

## PLANNING APPLICATION REPORT – Householder Developments

**Case Officer:** Chris Mitchell

**Parish:** East Allington

**Application No:** 3851/18/HHO

**Agent:**

Andrew Lethbridge Associates  
102 Fore Street  
Kingsbridge  
TQ7 1AW

**Applicant:**

Dr & Mr Kiddey & Woods  
7 Greenhill Terrace,  
Greenhill  
East Allington  
TQ9 7RB

**Site Address:** 7 Greenhill Terrace, Greenhill, East Allington, TQ9 7RB

**Development:** Retrospective householder permission for the erection of replacement single storey extension on rear elevation

**Reason item is being put before Committee:** Whilst a significant proportion of the extension can be built under Permitted Development concern is still raised with the scale and massing of the rear extension and impact upon neighbouring properties.





## **Analysis**

### **Principle:**

The property is situated within the settlement of East Allington and the principle of extending a dwelling is acceptable subject to scale, massing and impact upon neighbouring properties. Therefore the extension is compliant with Joint Local Plan Policies SPT1 (Delivering sustainable development) and SPT2 (Sustainable linked neighbourhoods and sustainable rural communities).

The existing rear extension whilst large has replaced a previous extension of the same footprint though it was fully glazed with windows and a clear glazed roof. The agent has submitted photographs of said extension within their support planning statement. The replaced extension has solid walls thereby increasing the massing of the extension, however, officers are mindful that under permitted development an extension of 3m in depth by 3m in height could be built without the need for planning permission. When considering these measurements the increased depth of the extension is 1.4m and 0.6m in height from that of the previous extension as shown on drawing number ACL.1106.201 Rev C.

The constructed raised decked area is unacceptable and result in significant loss of privacy to neighbouring property. Initial discussion was had with agent for the erection of a privacy screen to overcome this issue though on reflection officers considered such screens would result in further increasing the massing of the extension. It is therefore recommended that the decked area should be removed in its entirety.

### **Design:**

Concern has been raised by neighbours to the massing and finish of the extension and after negotiations with officers a reduction in height by 0.2m of the building has been agreed and shown on drawing ACL.1106.201 Rev C. This assists in reducing the massing of the building and therefore officers do not consider it to be of such significance to warrant the refusal of this application. It has been agreed that a rough render finish and lighter colour would improve the appearance of the extension and it is recommended that a condition for details to be submitted would be placed on any permission granted.

The rear decked area as detailed above results in an unacceptable level of overlooking to neighbouring property's private garden and should be omitted. However, access is required to the rear garden so it has been agreed with officers that raised decked area of 4.2m in length by 1m depth and set 2.3m away from north west boundary to No. 6 with steps down into the garden has been agreed. It is recommended that a condition of compliance shall be placed on any permission granted that the existing decked area shall be reduced to these dimension within 2 months of the date of any planning permission granted.

The extension is considered to comply with Joint Local Plan Policy policies DEV20 (Place shaping and the quality of the built environment) and DEV23 (Landscape character) as the reduction in height and proposed use of a rough cast case render does not result in significant visual harm upon the local landscape character.

### **Neighbour issues:**

The objection by the neighbour at No. 6 Greenhill Terrace to the extension's dominance and loss of light is noted though as detailed previously it must be considered that the applicant could build an extension up to 3m in depth and 3m in height under permitted development rights of the property. This would result in a solid massing upon neighbouring property and whilst the proposed extension exceeds the permitted development allowance by 0.6m height and 1.4m in depth. It is also noted that the extension has been stepped away from the boundary by 1m though this does not overcome the issue of massing.

The extension is of similar depth to that of No. 8 Greenhill Terrace and the walls of the extension are to be finished in a light coloured render that will reflect light back into the neighbouring property's windows.

Officers have discussed the case with the Heritage Specialist who advises that a rough cast light coloured render would improve the appearance of the extension upon the cottages. A condition for the colour and finish of the render will be conditioned with any approval given.

The comment that the proposal fails to comply with the 45 degree rule is noted though this is guidance on extensions to properties and officers consider the impact upon neighbouring properties in respect to right to light and issue of dominance, each case is judged on its own merits. It should be noted that if the neighbour built an extension under the properties permitted development allowance it would breach this rule.

The objection by No. 6 Greenhill Terrace to the loss of light to the room adjacent to the extension that is a kitchen/dining room is noted. This kitchen/dining room does benefit in having two other light sources along this rear elevation consisting of a glazed back door and window. Therefore together with reduction in height of the building by 0.2m thereby reduces its massing and is not considered to result in the significant loss of light to the rear room of No. 6.

