

## PLANNING APPLICATION REPORT

**Case Officer:** Charlotte Howrihane

**Parish:** Thurlestone **Ward:** Salcombe and Thurlestone

**Application No:** 2498/16/HHO

**Applicant:**

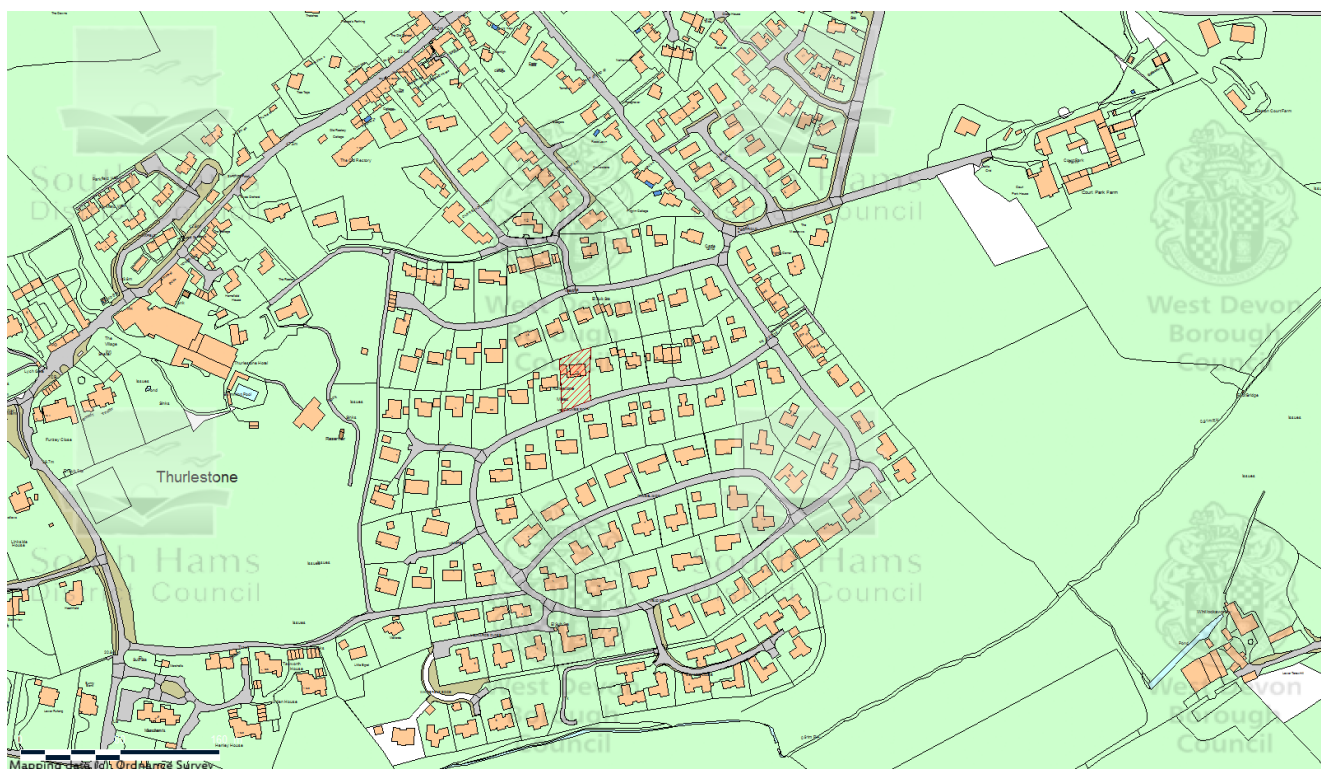
Mr I Gardner  
16 Meadcombe Road  
Thurlestone  
TQ7 3TB

**Site Address:** 16 Meadcombe Road, Thurlestone, Devon, TQ7 3TB

**Development:** Householder application for first floor extension (resubmission of 55/2207/15/F)

**Reason item is before the Committee:** Cllr Pearce has requested the item is brought before the Committee for the following reasons:

- 1) concerns that the proposal impacts on neighbour amenity
- 2) the application seems to be in conflict with policy DP3 which states that proposals should accord with the general level of amenity in the area



