

PLANNING APPLICATION REPORT

Case Officer: Lucy Hall

Parish: Dittisham **Ward:** West Dart

Application No: 0268/16/HHO

Agent/Applicant:
Mr Jonathan Heighway
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Marlow
Buckinghamshire
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Applicant:
Mr Peter Coxon
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Site Address: Water Edge, Lower Street, Dittisham, Devon, TQ6 0HY

Development: Householder application for replacement Boathouse.

Reason item is being put before Committee *At the request of Cllr Tucker who considers that the proposed development will be an intrusion into AONB.*



Recommendation: Conditional Approval

Conditions

1. Standard three year time limit for commencement
2. Development to be carried out in accordance with approved plans
3. Construction Environmental Management Plan
4. Details regarding light spill
5. Details of proposed slip way
6. Ancillary use
7. Proposal to adhere with recommendations set out within ecology report
8. Landscaping recommended in ecology report to be adhered to
9. Restriction on creation of additional floor space
10. Details of materials to be submitted
11. Removal of PD rights for Class E

Site Description:

The application site is situated off Lower Street on the north western side of the village of Dittisham and the southern edge of Dittisham Mill Creek. The dwelling house sits at the southern end of an elongated rectangular plot with the existing boathouse situated close to the water's edge at the bottom (northern edge) of the garden. The present arrangement consists of a relatively low key open fronted timber boathouse with a flat roof, set back slightly from the waters edge.

The site of the boathouse is outside of the development boundary and within the countryside (with the rear elevation of the dwelling forming the boundary). The site is also within the South Devon Area of Outstanding Natural Beauty.

The Proposal:

The application seeks planning consent to replace the existing boathouse which is a fairly low key open ended timber building with a felt roof. Its footprint measures approximately 23 square metres.

The replacement building would take the form of a rectangular block clad in horizontal timber boards set under a timber roof. The lower ground floor would be open with provision for the storage of boats with studio accommodation above, comprising living room with kitchen facilities, shower and toilet facilities. The internal footprint of this space is approximately 33 square metres.

A series of openings are proposed including, two central roof lights (providing light into the river room below), entrance door and windows on the south elevation (facing the main dwelling), full height glazing to the apex serving the studio on the south elevation and a series of smaller openings on the east and west elevations.

The height of the building is staggered with a maximum height of 4.5 metres to the eaves and 7 metres to the ridge when measured from the foreshore and from within the garden 2 metres to the eaves and 4.8 metres to the ridge. It would have a maximum width of 5.3 metres and length of 8 metres, excluding the log store proposed to the rear which extends the footprint by an additional metre, and projecting balcony to the front which adds approximately 0.5 metres to the overall length.

The building would feature a boat store and ancillary accommodation above with a living area, kitchen, toilet and shower facilities.

The southern elevation of the boathouse would be around 45 square metres from the rear elevation of the main dwelling house.

This proposal constitutes a revised scheme with the original submission for a building extending to a maximum height of 9 metres, measured from the foreshore. The original proposal also include a larger footprint (additional 0.6 metres to the length and width) with boat store under and two levels of accommodation above comprising lounge, gallery kitchen and bathroom with master bedroom above. The total internal footprint of the accommodation was around 58 square metres.

Consultations:

Dittisham Parish Council Objection

- Note height has reduced but footprint remains the same
- Proposal is akin to a new dwelling not replacement boathouse
- Dominant and negative effect on the character of the landscape
- Approval would set undesirable precedent
- Approval would be contrary to policy

Landscape No objection 'no significant harm to the AONB'

AONB Estuaries No objection subject to conditions

- Construction Environmental Management Plan
- Details of how light spill from the property will be minimised
- Details of materials for proposed new slipway

Dartmouth & Kingswear Society Objection

- proposal is for a new dwelling
- Unacceptable development within this sensitive location with harm to the AONB

Environment Agency No objection, informatives recommended

Ecology – initial concerns about light spillage from proposed studio accommodation removed following submission of ecology survey.

Representations:

Letters of raising an objection to the proposal have been received: -

- Proposal is tantamount to a new dwelling and not replacement boat house
- Approval would set an undesirable precedent
- Proposal would cause unacceptable harm within a beautiful, sensitive & unspoilt area.
- Constitute pronounced 'blot' on the landscape.
- Light pollution with potential harm to bird habitats.
- Balcony is unacceptable
- Revised have not addressed concerns raised previously
- Increased traffic from second dwelling
- Substantially larger compared with the existing boathouse
- Balcony would cause harm to amenity (give impression that adjacent beach is private)
- Unsympathetic to conservation area

One letter of support for the proposal has been received: -

- Sensitive design with appropriate materials, boathouse will blend into the landscape
- Welcome reduction to ridge height
- Add to quality of existing boathouses within the area

