

PLANNING APPLICATION REPORT

Case Officer: Matthew Barks

Parish: Strete **Ward:** Allington and Strete

Application No: 1940/18/HHO

Agent/Applicant:

Mr Paul Green
High Linhams
Higher Warberry Road
Wellswood,
Torquay
TQ1 1RY

Applicant:

Mr John Peters
8 Crestway
Strete
TQ6 0SF

Site Address: 8 Crestway, Strete, TQ6 0SF

Development: Householder application for extension and alterations to dwelling to form additional bedroom.

Reason item is being put before Committee: Cllr. Richard Foss requests Committee consideration on the basis that the Member considers the proposal represents over development within the locality and is over bearing development for the street scene.



Recommendation: Conditional approval

Conditions

Standard time limit
Adherence to plans
Materials in accordance with details
Details of and provision and retention of timber louvre screen
No use of flat roof areas for amenity purposes

Key issues for consideration:

The relevant material planning considerations are the impact upon residential amenity and privacy, the design, scale and materials and landscape impact.

Site Description:

No.8 comprises a two storey link detached property located on the northern side and centrally within Crestway. The application site lies within the development boundary of Strete and is also washed over by the South Devon Area of Outstanding Natural Beauty.

The Proposal:

The erection of a part single storey, part two storey extension with first floor recessed balcony to the north west (rear) elevation, a part single storey, part first floor extension to north east (side) elevation along with alterations to the fenestration of the property.

Consultations:

- County Highways Authority – no highway implications
- Strete Parish Council – Conditional support for original scheme. Objection to revised scheme.

PUBLIC CONSULTATIONS

Representations:

Representations from Residents

19 letters of objection and 3 letters of support were received in response to the original scheme and which commented as follows:

- Gross over-development of the site. The proposed grey aluminium windows and doors plus exterior cladding are totally out of character with all the other houses on the estate which have plain rendered magnolia walls and mahogany coloured windows. This colour scheme has been followed by residents since the estate was built over 33 years ago. If approved, this would set a totally unacceptable precedent.

Both the rear extension plus siting of a large high overbearing balcony will mean an inconsiderate and gross invasion of our privacy. Our small garden and patio will be dominated by the feature and we will be totally overlooked.

The proposed extension to the front will reduce the already small driveway. The applicants have two cars, a motorcycle and a boat. Cars and boats are already frequently parked on the front lawn and the proposed extension will exacerbate the matter.

- Development would over dominate the small estate, especially as the house is connected by the garage to a neighbouring house. The balcony would overpower the plot and destroy the privacy of the adjoining small properties' gardens. It is not in keeping with the other houses in the road.
- The proposals to partially clad the elevations of the building in grey aluminium cladding and horizontal boarding and change the window frames out for grey aluminium frames would constitute a major design departure from the style of the remainder of the properties on this compact estate.
- Development is against many covenants which have been observed by everyone else in the road.
- We actually live in Crestway, next door but one to number 8, and therefore feel we have a legitimate right to comment. We have no objection whatsoever to any aspect of the alterations/changes proposed in this application. It would bring the property into line with a number of others in the village which have had work of this nature carried out.
- We feel that the overall contemporary look from the cladding and widows would work perfectly. There are many contemporary houses in Strete most within 100 meters from 8 Crestway so do not think this would detract at all from the overall look of the estate.
- I note there are wooden cladding houses on 2 properties on Hynetown Road. So this would be in keeping with other developments in the area. The extensions appear to be mostly infill so would have low impact on others.

In response to the revised drawings, 5 letters of objection and 2 letters of support have been received and which comment as follows:

- We are pleased that the applicant's revised plans have gone a long way in addressing our privacy concerns. The recessed balustrade and restricted visibility zone are to be welcomed. However, the associated 2.5 metre roof extension and first floor adjoining wall will have an overbearing and enclosing effect on our small garden with a corresponding reduction in light to our kitchen window from where it will be visible.
- We are glad the new plans have overcome the privacy issue but think that they are still in need of further modification. We feel the extension is rather excessive for the small plot size and should be scaled back. Finally we think that the character of the estate should be preserved by maintaining the mahogany and magnolia colour scheme.
- It is pleasing to see that the extended balcony has been discarded as this would have created a significant privacy issue. The new arrangement will afford some protection against the elements in this windy corner. However, we would be grateful if the roof and side wall extension could be reduced without destroying the covered balcony as it is unacceptably overbearing. Crestway residents have gone out of their way to keep to the magnolia and mahogany colour scheme and we are disappointed that this will change.
- I live in one of the four houses directly affected by the above application. The amended plans address all the concerns/objections lodged in respect of the previous plans. The applicant has bent over backwards, working together with planning, to address all these concerns. I support this application

