
2. Build in accordance with plans
3. Permitted development rights removed for extensions, additional windows roof lights or dormers, outbuildings, fences and means of enclosure.
4. Samples of materials for the dwelling and boundary treatment to be submitted
5. Drainage details to be submitted/approved
6. Parking to be implemented prior to occupation and retained thereafter for both dwellings
7. Access to Bay Tree House to be re-instated prior to development commencing.
8. Environmental Health condition relating to unsuspected contaminated land
9. Obscurely glazed windows on first floor side windows prior to occupation and retained as such thereafter.
10. Tree protection barriers around protected trees for duration of the works

**Key issues for consideration:**

The main issues for consideration relate to whether the site can accommodate the dwelling proposed and what the subsequent impact upon amenity of the surrounding development would be. Highway safety and parking.

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**Site Description:**

The site contains a two storey detached dwelling sited on a large plot, to the west of the house is an attached double garage and utility room, vehicular access is from the Crescent, the original vehicular access constructed with the dwelling has been blocked, it is proposed that the new dwelling would utilise the existing vehicular access and the new dwelling would use the re-opened original vehicular access.

The Crescent has a mixture of dwellings in terms of age, style and siting. Predominantly, there are detached dwellings set on generous plot, however there are pairs of semi-detached dwellings

**The Proposal:**

The construction of a detached dwelling following the demolition of the double garage and utility room. The external materials used in the new dwelling are lime stucco rendered walls with natural slate roof. The roof pitch is set at a low 30 degrees which matches the existing pitch of Bay Tree House.

**Consultations:**

- County Highways Authority: Standing advice applies
- Environmental Health Section: No objection subject to unsuspected contamination condition
- Buckland Monachorum Parish Council: The proposed development is considered disproportionate both to the site proposed, and the surrounding properties within the Crescent, including the existing property, which would then occupy the complete width of its grounds.

**Representations:** 2 Objection letters received, planning points summarised below

- Loss of privacy to the Coach House and The Glade
- Highway safety concerns over the proposed re-instatement of the original access
- Over development and out of keeping

## Relevant Planning History

### ANALYSIS

Principle of Development/Sustainability:

The application site is within the settlement boundary of Crapstone and therefore the principle of a dwelling in this location is accepted providing the proposal complies with the following policy H28:

*Within defined settlement limits shown on the Proposals Maps small scale residential development will be permitted that is consistent with other policies in the Plan, and where:*

- (i) The scale, design, proportions, materials, character and size of plot of the development is compatible with the surrounding sites and the settlement;*
- (ii) The development would respect the form of the settlement and would not introduce or reinforce undesirable patterns of development;*
- (iii) The development can be safely and adequately accessed;*
- (iv) The amenities of adjacent residents are not adversely affected;*
- (v) The site is not an important open area within the settlement of historic or townscape importance nor is it of nature conservation value;*
- (vi) The development would not represent a visual intrusion of buildings into the landscape beyond the curtilage of existing adjacent development;*
- (vii) The development would provide a satisfactory standard of residential amenity; and*
- (viii) It would not prejudice the development potential of an adjacent site.*

This is the key policy within which the application is assessed. The Parish Council has objected to the scheme raising concerns that the proposal represents an over development of the plot. However, given the policy above, it is considered that infill plots can be accommodated providing the individual plot and proposal is acceptable. In this instance, the plot is generous with a very wide frontage given its triangular shape, there is ample room for the accommodation of the additional dwelling and both dwellings will still have off-street parking and private amenity space. Bay Tree House will occupy most of the width of its reduced plot size, however this is not out of keeping with the semi-detached dwelling located further along the crescent, which occupy most of the width of the respective plots they occupy.

There is no adopted local policy which prevents the development of a garden and Policy H39 does advise:

*Within settlement limits proposals for the redevelopment of large single residential plots will be permitted where the proposed development is compatible with the surrounding residential area in terms of scale, character and materials*

The proposal is therefore assessed on the basis of policy H39 and H28.

Design:

The application proposes the erection of a two storey dwelling. The design of the dwelling is generally consistent with the character and materials within the area. The dwelling is proposed to be rendered with a slate roof. There is a porch proposed on the north elevation which offers outside space under cover for entrance to the dwelling. Overall the materials are considered consistent with the area.

The size of the plot is small when compared with that of Bay Tree House and some of the dwellings within the locality, however there are smaller plot sizes within the local area and it is considered that the proposed dwelling is not an over development of the plot. Comments have been made regarding the size of the dwelling in relation to the size of the plot and that this is not consistent with the pattern of development in the area. The vicinity has a mixture of dwellings and the design is not considered out of keeping. The amount of associated amenity space is smaller than that of some of the adjacent dwellings; however, personal preferences may mean that someone would prefer a small garden which requires minimum maintenance. It is considered that the amount of outdoor amenity space is sufficient.