Applicant's response to objections raised: -

- Both ridge height and overall area and volume have been reduced
- Balcony is not a new proposed feature and was included in original plans
- Current scheme is not opened ended but has one open side for easy access of boats
- Overall increase is not three times the size as suggested
- Proposed design attempts to mirror many aspects of the adjacent boat house
- Number of existing boathouses within the area

Relevant Planning History

18/2328/89/3, Erection of pitched roof, Waters Edge, Conditional Approval

18/2225/89/6, Conservation Area Consent for alterations, Waters Edge, Conditional Approval

18/2226/89/3, Minor alterations to approval 9/18/0605/89/3 in respect of swimming pool changing accommodation, Waters Edge, Conditional Approval

18/1929/88/3, Indoor swimming pool, sauna and changing room, Waters Edge, Refusal

18/0903/74/2, Erection of boatshed and slipway adjoining existing dock handling and storing boats, Water Edge, Conditional Approval

18/1578/03/F, Amendment to approved plans for alterations to the dwelling and workshop and erection of boathouse (relocation of dormers and rooflight to north elevation), Herongate, Lower Street, Dittisham, Conditional Approval

ANALYSIS

Principle of Development/Sustainability

The application site lies outside of the village development boundary and within the open countryside, although located at the bottom of a residential garden officers would argue that it is well related to the existing dwelling. The southern elevation of the proposed boathouse is around 45 metres from the rear elevation of the dwelling house and the approximate location of the edge of the Development Boundary. Although the Council's policies aim to restrict development within the countryside, as stated within Policy DP17 residential extensions are permitted providing they are subordinate in scale to the original dwelling. The principle of development is therefore acceptable although in considering this proposal careful regard must be afforded to a range of considerations including the appropriateness of the overall scale and design of the building, its impact on the wider landscape which lies within the South Devon Area of Outstanding Natural Beauty, ecology, impact on the amenity of neighbouring occupants and the Conservation Area.

Design

Overall officers consider that the proposed construction is architecturally pleasing. The building is simple in its form and the proposed timber cladding is felt to be an appropriate and robust material which is recessive in appearance and will weather over time. The ridge height of the original proposal was around one metre higher than that which is currently

proposed. Officers felt that this resulted in a building of awkward proportions and appeared top heavy. It could be argued that a reduction in scale or removal of the balcony and further solidity within the ground floor element of the north elevation would have benefited the overall design. However, after careful deliberation it was felt that on balance the harm created by these elements and in particular the balcony was so significant that a recommendation of refusal could be justified.

The proposal includes ancillary accommodation. With the original proposal this was arranged over two levels with master bedroom, kitchen, living area and bathroom. The total internal footprint created was around 58 square metres. Officers were concerned that this arrangement was tantamount to a new dwelling. It could easily be occupied without any reliance on the main dwelling. In response to officer concerns the scale of building has been reduced. Excluding the balcony the internal footprint created is around 33 square metres and includes a living area (river room) and bathroom. The building would be situated within a residential garden and therefore the principle of ancillary accommodation is acceptable. On balance officers are satisfied that these revisions have gone far enough to satisfy planning officers that the use ancillary. The building includes a roof void which arguably could include additional floor space. Officers feel that the dual pitch roof is an important part of the design, which would be compromised with a flat roof. A planning condition is however recommendation to restrict additional floor space being created within the building (without the benefit of planning consent having been first obtained).

The scale of the building is comparable with the neighbouring boathouse at Herongate situated to the west of the site. As illustrated on drawing number 1418/09 Rev C, the footprint occupied by the proposed construction is similar and although the building would be around one metre higher than the building it replaces it would be lower than that of its neighbour. Within its context, the overall scale of the building is considered to be acceptable. The building would be partially set into the sloping shore line with the boat store located at lower ground floor dug into the bank. This will help to reduce its visual impact. The building would be situated at the northern end of a generous garden plot and could in no way be considered as an overdevelopment of the plot.

Conservation

Officers are satisfied that the proposed development would preserve the historic environment. For the reasons previously discussed the building is considered to be a well-designed proportioned structure and within its context would be seen against a backdrop of modern development.

Landscape

The site is located within the South Devon Area of Outstanding Natural Beauty. Paragraph 115 of the National Planning Policy Framework states that great weight should be afforded to conserving the landscape and scenic beauty within AONBs which are considered to have the highest status of protection (in addition to National Parks and the Broads). The proposal has been assessed against the policies outlined within Section 5.1.1 of the South Devon Area of Outstanding Natural Beauty Management Plan 2014 – 2019 and planning officers, in consultation with landscape specialists are satisfied that the development would have a neutral impact on the Area of Outstanding Natural Beauty. The building would occupy an edge of settlement location on the banks of the Mill Creek. Although the building would occupy a shoreline position, from distance views looking south towards the site, it would be seen within an established context buildings within the area and in particular against a backdrop of residential development of varying scales and designs. In this context officers are satisfied that it would not appear out of place. The building would be read with the

adjacent boat house at Herongate. Although this boathouse is set back further, the proposal, for reasons previously discussed conforms to the overall scale and simple rectangular form of the neighbouring building and does not unacceptably harm the visual or other amenity qualities of the area.