The extension and rear raised decked area does not result in any dominance to No. 8 Greenhill Terrace as it is of a similar depth.

The objection that the roof should match that of existing property is noted though modern extensions are permitted subject to their design and officers must be mindful that under permitted development with flat roof extensions are permitted and therefore this concern cannot be an overriding reason to refuse this application.

The installed high level window on the east elevation is not above the standard 1.7m height and so it is recommended that a condition is applied to ensure that this window is fitted with obscure glass and is fixed closed to ensure no overlooking into neighbouring property of No. 6.

The concern raised that such an extension would harm the character and appearance of the existing terrace of houses is noted though it is of a modern and contemporary style that subject to the finish and colour that is not harmful to the terrace of properties. The property is not as claimed set with the AONB and would not set a precedent as each application is judged on its own merits and therefore cannot be a reason for refusing this application.

The objection to the raised decked area is noted and has been reduced in size to 1m in depth by 4.2m in length platform with steps down into the rear garden. Whilst there would be an element of overlooking from the rear raised decked area it is only 1m in depth off the extension and would not permit persons the ability to sit and overlook No. 6 private garden. Therefore in officer's opinion the revised plan has removed the previous objection and concerns raised by the Local Planning Authority to significant loss of privacy.

There is no overlooking achieved from the decked area to No. 8 Greenhill Terrace as a privacy screen is proposed and it is noted that a 1.8m privacy screen has been erected on the western elevation of the raised decked area and ensure no overlooking to No. 8 rear garden. With the revised decked area a privacy screen is proposed to be installed to ensure the privacy with No. 8 garden and therefore an appropriate condition would applied to any planning permission granted.

The extension is considered to comply with Joint Local Plan Policy DEV2 (Air, water, soil, noise, land and light) as the extensions massing does not result in the significant loss of light to neighbouring property and the reduced raised decked area and steps has removed the ability to sit out and overlook neighbouring property's private garden.

### **Drainage:**

There is no increase in additional toilet facilities and the surface area of the extension is of same size as previously sited on the site. Therefore the application comply with Joint Local Plan Policy DEV 35 (Managing flood risk and Water Quality Impacts).

### **Conclusion:**

The rear extension is acceptable and does not result in the significant loss of light into the rear kitchen/dining room of neighbouring property of No. 6 Green Hill Terrace. Whilst the extension is of modern and contemporary design it does not result in harming the character and appearance of the existing terrace or local area.

***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**

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.**

SPT1 Delivering sustainable development  
SPT2 Sustainable linked neighbourhoods and sustainable rural communities  
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  
DEV26 Protecting and enhancing biodiversity and geological conservation  
DEV35 Managing flood risk and Water Quality Impacts

## **Neighbourhood Plan**

There is no proposed neighbourhood plan for this area.

### **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. Within two months of the date of this permission all alterations to the extension and raised decked area shall be undertaken in accordance with drawing number ACL.1106.305 Rev A received by the Local Planning Authority on 17<sup>th</sup> April 2019, drawing numbers ACL.1106.204 Rev B and ACL.1106.205 Rev A received by the Local Planning Authority on 12<sup>th</sup> April 2019 and drawing numbers ACL.1106.200 Rev B and ACL.1106.201 Rev C received by the Local Planning Authority on 15<sup>th</sup> March 2019 and drawing number ACL.1106.001 received by the Local Planning Authority on 27<sup>th</sup> November 2018 and shall thereafter be retained and maintained.  
Reason: To protect the amenity and privacy of residents of adjoining property.
2. A sample of the colour/finish of the rough cast render of the extension shall be submitted to and agreed in writing with the Local Planning Authority and shall thereafter be retained and maintained.  
Reason: To protect the amenity and privacy of residents of adjoining property.
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) the high level window hereby approved on the east elevation of the extension as shown on drawing numbers ACL.1106.200 Rev B and ACL.1106.201 Rev C shall be fitted with obscure glass, and shall be fixed closed. This shall be undertaken within two months of the date of this planning permission and thereafter be retained and maintained.  
Reason: To protect the amenity and privacy of residents of adjoining property.
4. The privacy screen as detailed on drawing numbers ACL.1106.200 Rev B and ACL.1106.201 Rev B on the west elevation of the raised landing/deck hereby permitted shall be installed prior to the use of the raised decked area and shall thereafter be retained and maintained.  
Reason: In the interests of the residential amenities of the adjoining occupiers.