

## PLANNING APPLICATION REPORT

**Case Officer:** Gemma Bristow

**Parish:** Kingswear **Ward:** Dartmouth and East Dart

**Application No:** 2231/18/FUL

**Agent/Applicant:**

Simon French - RSL Surveyors  
Halfway Orchard  
Totnes Road  
Paignton  
TQ4 7PY

**Applicant:**

Mr & Mrs Lowe  
Crofters Cottage,  
Raddicombe Lane  
Hillhead  
TQ5 0EX

**Site Address:** Crofters Cottage, Raddicombe Lane, Hillhead, TQ5 0EX

**Development:** Creation of new two bedroom bungalow, with garage and relocation of garage to original house

**Reason item is being put before Committee**

Called to committee by the COP Lead Patrick Whymer on account of it being a resubmission of an application which Members previously refused at committee.



## **Recommendation:** Conditional Approval

### **Conditions**

- Time
- In accordance with plans
- Remove PD
- Unsuspected contamination
- Surface water drainage
- Foul drainage
- Details of landscaping and boundaries, including parking

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

Principle, design, amenity

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### **Site Description:**

Crofters Cottage occupies a large plot 0.14ha on the west side of the road within the settlement of Hillhead. It borders the gardens of neighbouring dwellings on its north, west and south sides.

Within AONB, Tree Preservation Order on southern boundary,

### **The Proposal:**

Erection of a detached two bedroom bungalow 11.2m long by 7.8m wide and 4.5m high to ridge of hipped roof dropping to 2.4m at eaves.

Erection of detached garage for existing dwelling and a further detached garage for proposed dwelling both 3.5m wide by 5.5m long with a dual pitched roof 3.3m high to ridge and 2.2m to eaves.

Amendments: dwelling repositioned to south-east by 1m and driveway pulled away from north-west boundary to retain existing planting.

### **Consultations:**

- County Highways Authority: Standing advice
- Environmental Health Section: No comments.
- Specialist drainage officers: No objection subject to conditions.
- Town/Parish Council: Recommend support but with a condition that the new property is connected to the main sewerage system

### **Representations:**

4 letters of objection on the following grounds:

- Very little change to refused scheme
- Too close to neighbours
- Loss of light and privacy to No.29
- Dominate the area, overbearing impact
- Overshadowing and loss of light
- Drainage condition would need strict compliance
- Concerns on location of soakaway in terms of subsidence
- Insufficient parking and turning space
- Design is out of keeping
- Highway safety from vehicles reversing onto road
- Trees and vegetation already removed
- Noise and light disturbance

- Loss of wildlife from vegetation clearance needed
- Limited details on the plans
- Concern about future use of the dwellings

### **Relevant Planning History**

- 3741/17/FUL. New detached two bedroom bungalow to the rear of the plot (resubmission of 2615/17/FUL). Refused. Jun 2018.
- 2615/17/FUL: New three bedroom dwelling. Withdrawn Nov 17
- 30/0350/14/PREMIN: Pre - application enquiry for proposed division of existing plot and creation of new dwelling. Not concluded as further information to be provided. May 14

### **ANALYSIS**

This application is a resubmission of application ref: 3741/17/FUL that was refused by Members following officer recommendation for approval at committee. The reason for refusal was:

The proposed dwelling and new driveway, by reason of their close proximity to the neighbouring property boundaries and rear gardens of Hillhead Park and Crofters Cottage, would result in a cramped and unneighbourly development causing a harmful change in outlook to no. 27 Hillhead Park, and would create a sense of enclosure and introduce additional noise and disturbance to both the neighbouring property and Crofters cottage, contrary to policies DP1 and DP3 of the Development Management Policies Document 2010 and emerging policies DEV1 of the Emerging Joint Local Plan

In response to this refusal the proposed dwelling has been reduced by 1m long and 1m wide, and by being set into the sloping ground level it has been reduced by 0.5m in height. Furthermore the dwelling has been repositioned away from the north-west boundary and the proposed driveway pulled away to retain the existing planting.