**Recommendation:** Conditional approval

**Conditions:**

Time limit

Accord with plans

Materials to match existing

No windows to side or rear elevations

**Key issues for consideration:**

Design, Scale, Neighbour impact, Impact on AONB

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**Site Description:**

16 Meadcombe Road is a two-storey detached dwelling located within The Mead, in the village of Thurlestone. The site has a large curtilage to the front, accessed by a driveway up from the highway, with a smaller, more enclosed amenity area to the rear. At first floor, there is a balcony to the principal elevation, which starts at the centre of the property and runs along to the west, wrapping around the corner and down the side of the dwelling. The side element of this balcony is significantly larger and wider than the front part, and the whole area has a frosted glass privacy screen around it. There are hedges and fences to both sides of the boundary, providing privacy at ground level to the site and its neighbours, no.18 Meadcombe Road (to the west) and no.14 (to the east).

The site is within the Thurlestone Development Boundary, as well as the South Devon Area of Outstanding Natural Beauty.

**The Proposal:**

The application seeks approval for the erection of a first-floor extension to the west elevation. It would extend approximately 4.8m from the existing side elevation, with an eaves and ridge height to match the main dwelling. The siting of the extension would remove the side balcony/terrace area, and reduce the width of the front balcony by 2.4m. The frosted privacy screen would remain to the corner of the remaining balcony, with the clear glazed balcony remaining across the front. Two rooflights to the rear would provide additional light into the extension.

**Consultations:**

- County Highways Authority- no comments
- Parish Council- Thurlestone Parish Council objects to the proposal. Their full response can be seen on line, but the reasons for objecting, in summary, are as follows:
  - *Excessive impact on no.18 and detrimental to properties behind the site*
  - *Obtrusive, overbearing, dominant*
  - *Effect of 'joining' no.18 and no.16*
  - *Area of high amenity which will be reduced by proposal*
  - *Additional enclosure would harm spacious arrangement of properties*

## Representations:

Sixteen letters of objection have been received. The reasons for objection are similar throughout these objections, and can be summarised as follows:

- Overbearing and dominant to neighbours- contrary to DP3
- Conflicts with the original design principles of the Mead Estate of privacy and views
- A precedent would be set for future development
- The current balcony is an eyesore and overlooks gardens
- Previous work at the property may not have acquired the necessary consent
- Previous local compromises regarding the site would be overturned
- Property would look 'connected' to no.18
- Not good design (misaligned windows, not subservient)- contrary to CS7
- Application does not overcome previous reasons for refusal
- The extension will obscure views from properties to the rear
- The applicants are second home owners, and properties which are rarely occupied should not be so large
- Construction traffic on the Mead Estate is already an issue
- The variations from the previous application is marginal and will make little difference- impact will be the same
- Example of 'development by stealth'
- Impact on the light and privacy of no.13 Mead Lane
- The proposal is in violation of a previous agreement (no details on the nature of this agreement given)
- A nearby property (no.20) is being developed and should not have been granted permission.

## Relevant Planning History

- 55/0436/13/F- Householder application for demolition of existing garage structure. Creation of an extension adjoined to the house on a smaller footprint. Extension of existing balcony. Installation of sliding folding doors. Creation of roof terrace. Internal alterations and refurbishment- refused, appeal dismissed
- 55/1836/13/F- Resubmission of 55/0436/13/F for demolition of garage, creation of extension, extension of balcony, installation of sliding folding doors, creation of roof terrace and general refurbishment of dwelling- Conditional approval
- 55/2207/15/F- Householder application for first floor extension- refused, appeal dismissed

## ANALYSIS

### Principle of Development/Sustainability:

The site is within the village development boundary, and as such, the principle of residential extensions is acceptable.

### Design:

The first-floor of the dwelling currently consists of a largely-glazed central element, and a more enclosed, clad section to the eastern side, which projects slightly forward of the central area. The proposed extension would extend 4.8m to the west from this central element (the

distance that the eastern section currently extends) creating a sense of symmetry, and a more balanced appearance at first floor. The windows in the eastern and western sides would be slightly misaligned; whilst this is not the preferred positioning in terms of design, it has been designed in this manner to avoid the frosted privacy screen which is to be retained—moving the window slightly further to the side would mean that the privacy screen would join the property at the mid-point of the window, creating an unattractive design from both outside and inside the property when looking at the window. Officers do not consider this slight misalignment to have such a significant impact on the overall design that it becomes unacceptable.

