

## PLANNING APPLICATION REPORT

**Case Officer:** Ben Dancer

**Parish:** Tavistock **Ward:** Tavistock South West

**Application No:** 2243/18/FUL

**Agent/Applicant:**

Mr Jeremy Maddock  
Elford Maddock Architect'l Practice  
23 Fore Street  
Bere Alston  
Yelverton  
PL20 7AA

**Applicant:**

Mr T Faircloth  
Lower Hill Farm  
Tavistock  
PL19 8RR

**Site Address:** 83 Plymouth Road, Tavistock, PL19 8BZ

**Development:** Form new dwelling by subdivision of existing dwelling.

**Reason item is being put before Committee:** This application has been brought before the Committee at the request of Cllr. Parker who has stated;

*"I have rarely called in applications over the years but I'm concerned about this scheme:*

- *Partly because there is scanty information about the main house. It is, effectively, a proposal to create two new dwellings from one and it seems unreasonable to take a decision without knowing that both of the dwellings would be satisfactory.*
- *Partly because there is no plan of the first floor and we have no way of being satisfied that the internal arrangements would be adequate. Are you satisfied that the proposal for both dwellings would accord with the National Technical Space Standards?*
- *Partly because the garden space for both dwellings, but particularly the existing house, looks to be woefully inadequate.*
- *Partly because I can't see how the car parking would work - the application form states that each dwelling is to have a car parking space but, from the drawings, the one for the extension would be inaccessible if the one for the existing house is occupied. The red line plan also implies that both parking spaces would be in the curtilage of the 'extension dwelling'.*

*With regret, I believe that this application should come to the DM Committee. Whilst I respect your analysis, there are many issues that could lead to a conclusion that this is not a proposal for sustainable development, contrary to both the Development Plan and the Framework. This is a conclusion supported by the objections from neighbours and the Town Council.*

*Please put it to the DM Committee"*

Cllr Evans has noted an interest



**Recommendation:** Conditional Approval

**Conditions:**

1. Time limit
2. Accord with plans
3. PD rights removed
4. Parking to be implemented and retained
5. Car parking/access drainage details
6. Zone of Influence mitigation

**Key issues for consideration:**

Principle of development  
Neighbour Amenity  
Previous appeal decision

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**Site Description:**

The application site consists of a recently constructed extension attached to the southern elevation of 83 Plymouth Road. The extension occupies part of the existing garden belonging to the host dwelling.

The close consists of 6 dwellings accessed via a communal drive/road that connects to the A386 (Plymouth Road) to the west. The close is configured in a horseshoe arrangement with the nearest property to the application site within the close being 85 Plymouth Road to the west. To the east and close to the site's garden boundary is the building located on Grenville drive housing flats 1A – 1D.

The site is located to the east of the Tavistock Conservation Area (CA) but is set amongst the more modern developments on the opposite side of the road to the CA and does not contribute to its historic character or make a positive contribution to its immediate setting.

## **The Proposal:**

The proposed development is to subdivide the current dwelling by using the extension as an independent dwelling.

The revised plans as submitted also now show the subdivision of the existing curtilage to show separate small garden areas for the existing property and that as proposed.

Parking provision is also indicated to the front of the proposed dwelling showing space for two vehicles.

## **Consultations:**

Note: this application has been subject to two separate periods of consultation due to the submission of revised plans.

- County Highways Authority

No highways impacts

- Tavistock Town Council - Objection

- *“access concerns via a small shared drive near a junction and service station, onto a busy road;*
- *the sub-division of the house will increase traffic movements due to an increase in the number of households/cars.”*

*“Tavistock Town Council stands by its original decision to object to this Application.”*

- Drainage – No objection subject to imposition of conditions.

