

PLANNING APPLICATION REPORT

Case Officer: Jenny Draper

Parish: Wembury **Ward:** Wembury and Brixton

Application No: 0468/19/HHO

Agent/Applicant:

Mr Lee Ferris
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PL4 0EG

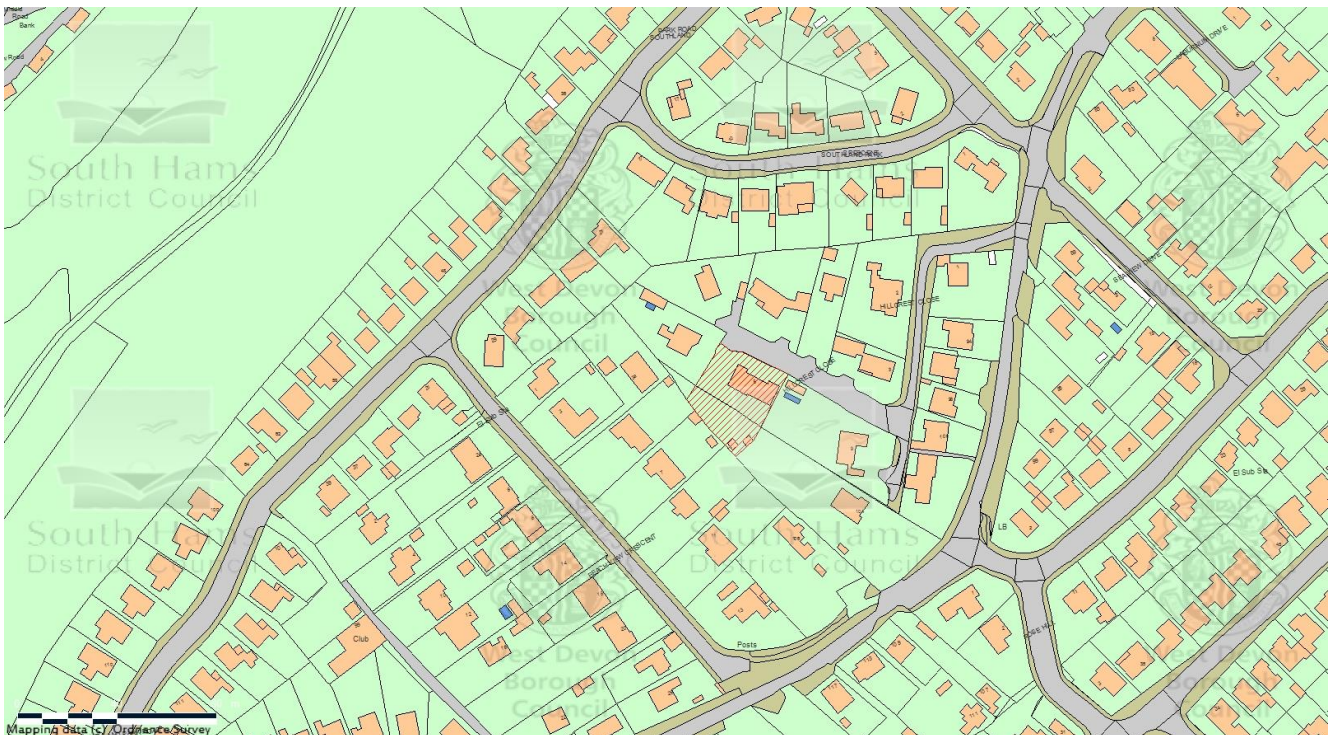
Applicant:

Miss R Mole
Little Tredinnick
Two Waters Foot
Liskeard
PL14 6HX

Site Address: 8 Hillcrest Close, Wembury, PL9 0HA

Development: Householder application for conversion and extension of single storey bungalow to create new first floor above existing ground floor accommodation; Retained existing ground floor fabric to be thermally upgraded and re-clad and existing accommodation reconfigured; new adjoining flat roofed carport and garden store to be created; existing hardstanding to be adapted to suit new parking arrangement (Resubmission of 2918/18/HHO)

Reason item is being put before Committee: Cllr D Brown has called this application to DM Committee on the grounds of its potential overbearing impact on the AONB and the potential impact on neighbouring properties.