#### Principle of Development/Sustainability:

The site is located within the settlement boundary of Hillhead and so it considered a sustainable location and so there is no in principle objection, subject to the considerations below.

#### Design/Landscape:

The position of the proposed dwelling, set back within the plot off the existing driveway would mean it would have a very limited/if any street presence. While the surrounding dwellings are generally set within more spacious plots it is noted that a variety of plot sizes exist in the general area. In this context, the constrained plot size is not considered significantly out of place in terms of the character and appearance of the area. The proposed design of the dwelling is functional and it is considered that given its set back position and the variety of building designs in the area that the proposed design is acceptable.

#### Quality of accommodation

It is acknowledged that the proposed dwelling would have a constrained plot, however the amenity space would be comparable to the adjoining dwellings on Hillhead and acceptable given only a two bedroom dwelling is proposed. While the amenity space would have a close relationship with the host dwelling it is considered with sensitive planting and boundary treatment sufficient privacy could be achieved. The details of which are recommended to be secured by condition.

In comparison to the previous application, no windows would now face hard onto the boundary fence within the north-west elevation. It is still acknowledged that windows within the south-west elevation would have limited outlook (4.5 – 3.2m separation) however this has been increased from the refused scheme and the proposed outlook is considered acceptable. The living accommodation is therefore improved from the previous scheme and considered to be acceptable.

### Neighbour Amenity:

In terms of amenity it was previously noted that the most impacted neighbours would be nos. 25 – 28 Hillhead Park. In comparison to the previous application, the proposed dwelling would be located 3m from the north-west boundary fence, which compares to only 1.4m in the previous refused scheme. The dwelling would be between 4.5m and 3.2m from the south-west boundary, which compares to 5m to 1.5m in the previous scheme. In addition, the current application has also shown that the dwelling would be set into the rising ground level and so a reduction in height of 0.5m (over the refused scheme) has also been achieved.

While it is still acknowledged that the dwelling would be located in close proximity to the surrounding neighbours, with the revised position and lowered ridge officers consider there to be minimal visual impact on the surrounding dwellings.

Due to the lower eaves height and shallow pitch of the roof proposed and set back to the surrounding neighbours the dwelling it not considered to result in a significant loss of light to the surrounding dwellings. It should also be noted that no windows are proposed in the roofslopes, and facing ground floor windows are considered acceptable given a standard 2m boundary fence would resolve any privacy issues.

The proposed dwelling would inevitably change the outlook of the surrounding neighbours, who currently look into a densely vegetated garden area, however this is within the applicants control to remove outside of this application process as it is not protected. The neighbours whose outlook would change the most significantly would be no.26 and no.27 Hillhead, however a there would be a separation of 11m to no.27 and similar to no.26. Plan ref 7 (B) illustrates the separation from no.27 and shows the outlook from the rear of this adjoining property would be the part of the shallow pitched roof of the proposed dwelling.

It was previously acknowledged that the dwelling would introduce noise and disturbance in close proximity to the adjoining gardens of the dwellings on Hillhead Park, above which would be expected from this area of garden used by the existing house. While the position of the dwelling close to the boundaries would limit the size of rear patio area, given the external openings proposed to this area and its privacy from the host dwelling it is considered it would be reasonably well used. While this change in intensity of use of this part of the garden would impact on the neighbours to some degree, it is not considered to be so significant to warrant a refusal.

In comparison to the previous scheme, the existing drive would be utilised by the new dwelling and the existing planting along the north-east boundary would remain. There is therefore not considered to be any significant increased disturbance from the use of the drive as the existing dwelling would have a new driveway positioned the other side of that existing.

In relation to the host dwelling, while the proposal would have a very close relationship, given the angle of the proposed dwelling and that the primary outlook of Crofters Cottage is to the east the proposal is not considered to result in loss of privacy, outlook or light to the host dwelling.

### Highways/Access:

The existing driveway would be used for the proposed dwelling and there is considered to be sufficient space to allow vehicles to enter and exit in forward gear given the size of the wider site within the applicant's control. It is considered necessary to condition details of hard landscaping to ensure it is permeable and that sufficient space is given for vehicle turning.