The extension would be the same height as the main dwelling. It has been noted in an objection that extensions should be subservient, and that this is usually achieved by lowering the ridge height of new development. In this instance, Officers consider that a lower ridge height would have a detrimental impact on the overall look of the site. As previously mentioned, the proposed extension would create an attractive, balanced design, as the proposal would match the existing eastern section of the dwelling. Officers feel that lowering the ridge height of the proposed extension would create a disjointed appearance, which would not be as visually attractive as the current proposal. The NPPF is clear that planning policies and decisions should not attempt to impose architectural styles, or particular tastes (paragraph 60), and Officers are satisfied that the design proposed is acceptable.

#### Landscape:

The site is within the AONB, but also part of a residential estate. Meadcombe Road is host to varying sizes and styles of property, ranging from bungalows, to large two-storey dwellings. The properties are generally characterised by large open front curtilage space, with smaller, more enclosed gardens to the rear. No 16 is largely screened from the highway by trees and hedged, and due to this large front amenity area, is set back from the road. The proposed extension would therefore not have a detrimental impact on the existing residential character of the Mead Estate, and the street scene would not be significantly altered.

Previous appeal decisions, and recent objections have noted the spacious arrangement between properties. It has also been suggested by objectors and the Parish Council that the proposal would have the effect of 'connecting' the site with no.18, due to the size of the extension. The properties along this section of Meadcombe Road are staggered, so that no.18 is set forward of no.16; the principal elevation of no.18 is over 7m further forward than that of the application site, and the rear elevation roughly aligns with the front elevation of no.16. When looking at the two dwellings on site, there is no position where they appear to be directly opposite one another. The extension would be approximately 2.8m from the boundary, and east elevation of no.18 a further 2.5m from this boundary, forward of the proposed extension. The space between the two sites is already interrupted by the frosted privacy-screen (1.8m high). Taking all of these factors into consideration, Officers consider that the separation distance between the two properties would be acceptable, and that the properties would still clearly be two detached dwellings, with sufficient spacing between the sites, preserving the existing characteristics of the local landscape.

Officers must also give great weight to the preservation of the AONB when considering any proposal. Given the residential character and urban nature of the immediate surroundings, and the relatively small scale proposal, Officers are satisfied that the extension would not compromise the scenic beauty of this designated area. The proposal therefore accords with local landscape policies, as well as the relevant paragraphs within the NPPF.

The previous application refusal and subsequent appeal dismissal acknowledged that the original proposal, with the larger extension, did not have a significant impact on the street scene or harm the wider AONB setting, and this position remains the same when considering this new, smaller extension.

### Neighbour Amenity:

The proposed extension would have no windows to the side or rear elevations, and so would not create any additional opportunities for overlooking into the neighbours to either the west or the rear.

A previous application has been refused due to the overbearing impact on the rear garden of no.18. The extension previously proposed was larger, and would have extended right out to the boundary of the property, and would have dominated the neighbouring property. Officers agree that this was an overbearing extension, but believe the current proposal to have addressed the key concerns of this previous application. The extension currently proposed is not as wide as this previous proposal, and as previously mentioned, there would be a degree of separation between the two dwellings. By reducing the width of the extension, there would be a section of flat roof between the extension and the boundary of no.16, as well as the additional distance to the boundary, providing a feeling of separation from the boundary. Having been to the site and the rear garden of no.18, and noting the existing impact of the frosted privacy screen and blank elevation of the application site, which already creates a sense of enclosure to the neighbouring garden, Officers are satisfied that, on balance, the proposal would not have such an additional impact on the neighbour at no.18 as to be overbearing, and unacceptable.