#### Landscape:

The site is currently well screened with mature trees and shrubs on the existing boundaries of Bay Tree House, the trees which run along the border of Bay Tree House and Spectrum House are covered by a Tree Protection Order. Due to the existence of mature landscaping already in place, it is considered that it is not necessary for a further landscaping condition.

#### Neighbour Amenity:

There have been 2 letters of objection relating to concerns with loss of amenity. The key concern with this application relates to the impact of the proposed dwelling upon amenity of the Coach House and Spectrum House, both properties border the southwest boundary of Bay Tree House and will border the proposed dwelling either wholly in the case of the Coach house or partially in the case of Spectrum House. Policy H28 states that the dwelling can only be granted providing that the amenities of adjacent residents are not adversely affected.

The Coach House is a modest two storey dwelling, adjacent to Bay Tree House. It has 2 no windows on the northeast elevation, one of which serves a bathroom and the other a bedroom. The existing hedge on the boundary between The Coach House and Bay Tree House precludes any significant degree of overlooking from the Coach House into the garden of Bay Tree House, the proposed dwelling is to be sited to the north of the Coach House, the rear window will be on an oblique angle and will not afford direct views into the windows on the coach house. The angle of the Coach House and the proposed dwelling results in little change to the outlook from these windows, which look towards the main section of Bay Tree House. The Coach House has its amenity area to the front of the property, the proposed dwelling is to be sited directly adjacent to west of Bay Tree House, there will be a modest loss of morning sunlight into the front garden area of The Coach House, however it is not considered to be sufficiently harmful to warrant refusal of the application.

Spectrum House (shown as Attwood house on the OS plans) is sited to the south east of the Coach House, its rear boundary adjoins the boundary of Bay Tree house, due to the proposed dwelling being sited to the north, it is considered that there will be no loss of light to Spectrum House resulting from the development. A row of mature trees runs along the boundary of Bay Tree house and Spectrum House, which offers significant screening between the dwelling and the proposed dwelling, these trees are protected by a TPO and therefore will remain in situ. The rear elevation of the proposed dwelling is 8 metres from the closest point of the boundary with Spectrum House, which is the northern corner of the rear garden of Spectrum House where it adjoins the boundaries of Bay Tree House and The Coach House. This is considered a sufficient distance to prevent an undue loss of privacy.

Court House is sited to the north of the proposed dwelling on the opposite side of The Crescent, it is considered that the proposed dwelling does not harm the amenity of the occupier of Court House. In addition, there will be a degree of mutual overlooking from the

first floor rear windows of Bay Tree House as currently exists between Bay Tree House and Melbury House, this is considered to not be out of keeping.

On balance, it is considered that the application would not create so severe a loss of amenity upon the neighbouring properties to result in a refusal of planning consent. The application is considered to accord with the requirements of policy H28 of the Local Plan.

#### Highways/Access:

The proposed dwelling will utilise the existing access which serves Bay Tree House and it is proposed that the original vehicular access which served bay Tree House is re-instated. Highways have offered no objections to the proposal and indicated that standing advice applies. There are no visibility issues with the existing access which is proposed to be used for the new dwelling, the original access which served bay tree House was approved when the dwelling was originally constructed and offers better visibility than the dwelling to the east. The Crescent is a residential road, which is narrow at points and enclosed mainly by hedging and a natural stone wall, these features act as natural speed deterrents and whilst the road, may have more vehicular traffic than it may have had a number of years back, one additional dwelling will not give rise to a significant increase in vehicular movements. Additionally, The Crescent is not a classified road and therefore the original highway access could be re-opened without the need for planning consent.

Each dwelling will be served by a driveway and garage, which will offer sufficient off-street parking provision.

#### Other Matters:

The trees on the boundary with Spectrum House are protected by a Tree Protection Order, the proposed dwelling does not impact on these trees and the construction works can be accommodated without harm to them, however in order to ensure no materials are stored within the root area, a condition is recommended that protective tree fencing be erected within the root area of these trees for the duration of the works to ensure they are not harmed during construction works.

There are no ecology issues associated with the development. The proposed dwelling will be connected to the mains sewer for foul drainage and utilise soakaways for surface water drainage, the existing dwelling has the same arrangement and there is sufficient land to accommodate the necessary soakaways, a condition requiring the details to be submitted and approved is recommended.