Recommendation:
Conditional Approval

Conditions

All pre-commencement conditions have been agreed by the agent by email received 1/5/2019.

Commencement within three years
Accord with plans
Material details to be agreed
Adherence to ecological mitigation recommendations
Boundary retention
No business or commercial use
CMP to be submitted and agreed
Obscure glazing to be fitted in bathroom
Flush fitting rooflights
Surface water drainage system to be agreed
Foul water system to be approved
Flue to be painted black or grey
Car port to remain as storage for domestic vehicles
Application required for the decking if over Permitted Development criteria

Key issues for consideration:

Impact on surroundings in terms of visual impact, design quality, scale.
Impact on privacy
Landscape impact as it is in the AONB

Site Description:

Hillcrest Close is a cul-de-sac of residential properties of mixed styles and sizes within the village of Wembury.

The road is unmade and the properties have off road parking arrangements.

No 8 is a single storey dwelling with an attached garage, gardens to the front of 5.6m from the highway to the dwelling, a side garden and a larger wedge shaped garden to the rear, measuring between 16.4m and 22.8m from the dwelling to the boundary.

The site is within an Area of Outstanding Natural Beauty and Flood Zone 1.

The Proposal:

Extension of a single storey bungalow to create a new first floor above the existing ground floor accommodation, creating accommodation within the roof void by raising the roof ridge by 1.73m and the addition of a flat roofed rear dormer. The existing ground floor fabric will be thermally upgraded and re-clad and existing accommodation reconfigured. A new adjoining flat roofed carport and garden store is to be created and the existing hardstanding is to be adapted to suit new parking arrangement. The increase in floor space is achieved using the existing footprint of the bungalow, extending the raised roof void over the existing garage and is to be increased only by the addition of the carport and store.

The existing bungalow has four bedrooms and the proposed dwelling proposes three bedrooms within the roof void and one bedroom on the ground floor, therefore there is no increase in the total of bedrooms.

The materials to be used include slate, timber and render, all of which are utilised to varying degrees throughout the Wembury area.

Consultations:

- County Highways Authority No Comments
- Parish Council- original objection received:
 - There are very strong local objections.
 - Over-development
 - Overbearing, overlooking, totally out of character with street scene.
 - Visited number 7 Beach View Crescent, they and other neighbours object, overlooking, massive structure.
 - Significant overlooking and loss of privacy.
 - An overbearing increase in the layout and density of building.
- The Parish have responded to the revised plans and comment further to their original objection:
The re-submission of this planning application does little to change the invasion of privacy and will surely prompt numerous letter of objection.

Representations:

Representations from Residents

Two letters of support has been received and a total of 78 objections have been received for both the application and the revised re-advertised scheme– although some concerned people have sent in multiple letters and it is actually 43 individuals concerns that have been raised against the development.

The comments cover the following points:

- Over dominance
- Balcony will cause overlooking of the dwellings to the rear
- Highway safety issues
- Adverse impact on the character of Hillcrest Close
- Design is out of character – looks like a commercial property
- Concern that a business will be run from the dwelling
- Impact on privacy to side and rear
- Doubling the height and footprint of the original bungalow, totally out of scale
- Carport could cause noise and fumes nuisance
- No other two storey houses in Hillcrest Close
- Over shadowing the living room, bedroom and front garden of No7 Hillcrest Close

Relevant Planning History

Historical planning approvals from 1977 to 1981

LA_Ref	58/0571/80/3: FUL
Proposal	First floor extension to existing bungalow
SiteAddress	8 Hillcrest Close Wembury
Decision	Conditional approval: 30 May 80

LA_Ref	58/0325/81/3: FUL
Proposal	Extension
SiteAddress	8 Hillcrest Close Wembury
Decision	Conditional approval: 02 Apr 81

LA_Ref	58/0927/77/3: FUL
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Proposal
SiteAddress
Decision

Extension to private dwelling
8 Hillcrest Close Wembury
Conditional approval: 16 Sep 77

ANALYSIS

Principle of Development/Sustainability:

According to the Joint Local Plan, Policy SPT1 states that the Local Planning Authority will support growth and change that delivers a more sustainable future. Using a material palette of local distinctiveness respects the sense of place.

Wembury is a well-established community with shops, school and community facilities including transport links and complies with Policy SPT2 of the JLP.