- The only concern originally expressed by the Parish Council was on the matter of privacy. This has been dealt with by the reduction in depth of the balcony and the extension of the roof line. The proposed upper level extension is only to the rear half of No 8 and well below the existing roof line so there should be little, if any, effect on the available light. Our house is on the other side of No 9 and the corresponding side of our house is completely over-shadowed by the full width and two storey high side wall of No 9. The roof line is, in fact, over a metre higher than ours. Also, the distance between the proposed extension and No 9 would be the same as it is now between No 9 and our house. We have lived here for over 24 years and have experienced no adverse effect on our available light.

Relevant Planning History

54/1780/83/3 - The Crest, Hinetown Road, Strete (Erection of 14 dwellings). Conditional approval

ANALYSIS

Principle of Development/Sustainability:

The site is located within the development boundary of Strete where the extension of residential dwellings is acceptable in principle.

Design/Landscape:

In respect of the rear element, the original proposal had sought a single storey only flat roofed extension with terrace area over the entirety of this extension with it projecting approximately 3.3m beyond the existing rear wall. At first floor level the existing gable end was proposed to be glazed from floor level to the roof apex. In addition, timber cladding had been proposed for the flank wall of the first floor side extension as well as to the first floor area of the front (south east) facing gable end.

Officers considered that the overall design and appearance of the original proposal was incongruous and out of character both within Crestway itself and the wider landscape, including the South Devon Area of Outstanding Natural Beauty, and sought revisions to the scheme given the location of the property on the edge of the settlement backing on to open countryside and the extent of glazing that was shown to be employed.

This resulted in the removal of the timber cladding, the provision of a timber louvre for the apex section of the rear facing gable end and a reduction in the overall level of glass/glazing employed by virtue of the reduction in size of the balcony and it being recessed under the extended gable end.

In this context, it is considered that the proposed development in design terms is now acceptable with regard to the overall character and appearance of Crestway, which, it is considered, is notable for its homogenous appearance. It is also considered that the revisions to the proposal better respect and conserve the special landscape character of the South Devon Area of Outstanding Natural Beauty with a reduction in the overall level of glazing and a simpler, more modest form of extension.

Overall, it is considered that the proposed extensions are appropriate in design terms and would not amount to an unsympathetic intrusion into the wider landscape and, it is considered, would also conserve the special landscape character of the Area of Outstanding Natural Beauty.

Accordingly, it is concluded that the proposed development is acceptable in both design and landscape terms. It is, however, considered reasonable and necessary to impose appropriate planning conditions to ensure that this remains the case, specifically the submission of precise details of the timber louvre screen as well as the requirement for it to be provided and thereafter retained in perpetuity.

Neighbour Amenity:

Officer's assessment of the original proposal concluded that the balcony element would engender an unacceptable loss of residential amenity and privacy to the adjoining properties given its substantial area and relationship with the existing property. In response to this, the proposal was revised to extend the first floor element so that proposed balcony area is now recessed and covered by the eaves overhang which provides for a greater level of screening and marked reduction in overlooking to the neighbouring properties. This change also reduced the overall floor area of the balcony.

The original scheme, which was ground floor only, was shown to extend approximately 3.3m from the existing rear wall. The revised scheme also projects some 3.3m from the rear wall at ground floor level, but also introduces an approximate 2m increase in rearward projection at first floor level by virtue of the recessed balcony gable end design.

Whilst it is acknowledged that the revised proposal does result in a rearward projection for the first floor element which did not exist previously, it is considered that, on balance, this would not result in an unacceptable level of impact upon residential amenity and daylighting due to the orientation of the two adjoining properties and their relationship with the application property. Furthermore, it is also considered that the additional 2m rearward projection at first floor level will not engender any significant harmful impact in terms of dominance or overbearing given it is set away from both adjoining neighbouring boundaries and is of a relatively limited projection.

Additionally, the recessed balcony design now reduces the angle for potential overlooking to the neighbouring boundaries and this is, on balance, considered to be acceptable in terms of impact upon residential amenity and privacy. It is also to be noted that it would be possible to provide opening doors with a 'Juliet' balcony element to the existing dwelling which would provide a greater potential for overlooking to the neighbouring gardens.

Accordingly, it is concluded that, on balance, the proposed development is acceptable in neighbour amenity terms. It is, however, considered reasonable and necessary to impose an appropriate planning condition to specify that the remaining flat roof areas of the ground floor extensions cannot be used as terraces/residential amenity areas to ensure that the ongoing acceptability of the proposal in neighbour amenity terms.