*“Thank you for consulting us on the above application. As an internal consultee we advise the LPA on foul and surface water drainage matters to ensure the development complies with the relevant legislation and guidance, including but not limited to, the NPPF and Flood and Water Management Act 2010.*

## **Recommendations – No objection**

*Based on the information provided we would support the current proposal.*

## **Observations and comments**

*This is an application for internal subdivision of an existing dwelling located partially within Flood zone 2, with no external changes proposed and SWW have confirmed they would be happy to accept foul discharge to their system therefore we would have no objection to this aspect of the development.*

*However a new car parking and access has been proposed but its drainage details have not been provided, so this information will be required by condition.*

## **Suggested conditions**

*Notwithstanding the submitted information, no development shall be commenced until:*

*1. Drainage details of the car park and access have been submitted to and approved in writing by the Local Planning Authority (LPA). If it is proposed to be permeable then it should be designed in accordance with CIRIA C753. Full design details and sectional drawing showing the specification and make up will be required.*

2. *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.”*

## **Representations:**

### **Representations from Residents**

Four letters of representation have been received objecting to the proposed development and raising the following issues;

- Object to extension becoming a separate dwelling
- Insufficient parking and turning space
- Devaluation of neighbouring property
- Developer is flouting the planning system

## **Relevant Planning History**

1032/18/NMM Non-material amendment following householder consent 3493/17/HHO (Householder application for two storey side extension) for additional door. Approved 21/05/18

3493/17/HHO Householder application for two storey side extension to dwelling. Conditional Approval 11/12/17

2461/16/FUL Erection of dwelling. Refused 22/11/16. Appeal Dismissed 29/06/17

0874/16/HHO Householder application for a two storey extension to existing dwelling. Conditional Approval 25/05/16

## **ANALYSIS**

Principle of Development/Sustainability:

The proposed development relates to an existing extension and the host dwelling. The application site is located within the settlements and is close to a range of services including public transport and shopping facilities. The site is located within an existing residential close.

Given the above, the application site is considered to be in a sustainable location.

Previous appeal decision:

As is noted in the “planning history” section of this report the site has been subject of a previous appeal decision in relation to the erection of dwelling.

This decision and the issues raised in the Inspector’s report setting out their assessment is a material planning matter that must be considered in that it relates to this current proposal.

It should be noted that appeal was in relation to a proposed detached dwelling to be located within the southern garden area belonging to 83 Plymouth Road as opposed to the current scheme where the dwelling would be created through the sub-division of the dwelling to utilise the extension as a dwelling.

The Inspector's report confirms that they reviewed the following issues;

1. The character and appearance of the area; and
2. The living conditions of the future occupiers of the proposed dwelling in respect of outlook and available garden space and the existing occupiers of 83 Plymouth Road in respect of available garden space.

In dismissing the appeal the Inspector offered the following conclusions;

Paragraph 5 – *“Due to its detached nature, the dwelling would have an appreciably more significant effect than the existing side extensions and the one that has been granted planning permission at this site...Other new housing has been accommodated in the area, such as No. 89a. However that dwelling is located at the end of a terrace and the context is not directly comparable and it does not justify the appeal scheme.”*

The current scheme is not for a detached dwelling and would instead use the approved extension as a dwelling.

Paragraph 7 – *“A two storey block of flats is located to the rear of the site; it is sited so that it sits across almost the entire width of the appeal site and a good portion of the width of No. 83. The side elevation of this building is set only very modestly away from the common boundary. The rear of the appeal dwelling would be located very close to the boundary, the outlook from the rear living room windows and two of the bedrooms would be dominated by the side wall of the flats. This would create harmfully oppressive living conditions for the future occupiers of the dwelling.”*

The current proposal would utilise the existing extension where the amenity impacts have already been previously assessed as being acceptable in terms of relationship with other development (inclusive of the flats). No new windows or doors are proposed to increase overlooking from that as assessed in relation to the approved extension. The extension is set further back from the common boundary with the flats and therefore the issue in relation to the proposed dwelling's outlook has, in officer view, been overcome.