The JLP does not define settlement boundaries but this proposal is for the remodelling of an existing dwelling in a residential area of the thriving village of Wembury, therefore in accordance with Policy TTV1 and TTV2 of the JLP.

It is therefore regarded that the principle of development conforms to the above JLP policies and is acceptable.

Design/Landscape:

The site is within an Area of Outstanding Natural Beauty and in accordance with policies DEV23 and DEV25 of the JLP and paragraph 172 of the National Planning Policy Framework which gives great weight to conservation and enhancement of the AONB, a development would not be permitted if deemed to be harmful to the landscape character of the designated area.

Being firmly within the settlement in a suburban setting, as an extension to an existing dwelling and given the mix of housing types in this locality and the proposed use of materials seen in the surroundings, the development has no discernible landscape impact on the Area of Outstanding Natural Beauty and therefore no adverse impact on the AONB.

The recommendation of approval has a pre-commencement condition of submission and agreement of a Boundary Management Plan to include the retention and additional planting to the boundary treatments. This will enhance the existing tree boundary and increase the density of the privacy that the boundary creates.

The inclusion of a flat roof dormer is acceptable in this instance as it is on the rear roof slope and flat roof dormers are not unusual within Wembury.

It is the purpose of this application to extend the dwelling as it stands now and the Local Planning Authority considers and assesses the existing building and the proposals put forward in each case. The proposal is not considered overdevelopment of the site, as the development is using the existing building and only increasing the footprint by the addition of the car port, which is an increase of 30.7m² within the good sized plot.

In assessing the increase of 1.7m to the ridge height, a comparison was made with the heights and styles of the surrounding dwellings. A number of the neighbouring dwellings, particularly to those to the north side of Hillcrest Close, have higher roof profiles allowing them to make use of the roof space. Others have had flat roof dormers, gabled roof extensions, many shapes and sizes can be seen in Wembury. Having regard to the pattern of local development and the wider development surroundings, this proposal is in accordance with JLP Policy DEV20.

The original proposal was to increase the ridge height by 2.5m above existing roof height but this was deemed as an unnecessary increase that created a top heavy building that could cause an unacceptable dominance on the surroundings.

The applicant provided an amended design and this application before Committee proposes an increase of 1.7m above the existing roof height. It is felt that this increase is acceptable, in that it will not be dominant on any surrounding dwellings due to the distance between them and using the materials proposed. The proposed building now has a well-balanced visual impact.

In considering the final proposal, it is noted that Hillcrest Close has many styles of dwelling that includes 2 storey houses, dormer bungalows (many that have been added to by way of dormers) and bungalows. There are many dwellings here and in Wembury in general that have accommodation within the roof void. The proposed application is therefore in keeping with the range of styles of the locality.

The materials proposed for the build are use of natural slate, render and timber are materials that can be seen in Wembury and reflects a local palette hence making the building in keeping with the residential area.

Neighbour Amenity:

This application is the culmination of amendments made to the original scheme 2918/18/HHO submitted and withdrawn to reduce the height of the dwelling on the recommendations of the officer in accordance with the Joint Local Plan Policy DEV1, which supports good residential amenity.

The subsequent application has been further reduced in height, making a total 800mm reduction and the revised plans re-advertised for further consultation.

The revised design creates a well-balanced design and eliminates the previous top heavy dwelling.

The proposed front/north elevation has no additional windows overlooking the highway or neighbours to the north. Instead, the use of rooflights and fixed glazing panels has been proposed within the front roof slope. This is to maintain privacy from and for the neighbours sited approximately 23.3m and 41.5m across the highway.

The rear dormer has three Juliet balconies to the bedrooms and one to the study, each of these screens will be obscure glazing. It is felt that the views from the bedrooms and study will be restricted by both the obscure glazing of the Juliet screens and the trees in the rear boundary. The 29m² of glazing in the rear dormer is broken up with timber panels and presents a modern addition to this elevation.

Given that this property is in the heart of an established urbanisation with many examples of various styles of glazing, the proposed dormer will not cause unacceptable harm in the surroundings or adversely affect the wider AONB.

It is the opinion of the Local Planning Authority that this development will cause no overshadowing or loss of light to the occupiers of 7 Hillcrest Close as the buildings are currently 20m apart and it is not deemed that a car port will have an overshadowing effect on that neighbour as there is a substantial green tree/hedge boundary between the properties.

