

PLANNING APPLICATION REPORT

Case Officer: Clare Stewart
Monachorum

Parish: Buckland Monachorum **Ward:** Buckland

Application No: 4261/17/FUL

Agent/Applicant:
Rogers & Jones Architects
17 Gordon Terrace
Mutley
Plymouth
PL4 6EP

Applicant:
Grace Kitto & Chris Lloyd
West Harrow
Crapstone
PL20 7PW

Site Address: West Harrow, Road From The Crescent To Woodend, Crapstone, Devon, PL20 7PW

Development: Application for construction of new detached 4 bedroom dwelling with integral double garage

Reason item is being put before Committee

The application has been referred to Committee by Councillor Cheadle given the considerable local objection and the fact that two similar applications have been refused or withdrawn. Impact of this particular proposal on the house immediately behind it.



Recommendation:
Conditional Approval

Conditions

1. Time limit
2. Accordance with plans
3. Ecology
4. Tree protection

5. Surface water drainage
6. Unsuspected contamination

Key issues for consideration:

Principle of development, design, residential amenity, drainage.

Site Description:

The site is the long front garden of a large, two storey dwelling within, but at the edge of the village boundary of Crapstone. The host dwelling features a large double garage with a room above it, accessed by an outside staircase, between the house and the village boundary to the Southwest. The other building of note on site is a dilapidated garage building in the northwest corner, which would be demolished as part of this proposal. The garden is contained by a low stone/slate wall on three sides, which is topped by a laid hedge on the Southwest boundary.

Access to the site is by an unmade road, marking the village boundary. The site is also bounded at its narrowest extent, to the south, by another private road (The Glade). On the other two sides are houses. Since the host dwelling provides screening to the northeast, the two houses of particular concern are located along the site's northwestern boundary: Firfield is a two storey house, angled at 45 degrees to the site boundary and Oakleigh is a dormer bungalow, facing the site.

The host dwelling has an imposing, Georgian character, with little side or rear garden. To the southwest is a regular terrace of a similar character, facing out of the village, over the unfenced open land. Beyond this and the main road into the village lies a modern industrial estate.

The site is located within the Tamar Valley AONB. The site is also adjacent to the boundary with Dartmoor National Park.

The Proposal:

This application seeks planning permission for the erection of a two storey dwelling (with accommodation in the roof space) in the front garden of West Harrow. The proposed built form would stand as far from the host dwelling as possible, but extends back towards it due to the proposed long floorplate (albeit shorter than the previous applications). This would still involve the loss of an existing mature garden tree and two smaller trees by the southwestern boundary.

The proposed dwelling would be two storey with an L shaped gable addition with a dual pitched roof that would be hipped at its W end. It would be 10 – 7m wide and 17m long including an integrated double garage. The ridge height would be 8.6m and eaves height of 5m. There would be windows in all elevations, however those at first floor level within the NW elevation would serve non-habitable rooms (bathrooms and hallway). Ground floor area 128sq.m and first floor area 121sq.m and second floor area 42sq.m, total area 291sq.m.

Materials: Roof natural slate, elevations rendered with sections of timber cladding. Windows and doors dark grey powder coated aluminium. Black UPVC rainwater pipes.

Vehicular access is proposed from The Glade, with the existing access for the host dwelling retained. The vehicular access to the proposed dwelling would be formed by demolishing the boundary wall along more than half of the site's frontage with The Glade. A hedgerow is proposed to separate the host and proposed dwellings.

Comparison to previous refusal:

This dwelling was proposed to be 5m longer (22m) and similar in width at 8m, compared to the proposed 10 to 7m. The ridge height was previously just over 1m higher and the eaves 1.7m higher, for the main house, however the garage/annex height was only 7m, so lower than the currently

proposed scheme. Proposed ground floor area was larger at 163sq.m (compared to 128sq.m), and in total floorspace the previous scheme was 356sq.m.

Consultations:

- County Highways Authority – Standing advice
- Drainage - Initial holding objection overcome by submission of further information, condition for final drainage scheme
- Buckland Monochorum Parish Council: “*Object: due to the impact of the development being overbearing on neighbouring properties.*”

Representations:

16 Letters of objection, with grounds summarised as:

- Dwelling is disproportionate to size of the plot
- Contrary to planning policy
- Garden development is not acceptable
- Too large, unneighbourly
- Incongruent, out of character, over-dominant compared to surrounding properties
- Poor design to NW elevation
- Loss of light to neighbouring properties
- Too high
- Mass and scale unchanged from previous application
- It is not in accordance with the neighbourhood plan
- Loss of garden to the host dwelling jeopardises the use of this property as a house of its size
- Damage to access road
- Approval would set a precedent for further garden developments
- Insufficient parking for a 4 bedroom house
- Density would be out of character with Crapstone