Other Matters:

In respect of the concerns raised with regard to compliance with covenants on the estate, these are a civil matter and do not fall to be considered as part of this application. Similarly, some representations have cited the longstanding adherence, which is essentially total in terms of the whole estate, to the magnolia and brown colour scheme that is characteristic of Crestway. In this regard, the original planning permission did not take away permitted development rights to paint properties, meaning that it would be in the gift of any householder in Crestway to paint their property any colour of their choosing as permitted development. Furthermore, there is also no restriction on the type, colour or material on the windows to the properties. This also means that it is lawful for a householder to replace their windows on a like for like basis in terms of aperture size and for which there would be no restriction on colour or their material composition.

As such, it is concluded the proposed alterations to the windows are acceptable in planning terms, whilst also acknowledging that such changes could lawfully occur even in the event that a planning application had not been submitted.

With regard to drainage considerations, the submitted drainage assessment confirms that an appropriately sized soakaway can be provided in the rear garden and whilst acknowledging that the site is not located within Flood Zones 2 or 3, or a Critical Drainage Area, it is still considered reasonable and necessary to impose a suitable condition requiring the installation of the soakaway. For foul drainage, it is confirmed that there will be a connection to the mains system and South West Water have confirmed this is acceptable.

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:

DEVELOPMENT PLAN

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

SHDC 1 Development Boundaries

Emerging Joint Local Plan

The Plymouth & South West Devon Joint Local Plan is currently undergoing a main modifications consultation (22 Oct – 03 Dec 2018) as part of the examination in public to determine the soundness of the plan. The National Planning Policy Framework provides guidance on the weight that can be given to policies in emerging local plans in paragraph 48:

48. Local planning authorities may give weight to relevant policies in emerging plans according to:

a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);

b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and

c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)

The JLP is nearing the conclusion of the examination process, and can be considered to be at an advanced stage of preparation.

Whilst technically all objections are unresolved until the Inspectors' issue their Final Report, some policies which did not receive objections at the Reg 19 stage could be given very significant weight. The nature and scope of objections made regarding each policy have been taken into account when determining the weight to be apportioned to each emerging policy.

The Council consider that the emerging policies are all compliant with the NPPF. It should be noted that the JLP is being examined against the provisions of the 2012 NPPF, and therefore for the purposes of paragraph 48 of the NPPF policies should also be assessed for their conformity against the 2012 NPPF.

In considering the merits of this proposal, case officer recommendations are informed by the weight that can be attributed to emerging JLP policies and adopted development plan policies, as well as the degree of conformity with the new NPPF.

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

Strete Neighbourhood Plan

Whilst a Neighbourhood Plan (NP) Area has been identified, the Plan itself has not moved beyond the principle of an intention to create a NP. As such, no weight can be given to the Neighbourhood Plan at this stage.

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 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. Except where varied by condition 3 of this permission, the development hereby approved shall in all respects accord strictly with drawing numbers: unnumbered red edged site location plan received by the Local Planning Authority on 18 June 2018 and A.477.01A – proposed ground floor plan, A.477-02A – proposed first floor plan and A.477.03B – proposed elevations received by the Local Planning Authority on 31 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. The external materials to be used in the development shall be in accordance with those details specified in the application details as received by the Local Planning Authority on 18 June 2018, save for the use of horizontal boarding to the walls which is expressly excluded from this permission.

Reason: To ensure that the development is in character with the existing building and its surroundings.

4. Within three months of the date of this permission, a sample of the proposed timber louvre screen to the north west (rear) elevation as shown on drawing number A.477-30B (proposed elevations) shall be submitted to the Local Planning Authority for its approval. Following the approval by the Local Planning Authority, the timber louvre screen shall be installed within one month of the date of the substantial completion of the extension to the north west (rear) elevation) in accordance with the approved details and shall thereafter be retained in perpetuity, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To safeguard the appearance and character of the area.

5. The flat roof areas to the north and east elevations as shown on approved drawing A.477-02A (proposed first floor plan) shall not be used as a balcony, roof garden or similar amenity area without the grant of further permission from the Local Planning Authority.

Reason: To safeguard the privacy and amenity of the adjoining residential properties.

6. Prior to the substantial completion of the development hereby permitted, a surface water drainage soakaway as detailed in the submitted Drainage Statement received by the Local Planning Authority on 18 June 2018, shall be provided and thereafter retained unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure a satisfactory means of surface water disposal.