The proposed window on the west elevation has been designed with the addition of a Brise Soleil – a fixed timber slatted screening that prevents direct views being achieved to the west and number 7 Hillcrest Close while allowing more light to enter the room and introducing an interesting design feature. A condition for full joinery details of this element will be used to ensure delivery of the intended screening properties.

The distance between the new development and the dwellings is between 33m and 46m and considered to be far enough to cause little overlooking. The area is a dense residential area and there is no total privacy from neighbouring properties.

The indicative decking area indicated on drawing No.18104-SA-00-ZZ-DR-A-0101-P03 is not considered as part of this application. Putting up decking, or other raised platforms, in your garden is permitted development, not needing an application for planning permission, providing: The decking is no more than 30cm above the ground level. If the decked area is to have a balustrade then this would be far more than the 30cm limit. The application drawings only show an indicative image of decking and no further information. The Local Planning Authority would need more information regarding heights and balustrade details to assess any possible privacy issues before agreeing to a decking area and a further planning application will be required.

Highways/Access:

The Devon County Council Highways Authority have raised no concerns regarding this application. It is the intention, if the application is approved, to condition the submission of a Construction Management Plan to ensure that working hours and noise/dust nuisance is considered and managed as agreed by the Local Planning Authority. Hillcrest Close is an unmade road and the Construction Management Plan will ensure proper management of the construction process in order to avoid any damage.

The existing dwelling has a drive and garage on the eastern side and a further vehicular entrance on the western side. There is currently a hardstanding on the western side for two vehicles and the proposal is to widen this entrance to accommodate the passage of two vehicles into the proposed attached car port. This in effect is no increase to the existing facility for parking at this end of the site. The widening of the access will have no impact on the users of Hillcrest Close because it is at the end of a cul-de-sac and has no passing traffic.

This proposal has been considered in accordance with JLP Policy Dev29.

Objections that the carport could cause noise and fumes nuisance.

This is not a concern as vehicles can already be parked on the existing hardstanding area and in the area of the proposed car port without planning permission being required. The car port will, in effect, be further away from the neighbour than the existing hard standing and create a physical barrier that will enhance the screening of the vehicles.

Any noise and fumes nuisance should be reported and dealt with under Environmental Health legislation.

The carport will be conditioned, if approved, to remain for the use of vehicles.

Drainage:

The area is not within a Flood Zone or Critical Drainage Area and the application indicates an existing septic tank and soakaway that will be used.

Conditions will be used to confirm the size for the soakaway and the condition and size of the septic tank will be submitted and approved by the Authority's drainage officer.

The development is over an existing dwelling and the only increase to the hard surface area will be the addition of the car port. The current car hardstanding area is 45.6m² and this is to become the drive and car port and store area. The increase in hard surface area is 30.7m² and it is a requirement to provide an adequately sized soakaway for this addition.

With the proposed conditions the proposal will accord with the JLP policy DEV35 Flood Risk and Water Quality.

Biodiversity

The submitted ecological assessment survey undertaken by Tor Ecology dated 19th October 2018 concluded that the site offered negligible potential for roosting bats due to the limited suitable features available. It makes recommendations which have been included as a condition of this approval if granted.

Other Matters:

Objections which raised concern that a business will be run from the dwelling.

The design includes the creation of a large office and seating area on the upper floor. The applicants are both medical professionals and require an area for each of them to have a desk. They also intend to use the area for personal fitness using gym equipment and a seating area to enjoy the views towards the sea.

This application is seeking consent for a domestic extension and is not for a change of use to run a business. There is no separate public entry way and not part of the consideration of this application.

Conclusion:

This is a householder application for the enlargement of an existing bungalow by way of raising the ridge by just over 1.7m and using the roof void to create three bedrooms, a bathroom and a large study/seating area.

The agents and applicants have worked with the Local Planning Authority amending their proposal in line with the recommendations from the officer.

It is now felt that the current application before you is acceptable in terms of design, impact on the neighbouring properties and the surroundings.

This application is therefore recommended for approval subject to appropriate conditions.