Relevant Planning History

- 4139/16/FUL - Erection of new private family dwelling set in the grounds of West Harrow House. Refused
- 0508/16/FUL – Erection of new private family dwelling set in the grounds of West Harrow House (Resubmission of application 08899/2015). Refused
- 00899/2015 – Erection of dwelling – withdrawn

ANALYSIS

Principle of Development/Sustainability:

The application site is within the adopted settlement boundary of Crapstone. Policy H28 of the Local Plan Review highlights that small scale residential development will be permitted, if it is consistent with other policies in the Plan, as long as it meets the criteria laid out in the policy with respect to design and form (i) and (ii); access (iii); neighbour amenity (iv); nature conservation and important open areas (v); it is within the settlement (vii); it would provide a satisfactory standard of residential amenity (vii) and it would not prejudice the development potential of an adjacent site.

Crapstone was originally identified as a sustainable village within the emerging Plymouth and South West Devon Joint Local Plan (JLP). However, the main modifications to the JLP which are currently out for consultation shows it to be removed from the list of sustainable villages along with other villages within AONBs following the Inspector’s Post Hearing Advice Note; this was because the

Inspectors felt insufficient evidence had been provided to demonstrate that the villages were capable of accommodating further development without harm to the AONB. As this aspect of the JLP is the subject of a main modification however, it is considered to carry moderate weight at best. At present the adopted policy showing this village to be a sustainable location for a single residential dwelling carries greater weight. The principle of development in this village is also supported by NPPF provided the development itself is deemed to be sustainable.

Paragraph 11 of the NPPF states that in the absence of a 5 year housing land supply a tilted balance in favour of development is applied to the determination of applications for residential development unless:

- I. *“the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
- II. *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”*

Footnote 6 to this paragraph identifies policies to conserve and enhance the AONB as having the potential to provide a reason to refuse development. Impact on the AONB therefore needs to be assessed

Design/Landscape:

Planning permission was previously refused under application refs 0508/16/FUL and later 4139/16/FUL for the erection of new private family dwelling set in the grounds of West Harrow House. The difference in design between the two schemes was arguably not that significant. This revised proposal seeks to address the previous issues with the scheme which led to permission being refused. The most recent reason for refusal states:

The proposed dwelling by virtue of its bulk, massing and scale would be detrimental to the character of the surrounding area and would represent an unduly prominent structure which would be over dominant and over bearing in the street scene. The proposal is, therefore, considered contrary to policy SP20 of the adopted West Devon Core Strategy 2011 and policy H28 of the West Devon Borough Council Local Plan Review 2005(as amended 2011)

In terms of its bulk, while the revised proposal has increased the height over the previously proposed annex the bulk has been substantially reduced facing West Harrow by the length being pulled 5m in and ridge height dropped by a meter. However, in terms of the width the L shaped gable addition has pulled the proposed bulk of the dwelling closer to the front boundary.

The ground area of the proposed dwelling has been reduced from the previous scheme, which would allow for a larger amenity space for the dwelling and result in a less cramped appearance. The recent appeal decision for Bay Tree House (which allows the construction of a new dwelling within a garden plot approximately 180m to the north west of the site subject of the current application) notes the following:

“The Crescent is an area of residential character; most of the properties are detached and set back from the road. The ages and style of the houses is varied and so are the sizes of the plots with some dwellings set in very generous grounds but other properties having a much tighter knit feel.”

The site subject of the current application, whilst to the south of the Crescent is still within area of residential character with a mixture of plot sizes including detached properties and a terrace. The submitted street elevation shows the height of the proposed dwelling would be similar to the existing dwelling at West Harrow and Woodside Terrace. It is acknowledged that the design of the north west elevation could be improved, but it is considered it would not result in sufficient harm to warrant refusal. The current proposal is considered to be substantively different from the previous refusals such that is reasonable to come to an alternate view on it, and on balance it is considered that

previous concerns regarding the bulk and scale of dwelling proposed have now been addressed (although it is stressed this is a very 'on balance' judgement).

Recent appeal decisions (including that for Bay Tree House) make it clear that permitted development rights should only be removed in exceptional circumstances, and the Inspector in the Bay Tree House decision did not remove them notwithstanding the modest size of the rear garden area for the new dwelling. Having regards to the latest guidance a condition removing permitted development rights is not recommended in this instance.

Paragraph 172 of the NPPF requires great weight to be given to conserving and enhancing landscape and scenic beauty in AONBs, and the scale and extent of development in such areas should be limited. The application proposes a single dwelling on the edge of an existing settlement, which would be visually well-related to the existing built form. Whilst the proposed dwelling is fairly large it is considered the overall scale of development proposed in this location would not result in harm to the special qualities of the AONB.