Paragraph 8 – *“The living room would also have a side window. Currently there is a low boundary between the site and the side garden at No. 85. To ensure that garden was not unacceptably overlooked from the proposed side living room window it would be necessary to secure a higher boundary treatment through a condition. Consequently the outlook from this side window would be dominated by the boundary.”*

As is noted the current proposal is for the dwelling to occupy the existing extension whereby the window facing onto this garden area has already been assessed as being acceptable. Equally it is located further away from the side garden referred to and a higher boundary treatment would not therefore impact upon the outlook through dominance and therefore a suitable boundary treatment could be achieved without detriment.

Paragraph 9 – *“The outside space to the rear and side of the dwelling would be extremely limited and would amount to little more than a narrow yard area dominated by the boundaries and the side wall of the flats. The front of the site would be largely taken up by parking and vehicle manoeuvring space. Even if only a single space was provided, the usable outside garden would still be limited, and this area would not be private.”*

The revised plans submitted as part of the current proposal indicates more garden space being provided than the appeal scheme. This has been achieved through the moving of parking provision, the re-siting of the dwelling from a detached position to being attached to No. 83, and the subdivision

of the plot via an angled fence-line. The plans also show the existing conservatory and shed belonging to No. 83 as being removed to provide more outside space to the existing property.

Whilst the garden areas would be reduced from that as currently serving No. 83 as a single dwelling, there would be adequate garden areas provided to both the existing and proposed property.

In addition the revised plans also show a trellis fence (1.7m in height) to be installed above the existing concrete block wall that bounds the adjacent side garden area belonging to No. 85. This would provide a degree of privacy to prevent undue overlooking into this garden, although it is again noted that the existing extension has already been assessed as acceptable.

In light of the above, it is case officer opinion that the current proposal does not result in the same issues as were cited in the dismissal of the appeal and that there are key differences that overcome the issues identified in the inspector's assessment that led them to conclude the previous scheme was unacceptable.

#### Neighbour Amenity:

It is noted that the current scheme would utilise the approved, existing extension as a separate dwelling. The approved extension is not being altered beyond what has already been approved under application 3493/17/HHO and the subsequent non-material amendment (1032/18/NMM) for an additional door.

There will be new parking to the front of the proposed dwelling, but it was noted that space already exists to facilitate this. In addition the use of the garden area will not perceptibly change.

The existing and proposed floor plans show that there is no proposed alteration to the room layouts and therefore the overlooking from the windows serving these rooms will not alter and have therefore also been assessed as being acceptable as they would have been assessed under application 3493/17/HHO.

Overall, the limited impact upon neighbouring resident's amenity is considered acceptable.

#### Highways/Access and other matters:

The Devon County Highways Officer has not objected to this current scheme. It is also noted that in dismissing the previous appeal the Inspector stated the following;

*Paragraph 17 – "Due to the distance from the Conservation Area and the listed cottages the development would not result in harm to the setting of either. Adequate access and parking could be provided and there would be no significant effects on biodiversity or the living conditions of other neighbouring residents."*

Evidently and despite dismissing the previous appeal, the Inspector did not feel that a new dwelling would lead to harmful highways impacts or harm to the heritage assets nearby.

It should be noted that the requested condition in relation to drainage has been worded as being required prior to development commencing. Obviously in this instance the development already exists as the extension is already in situ. The condition would therefore need to be modified so as to require the details prior to the occupancy of the dwelling or the setting out and use of the car parking areas, whichever is the sooner. This would ensure that the requested drainage details are received for approval by the LPA.

Finally, it is also noted that further extension to the proposed dwelling or buildings within its curtilage would have the potential to erode the amenities enjoyed by existing neighbouring residents and lower the amount of outdoor space available to future occupiers. Any planning approval would need to

include a condition removing permitted development rights accordingly so as to ensure such development could not take place without the approval of the LPA.

The Planning Balance:

The current scheme differs in its approach to the delivery of a dwelling in this location from that as dismissed at appeal. These changes relate to the use of an approved extension as a dwelling as opposed to creating a new detached dwelling as was initially proposed.

The internal configuration of the dwelling would not alter from that as exists in the current extension and so any overlooking would remain the same given the occupancy levels of the rooms would not alter.