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. For the purposes of decision making, as of March 26th 2019, the development plan for Plymouth City Council, South Hams District Council and West Devon Borough Council (other than parts South Hams and West Devon within Dartmoor National Park) comprises the Plymouth & South West Devon Joint Local Plan 2014 - 2034.

Following adoption of the Plymouth & South West Devon Joint Local Plan by all three of the component authorities, monitoring will be undertaken at a whole plan level. At the whole plan level, the combined authorities have a Housing Delivery Test percentage of 166%. This requires a 5% buffer to be applied for the purposes of calculating a 5 year land supply at a whole plan level. When applying the 5% buffer, the combined authorities can demonstrate a 5-year land supply of 6.5 years at the point of adoption.

Adopted policy names and numbers may have changed since the publication of the Main Modifications version of the JLP.

The relevant development plan policies are set out below:

The Plymouth & South West Devon Joint Local Plan was adopted by South Hams District Council on March 21st 2019 and West Devon Borough Council on March 26th 2019.

DEV1 Protecting health and amenity

DEV2 Air, water, soil, noise, land and light

DEV20 Place shaping and the quality of the built environment

DEV23 Landscape character

DEV25 Nationally protected landscapes

DEV26 Protecting and enhancing biodiversity and geological conservation

DEV29 Specific provisions relating to transport

DEV35 Managing flood risk and water quality impacts

Neighbourhood Plan – the Wembury Neighbourhood Plan is in the process of being designated and holds no policy weight.

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. Standard time limit

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. Adherence to plans

The development hereby approved shall in all respects accord strictly with drawing numbers 18104-SA-00-ZZ-DR-A-1102-P03 (Proposed South and West Elevations), 18104-SA-00-ZZ-DR-A-1101-P03 (Proposed North and East Elevations), 18104-SA-00-ZZ-DR-A-0101-P03 (Proposed Floor Plans), 18104-SA-00-ZZ-DR-A-2101-P03 (Proposed Sections) received by the Local Planning Authority on the 12th April 2019 and 18104-SA-00-00-DR-A-0001 (Site Location Plan) received by the Local Planning Authority on the 20th February 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. Materials samples

Prior to their installation details of facing materials and of roofing materials to be used in the construction of the proposed development shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with those samples as approved and thereafter retained.

Reason: In the interests of visual amenity

4. Adherence to ecological mitigation recommendations

Following the recommendations of the Ecologist in the submitted report from Tor Ecology dated 19th October 2018, works shall be undertaken in the following manner:

- Any works to remove roof coverings shall be undertaken carefully by hand, checking for bats and droppings throughout.
- A suitably licensed ecologist shall be present during works to remove the roof coverings.
- In the unlikely event that bats (or signs of bats) are discovered during construction, works shall cease immediately and a licensed bat ecologist be contacted for advice.
- Site operatives shall be made aware of how to recognise the signs of bats during construction as per the guidelines set out in Appendix II.
- two 2FE Schwegler Wall-Mounted Bat Shelter shall be attached to the south or east elevation of the refurbished dwelling at a height of over 2m from the ground.

Reason: For the protection of protected species in line with current legislation, The Wildlife and Countryside Act (as amended) 1981.

5. Boundary retention and management

No existing boundary vegetation (trees and hedgerows) shall be cut, managed or removed from the site until a plan for the management of the existing boundary vegetation, including the planting of additional native vegetation to increase the density, is submitted to and approved in writing by the Local Planning Authority. The boundaries shall thereafter be managed in accordance with the approved management plan.

All elements of the Boundary Management Scheme shall be implemented in the first planting season following reasonable completion of the development of the dwelling and maintained in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority. Any plant that dies, is removed or fails to thrive within the first five years after implementation shall be replaced with a plant of the same specification unless otherwise agreed in writing with the local planning authority.

Reason: In the interest of public amenity and the conservation and enhancement of the local landscape character and the natural beauty of the AONB.