#### Planning Policy

***This application has been considered in accordance with Section 38 of the Planning & Compulsory Purchase Act 2004 and, where relevant, with Sections 66 and 72 of the Town and Country Planning Act 1990 (Listed Buildings and Conservation Areas).***

#### Planning Policy

National Planning Policy Framework

#### West Devon Borough Council Core Strategy 2011

SP1 – Sustainable Development

SP9 – Meeting Housing Needs

SP17 – Landscape Character

SP19 – Biodiversity

SP20 – Promoting High Quality Design

## **West Devon Borough Council Local Plan Review 2005(as amended 2011)**

NE10 – Protection of the Countryside and Other Open Spaces

BE19 – Development on Contaminated Land

H28 – Settlements with Defined Limits

H39 – Redevelopment of Single Residential Plots

T9 – The Highway Network

PS2 – Sustainable Urban Drainage Systems

### **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 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 permitted shall be carried out in accordance with the approved plans and documents to be listed on the decision notice.

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

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order, 2015 (and any Order revoking and re-enacting this Order), no development of the types described in the following Classes of Schedule 2 shall be undertaken without the express consent in writing of the Local Planning Authority other than those expressly authorised by this permission:-

(a) Part 1, Class A (extensions and alterations including the insertion of windows or roof lights)

(b) Part 1, Classes B and C (roof addition or alteration)

(c) Part 1, Class D (porch)

(d) Part 1, Class E (a) swimming pools and buildings incidental to the enjoyment of the dwellinghouse and; (b) container used for domestic heating purposes/oil or liquid petroleum gas)

(e) Part 1, Class F (hardsurfaces)

(f) Part 1, Class G (chimney, flue or soil and vent pipe)

(g) Part 14, class A & B (Installation of domestic Microgeneration Equipment)

(h) Part 1, (h) Including those classes described in Schedule 2 Part 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (and any Order revoking and re-enacting this Order)

(i) Part 2, Class A (means of enclosure)

Reason: To enable the Local Planning Authority to exercise control over development which could materially harm the character and visual amenities of the development and locality.

4. No development shall commence until a schedule of materials and finishes, and samples of the materials to be used in the construction of the external surfaces, including roofs, have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out only in accordance with the details so approved.

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

5. Details of the proposed boundary treatment shall be submitted to and agreed in writing by the Local Planning Authority prior to their installation and shall be implemented prior to first occupation/use.

Reason: In the interest of visual amenity in order to protect and enhance the amenities of the site and locality.

6. Prior to the commencement of the development hereby approved, details of the surface water design including percolation test results and supporting calculations shall be submitted to and approved in writing by the local planning authority.

Details of maintenance and management responsibility for the drainage system must be submitted to and approved in writing by the local planning authority prior to commencement on site.

Such approved drainage details shall be completed and become fully operational before the development first brought into use. Following its installation the approved scheme shall be permanently retained and maintained thereafter.

Surface water drainage systems design and installation shall be in accordance with CIRIA C697 The SuDS Manual and CIRIA C698 Site Handbook for the Construction of SuDS.

Reason: To safeguard the amenities of the locality and environment and to ensure that the development is adequately drained.

7. The dwelling hereby approved shall not be occupied until the parking, and garaging areas relating to them (and shown on the submitted drawings) have been properly consolidated, surfaced, laid out and constructed. The parking, servicing and garaging areas shall be kept permanently available for the parking and manoeuvring of motor vehicles in connection with the development hereby permitted.

Reason: To ensure that adequate and satisfactory provision is made for the garaging and parking of vehicles clear of all carriageways in the interests of road safety and amenity.

8. Prior to the commencement of the development hereby approved, the vehicular access for 'Bay Tree House' shall be constructed in accordance with the approved plans and maintained permanently thereafter.

Reason: To ensure the existing and proposed dwelling have off-street parking provision.

9. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an investigation and risk assessment and, where necessary, a remediation strategy and verification plan detailing how this unsuspected contamination shall be dealt with.

Following completion of measures identified in the approved remediation strategy and verification plan and prior to occupation of any part of the permitted development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority.

Reason: No site investigation can completely characterise a site. This condition is required to ensure that any unexpected contamination that is uncovered during remediation or other site works is dealt with appropriately

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re enacting this Order) the windows hereby approved on the first floor side elevations shall be glazed in obscure glass, and have no opening parts 1.7 metres below the finished floor level of the room they serve, and thereafter so maintained.

Reason: To protect the amenity and privacy of residents of adjoining property.

11. Tree protection measures shall be erected around the protected trees on the site for the duration of the construction works, the tree protection measures must adhere to BS5837.

Reason: To ensure the protected trees are protected during development works.