As mentioned earlier in the report, the proposal involves the removal of the existing side terrace area, and reducing the width of the balcony along the principal elevation. It is currently possible to stand on this side terrace area and look directly into the garden of no.18. The proposed extension would remove this overlooking issue, and the position of the front balcony, which would retain a frosted privacy section to the western corner, means that there would be no similar overlooking opportunities. The proposal would therefore enhance the privacy enjoyed in the rear garden, which has previously been acknowledged by Inspectors as having a 'high degree of enclosure', as there would be no position from no.16 which would overlook the garden. Any noise or disturbance from the current use of this extensive terrace would also be removed. A condition would be added to any approval to prevent windows being inserted into the side elevation of the extension, as this would be unacceptable to the amenity of no.18.

Concern has also been raised from neighbours at no.13 Mead Lane, behind the site, that the proposal would have a harmful impact on the amenity of properties to the rear. Mead Lane is in an elevated position above Meadcombe Road, and so these properties look over the dwellings below, and out to the views of the countryside and to the sea. Whilst the proposed extension would be visible from no.13 Mead Lane, and other properties along this road, the impact is considered to be minimal. Space would remain between the application site and no.18, and the general appearance of these properties from Mead Lane would not be significantly altered. As the rear garden of no.13 Mead Lane backs onto the application site, Officers would also suggest a condition preventing the installation of any windows to the rear of the proposed extension, which would prevent any harmful impact to people using this rear garden. There are also concerns that the proposal would result in loss of light to the garden of no.13. Due to the elevated position of Mead Lane above the application site, and the small scale of the proposal, Officers do not consider any loss of light to be so serious as to warrant

a refusal of the application. Suggestions that the proposal would affect the views from Mead Lane are noted, but this is not a material planning consideration.

Whilst the proposed extension would clearly be visible from neighbouring properties, Officers have concluded, for the reasons above that, that the impact to neighbours would not be unacceptable, and would not warrant a refusal of the application. Subject to the conditions proposed regarding windows, the proposal is therefore considered acceptable with regard to neighbour amenity and policy DP3.

Highways/Access:

No highways issues

Other matters:

The objections from the Parish Council, and many of the objections from third parties have been addressed previously in the report. Any outstanding points will be addressed below:

*A precedent would be set for future development-* each planning application is determined on its own merits, and this will apply to any future development proposed, either on the site or elsewhere.

*Previous work at the property may not have acquired the necessary consent-* Officers can only consider the proposal as submitted, and there is no indication of enforcement action on the site.

*Previous local compromises regarding the site would be overturned/ The proposal is in violation of a previous agreement (no details on the nature of this agreement given)*

No details have been provided as to the nature of these 'local compromises' or agreements. If legal agreements or covenants would be breached, this is a civil matter and not a material planning consideration.

*Application does not overcome previous reasons for refusal-* Each application is considered on its own merits, although Officers have examined the site history in some detail. For the reasons given above, the application is considered to be acceptable.

*The applicants are second home owners, and properties which are rarely occupied should not be so large-* This is not a material planning consideration, and the scale of the proposal has been considered above.

*Construction traffic on the Mead Estate is already an issue-* Case law has previously determined that disturbance during construction is not a reason to refuse a planning application.

*Example of 'development by stealth'* the application has been submitted, advertised and determined in the manner required by law. Each application submitted on the site is considered on its own merits in accordance with local and national planning policies.

*A nearby property (no.20) is being developed and should not have been granted permission.* This is a separate site and has nothing to do with the current application. Each application is determined on its own merits.

In summary, the proposed extension is considered to present an attractive design, with a minimal impact on the surrounding landscape. The proposal would have an impact on neighbours, but subject to condition, this is not considered to be unacceptable, and the application is therefore recommended for conditional approval.

*Suggested 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 plans 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 the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting this Order) no openings other than those authorised by this permission (if any) shall be at any time be inserted in the side or rear elevations of the development hereby permitted, without the prior permission, in writing of the Local Planning Authority. Reason: To protect the amenity of neighbours.
4. The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those of the existing building, unless amendments have been agreed in writing with the Local Planning Authority. Reason: In the interests of visual amenity.

***This application has been considered in accordance with Section 38 of the Planning & Compulsory Purchase Act 2004***

**Planning Policy**

***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

**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.