6. CMP to be agreed prior to commencement

Prior to commencement of any part of the site the Planning Authority shall have received and approved a Construction Management Plan (CMP) including:

- (a) the timetable of the works;
- (b) daily hours of construction;
- (c) any road closure;
- (d) hours during which delivery and construction traffic will travel to and from the site, with such vehicular movements being restricted to between 8:00am and 6pm Mondays to Fridays inc.; 9.00am to 1.00pm Saturdays, and no such vehicular movements taking place on Sundays and Bank/Public Holidays unless agreed by the planning Authority in advance;
- (e) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits;
- (f) the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the construction phase;
- (g) areas on-site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste with confirmation that no construction traffic or delivery vehicles will park on the

County highway for loading or unloading purposes, unless prior written agreement has been given by the Local Planning Authority;

- (h) the means of enclosure of the site during construction works; and
- (i) details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site
- (k) details of wheel washing facilities and obligations
- (l) Details of the amount and location of construction worker parking.
- (m) site management arrangements, including the site office and developer contact number in the event of any construction related problems, and site security information.
- (n) Photographic evidence of the condition of adjacent public highway prior to commencement of any work;

This CMP shall be strictly adhered to during the construction of the development hereby permitted, unless variation is approved in writing by the Local Planning Authority.

Reason: In the interests of residential amenity, public convenience and highway safety and preventing inconvenient obstruction and delays to public transport and service vehicles and to emergency vehicles.

7. Obscure Glazing

The upper floor bathroom window on the east elevation shall be obscure glazed, fixed shut or top opening only and permanently retained as such.

A sample of glass to show the obscurity (Level 4 or 5) of the glazing in the Juliet screens shall be submitted to and agreed by the Local Planning Authority prior to the installation of the screens.

Reason: In the interests of the residential amenities of the adjoining occupiers particularly to protect privacy.

8. Rooflights to be flush fitting

The rooflights shall be fitted so as to be flush with the roof profile.

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

9. Surface water soakaway details

Notwithstanding the submitted details, prior to the installation of any part of the surface water drainage scheme or before development continues above slab level, whichever is the sooner, full details to confirm the condition and capacity of the existing surface water drainage scheme shall be submitted to and approved in writing by the LPA. Design steps are:

- Percolation testing in accordance with DG 365 will be required to support the re-use of the existing soakaway. The report should include the trial logs and calculate the infiltration rate.
- Soakaway design to demonstrate it can accommodate additional surface water 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 offsite discharge should be limited to greenfield runoff rate. Full details of the flow control device including head/discharge relationship will be required.

If the calculated Greenfield runoff rate is too small to be practically achievable, then a maximum offsite discharge rate of 1.0l/s can be considered. Which is achievable in most cases with suitable pre-treatment and shallower storage depth.

- 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.

10. Foul drainage details to be approved

Notwithstanding the submitted details, prior to the installation of any part of the foul drainage scheme or before development continues above slab level, whichever is the sooner, full details to demonstrate the condition and capacity of the existing foul drainage scheme, shall be submitted to and approved in writing by the Local Planning Authority. Details to include a location plan, cross sections/elevations, specification to confirm it meets the current standards and its capacity to accommodate foul sewage from proposed development. Please note if the existing system doesn't meet the current standards then a new treatment plant should be used instead of septic tank.

Reason: In the interests of the prevention of pollution.

11. Flue colour to be black or grey

Notwithstanding the details shown on the approved plans, all approved flues shall be finished in a matt black or grey colour and shall project the minimum height above the roof plane as required to comply with the Building Regulations requirements.

Reason: To ensure that the development displays good design practice in respect of the surrounding area.

12. Retention of car port for storage of domestic vehicles

The car port and storeroom hereby approved shall only be used in connection with the adjoining dwellinghouse as a domestic garage and store and shall not be converted into additional accommodation.

Reason: To safeguard the amenity and character of the surrounding area and preserve adequate off road parking facilities.

13. Application required for the decking

Notwithstanding Condition 2, the timber decking marked as indicative on drawing No 18104-SA-00-ZZ-DR-A-0101-P03 at the rear of the dwelling is not approved by this consent.

Reason: Full detail have not been provided to properly assess any possible privacy issues before agreeing to a decking area.

14. Joinery details of the Brise Soleil on the west elevation

Prior to the installation of the dormer, full joinery details of the timber slatted screen (Brise Soleil) on the west elevation shall be submitted to and approved in writing by the Local Planning Authority. Such details shall be at 1:20 or 1:50 and shall include cross sections, profiles, reveal, finish and colour. The work shall thereafter be carried out in accordance with the approved details and shall be permanently retained in that form unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure that there is no ability to overlook the neighbouring property and preserve privacy.