### Other Matters:

Drainage: The host property of Crofter Cottage is currently served by a septic tank, and the applicant has confirmed it has a large double chamber and is in good condition. It is therefore proposed to make an independent connection to the first chamber from the new property. This pipework will be

under an easement with the original property and a formal maintenance agreement will be made between the two properties to allow for the maintenance of the septic tank. Drainage specialists have confirmed this is acceptable subject to a condition on details of capacity of the septic tank.

An in principle surface water scheme has been submitted to the satisfaction of drainage specialists, and so conditions are recommended to secure details of this.

### Conclusion

The previous refused application was considered a finely balanced scheme given the position and size of the dwelling close to the boundaries with the adjoining neighbours and the host dwelling itself. With the further amendments to the size and position of the current scheme it is considered the impact of the dwelling on the surrounding neighbours has been reduced making it more acceptable. It is still considered to be on the limit in height and footprint that could be permitted in this location and for this reason permitted development rights are proposed to be removed. The proposed dwelling is acknowledged to intensify the use of this part of the garden however this is not considered to result in significant loss of amenity to the adjoining neighbours and is balanced against the need for housing and so is supported.

***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  
CS10 Nature Conservation  
CS11 Climate Change

#### ***Development Policies DPD***

DP1 High Quality Design  
DP2 Landscape Character  
DP3 Residential Amenity  
DP4 Sustainable Construction  
DP5 Conservation and Wildlife  
DP6 Historic Environment  
DP7 Transport, Access & Parking

#### ***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)**

SPT1 Delivering sustainable development

SPT2 Sustainable linked neighbourhoods and sustainable rural communities

SPT3 Provision for new homes

TTV1 Prioritising growth through a hierarchy of sustainable settlements

TTV2 Delivering sustainable development in the Thriving Towns and Villages Policy Area

DEV1 Protecting amenity and the environment

DEV2 Air, water, soil, noise and land

DEV8 Meeting local housing need in the Thriving Towns and Villages Policy Area

DEV9 Accessible housing

DEV10 Delivering high quality housing

DEV20 Place shaping and the quality of the built environment

DEV24 Landscape character

DEV27 Nationally protected landscapes

DEV28 Protecting and enhancing biodiversity and geological conservation

DEV30 Trees, woodlands and hedgerows

DEV37 Managing flood risk and Water Quality Impacts

### **Kingswear Neighbourhood Plan**

#### **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 approved shall in all respects accord strictly with drawing numbers 3(H) , 4(J), 7(B), 8(B), 10(B), 11 received by the Local Planning Authority.

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. Notwithstanding the provisions of Article 3 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)
- (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 2, Class A (means of enclosure)
- (g) Part 14, Classes A & B (domestic solar equipment)

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. 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.

5. 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. Design steps as below

- 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%)
- If the ground conditions are not suitable for soakaway then a controlled discharge to a watercourse or Sewer can be considered. 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.

If the Local Planning Authority concludes that the method of drainage approved as part of this permission is undermined by the results of the percolation tests, a mitigating drainage alternative shall be agreed with the Local Planning Authority

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.

6. Notwithstanding the submitted details, no development shall be commenced until: Details to demonstrate condition and capacity of the existing foul sewage scheme have been submitted to and approved in writing by the Local Planning Authority. Details to include a location plan, cross sections/elevations, specification and its capacity to accommodate foul sewage from this development. Details to include a completed FDA1 form and justification for private foul system.

Reason: In the interests of the prevention of pollution

7. The above ground works shall not be implemented until a landscaping scheme has been submitted to and approved by the Local Planning Authority, indicating the boundary treatment of the proposed development, including hard surfacing for parking and turning.

The scheme submitted shall be fully implemented in the planting season following the completion of the development and the plants shall be protected, maintained and replaced as necessary for a minimum period of five years following the date of the completion of the planting.

Reason: In the interest of visual amenity in order to protect and enhance the amenities of the site and locality and to ensure sufficient space is given for parking and turning to allow vehicles to both dwellings to enter and exit in forward gear.