Neighbour Amenity:

The previous applications considered that due to the separation distances between the proposed dwelling and those in the surrounding area, including the host dwelling West Harrow, the proposal would not result in any harm to neighbour amenity or to the living conditions of future occupants of the proposed dwelling. As the proposal has reduced the bulk facing the host property and due to the separation distances to the surrounding neighbours the revised proposal would not give rise to significant adverse amenity impacts on any neighbouring properties in terms of loss of privacy or overlooking. In particular, the neighbouring dwelling to the north west is approximately 15m from the shared boundary at its closest point. The impact of a two storey dwelling is considered acceptable at this distance in this site context. The neighbouring properties to the south west are separated by the highway.

Highways/Access:

The Local Highways Authority have referred to their Standing Advice and it is considered that it would provide adequate parking to serve the proposed dwelling. The submitted plans incorporate a double garage with space for a further vehicle within the curtilage. The proposal is, therefore, unlikely to generate significant levels of additional traffic or have an adverse impact on the safety of the surrounding highway network.

Other Matters:

Ecology

A Preliminary Ecological Assessment has been submitted in relation to the proposal which advises that following surveys no protected species were found but does identify that the overgrown garden may include potential habitats for reptiles and nesting birds. It is noted that the assessment was dated 11 August 2015 which is now over the recommended two years in which it would be considered up to date.

The assessment includes a number of recommendations to protect nesting birds and reptiles. It is considered, therefore, that the proposal would not have an adverse impact on ecology and relevant conditions could be secured to any permission requiring adherence with the assessments recommendations and mitigation measures.

Trees

A Tree Report has been submitted in support of the application which recommends a number of tree protection measures to protect trees on site (including the protected tree adjacent to West Harrow). It is considered that the proposed development would not have an adverse impact on trees and relevant conditions could be attached to any permission to implement tree protection measures, including adherence to the Tree Protection Plan and Arboricultural Method Statement.

Drainage

The applicant submitted a drainage strategy with the application but the details were considered to be insufficient having regard to the area of the site proposed for development (which would restrict options for soakaways). Further details were subsequently submitted and the Council's Drainage Specialist is now satisfied the final surface water drainage scheme can be appropriately dealt with by condition. Evidence has been provided that South West Water will accept the foul drainage connection has also been provided.

The Planning Balance:

On balance the design and scale of the proposed dwelling is considered acceptable having regard to the character of the surrounding residential area. It is considered the landscape and scenic beauty of the AONB would be conserved. A number of technical matters can be appropriately dealt with by condition. Officers consider the tilted balance falls in favour of the proposal, and the application is recommended for approval subject to conditions as detailed above.

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:

West Devon Borough Council Core Strategy 2011

SP1 – Sustainable Development
SP5 – Spatial Strategy
SP6 – Density of Housing Development
SP9 – Meeting Housing Needs
SP17 – Landscape Character
SP19 – Biodiversity
SP20 – Promoting High Quality Design
SP21 – Flooding
SP24 – Sustainable Rural Communities

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

BE13 – Landscaping and Boundary Treatment
H28 – Settlements with Defined Limits
T2 – Pedestrian and Cyclist Safety
T8 – Car Parking
PS2 – Sustainable Urban Drainage Systems
PS3 – Sewage Disposal

National Planning Policy Framework
National Planning Practice Guidance

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

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

DEV20 Place shaping and the quality of the built environment

DEV31 Specific provisions relating to transport

DEV37 Managing flood risk and Water Quality Impacts

Buckland Monachorum Neighbourhood Plan

The plan was progressing but it is understood the group are now considering position in light of a recent appeal decision.

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.

Recommended conditions in full:

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 1862 (S-)01, 1862 [PL-]01, 1862 [PL-]02, 1862 [PL-]03, 1862 [PL-]04, 1862 [PL-]05 received by the Local Planning Authority on 11th December 2017; 3001 Rev A (Proposed Drainage Plan) received by the Local Planning Authority on 15th October 2018.

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 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 Section 7 of the Preliminary Ecological Assessment dated 11th August 2015 from Butler Ecology.

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)

4. No development shall take place, or any equipment, machinery or materials be brought onto the site for the purpose of development until:

(i) The erection of fencing to delineate a Protection Zone to protect retained trees has been constructed in accordance with location and construction details within the Tree Report received by the Local Planning Authority on 11th December 2017. Within the Protection Zone nothing shall be stored or placed, nor bonfires lit, nor any works take place, nor shall any change in ground levels or excavations take place unless they are shown on the approved plans or they are agreed in writing in advance by the Local Planning Authority.

Reason: In order to protect trees of public amenity value.

5. Notwithstanding the submitted details, prior to the installation of any part of the surface water management scheme or before development continues above slab level, whichever is the sooner, full details of the attenuated drainage scheme shall be submitted to and approved in writing by the Local Planning Authority (LPA). Details to include.
 1. Attenuation to be designed for a 1:100 year event plus 40% for climate change.
 2. Details of the flow control device to achieve 1.1 l/s as per SWW requirements for discharge to the combined sewer.
 3. 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
 4. 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. 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.