The curtilage arrangements and boundary treatments seek to overcome previous issues in terms of privacy and amount of space afforded to the new dwelling and No. 83. These provisions, whilst not overly generous, are considered to be adequate and certainly improve upon those as proposed under the previous scheme.

In light of the above, the development will not lead to a loss of amenity that would warrant refusal. The dwelling as proposed utilises the extension, which is an approved design in terms of materials, room layout and location. The development will not result in harm either by way of highways impacts or to the setting of the nearby heritage assets, a matter as has already been confirmed in the appeal decision.

Overall the site is located in a sustainable location and has overcome the issues that resulted in the refusal of the detached dwelling as was proposed under application 2461/16/FUL.

The development is therefore considered to be acceptable in planning terms being both compliant with current and emerging Development Plan policies and not resulting in such harm to the amenities of the site or surrounding area that would warrant refusal of the scheme. The application should therefore be approved.

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

## **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
- SP6 – Density of Housing Development
- SP7 – Strategic Distribution of Housing
- SP18 – The Heritage and Historical Character of West Devon
- SP19 – Biodiversity
- SP20 – Promoting High Quality Design
- SP21 – Flooding

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

BE3 – Listed Buildings

BE13 – Landscaping and Boundary Treatment

H28 – Settlements with Defined Limits

T9 – The Highway Network

PS2 – Sustainable Urban Drainage Systems

PS3 – Sewage Disposal

### **Status of emerging JLP policies for decision makers**

The Plymouth & South West Devon Joint Local Plan has undergone a main modifications consultation (22 Oct – 03 Dec 2018) as part of the examination in public to determine the soundness of the plan. The joint councils are waiting to hear from the Planning Inspectorate (PINS) regarding the next steps. Until PINS provide an update, the JLP councils are unable to commit to a timetable for adoption.

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 all emerging policies are 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 2019 NPPF.

### **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  
DEV10 Delivering high quality housing  
DEV20 Place shaping and the quality of the built environment  
DEV21 Conserving the historic environment  
DEV22 Development affecting the historic environment  
DEV23 Cornwall and West Devon Mining Landscape World Heritage Site  
DEV28 Protecting and enhancing biodiversity and geological conservation  
DEV37 Managing flood risk and Water Quality Impacts

## **Neighbourhood Plan**

The Tavistock Neighbourhood plan area was approved by delegated authority on 27 September 2017 and follows the parish boundary of Tavistock. The plan has not progressed to the next formal stage in the process.

## **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 number(s)

410/06 – Proposed Floor Plans  
410/07 – Proposed Elevations  
Site Location Plan

410/08 Rev. A – Proposed Site Plan

received by the Local Planning Authority on 26 October 2018 and 09 January 2019.

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 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, Class B (roof addition)
- (c) Part 1, Class D (porch)
- (d) Part 1, Class E (a) swimming pools and buildings incidental to the enjoyment of the dwellinghouse
- (e) Part 1, Class G (chimney, flue or soil and vent pipe)
- (f) Part 2, Class A (means of enclosure)

Reason: To protect the appearance of the area to ensure adequate space about the buildings hereby approved and in the interests of amenity

4. The dwelling hereby approved shall not be occupied until the parking areas relating to it and shown on the submitted drawings have been properly consolidated, surfaced, laid out and constructed. The parking 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 parking of vehicles clear of all carriageways in the interests of road safety and amenity.

5. Notwithstanding the submitted information, and prior to the occupation of the dwelling:

1. Drainage details of the car park and access shall have been submitted to and approved in writing by the Local Planning Authority (LPA). If it is proposed to be permeable then it should be designed in accordance with CIRIA C753. Full design details and sectional drawing showing the specification and make up will be required.

2. 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. Prior to first occupation of any residential unit, a scheme to secure mitigation of the additional recreational pressures upon the Tamar European Marine Site, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in full prior to first occupation.

Reason: to ensure adequate mitigation of the impact of the development upon the Tamar European Marine Site.