The Council's AONB estuaries officer has not raised any objections and welcomes the steps taken to reduce the scale of the proposed building. Further details are sought on the demolition of the existing and the construction of the replacement building, management of light spill, proposed waste water treatment & how bacterial loading on the waters used for wet recreational sports will be minimised in addition to the appearance of the new slipway. Conditions are recommended to address these issues.

Ecology

The application has been accompanied by a preliminary ecology appraisal. Overall it was considered that providing the recommendations are adhered to the proposal is unlikely to kill, injure or disturb protected species and there are no significant wildlife issues associated.

Bats

1. No evidence of the presence of bats were found in existing boathouse. Proposed demolition unlikely to cause disturbance to bats.
2. Bat licence will not be required
3. Proposed building will not result in significant change to existing lighting regime and unlikely to affect commuting or foraging behaviour of greater horseshoe bats. Consider proposal will result in improved habitat structure for commuting bats.
4. New hedge planting along top of existing retaining wall recommended to provide cover and improve conditions for commuting bats.

Nesting Birds

1. No evidence of recent nesting but old swallow nest found in boathouse. Evidence of night time roosting (by unconfirmed species) and potential nesting habitat (for garden birds) noted below the boathouse.
2. Redevelopment of the site has potential to disturb nesting birds, recommendations include potentially disturbing activities to be carried out outside of nesting season, provision of new nest sites for swallows & hedge planting.

Reptiles and Amphibians

1. Proposed development is considered unlikely to have a long term impact on the distribution or abundance of local populations.
2. Limited area of potential slow worm habitat noted at northern end of boathouse.
3. Recommendations include careful clearance of favourable habitats.

Flood Risk

The submitted flood risk assessment confirms that the flood risk associated with the residential element of the development is limited. The Environment Agency has not raised any objection but requests that the LPA consider how the building would be exited in the event of a flood. The FRA provides details on the construction. With the exception of the balcony, the first floor element of the building is not considered to be situated within the flood zone. There is a door proposed on the south elevation which allows direct access onto the garden, which is also outside of the flood zone.

Neighbour Relationship

No concerns are envisaged with regards to neighbouring occupants.

Planning balance

There is no objection in principle with the replacement of the existing boathouse. Despite reservations regarding the balcony overall officers consider that the proposed building a well-proportioned and architecturally pleasing building which will sit comfortably within the site without dominating it or causing harm to the AONB. On balance officers are satisfied that the steps taken to reduce the scale of the building will ensure that its use remains ancillary.

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

Planning Policy

South Hams LDF Core Strategy

CS1 Location of Development

CS7 Design

CS9 Landscape and Historic Environment

CS10 Nature Conservation

Development Policies DPD

DP1 High Quality Design

DP2 Landscape Character

DP3 Residential Amenity

DP5 Conservation and Wildlife

DP6 Historic Environment

DP15 Development in the Countryside

DP17 Residential Extensions and Replacement Dwellings in the Countryside

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.

Planning Conditions and Informatives

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).

2.The development hereby approved shall in all respects accord strictly with drawing numbers 1418/09 Rev C received by the Local Planning Authority on 4th October 2016.

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 details submitted with the application, prior to the commencement of demolition works a Construction Method Statement shall be submitted to and approved in writing by the Local Planning Authority. Details shall include: the method of demolition and how debris will be removed from the site; how building materials will be brought to the site and

where they will be stored; works undertaken to protect the estuary from the impacts and how the proposed waste water treatment and the bacterial loading on the waters used for wet recreational sports will be minimised.

The work shall thereafter be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To enable the Local Planning Authority to consider these details which were not submitted as part of this application.

4. Notwithstanding the information submitted, prior to the commencement of development details of how light spill from the property will be minimised should be submitted and approved in writing by the Local Planning Authority. The work shall thereafter be carried out in accordance with the approved details and retained in that form unless otherwise agreed in writing by the Local Planning Authority.

Reason: To enable the Local Planning Authority to consider details which could have an adverse impact on the surrounding area including ecology.

5. Prior to installation of the slipway hereby approved details of the external finishing materials to be used for this part of the development shall be submitted to and agreed in writing by the Local Planning Authority.

Reason: To assimilate the development into the landscape and to preserve the appearance and character of the area.

6. The unit of accommodation hereby permitted shall remain ancillary to the main dwelling and shall not be used for any business or commercial activity.

Reason: To safeguard the amenity and character of the surrounding area.

7. Notwithstanding the details set out on the submitted drawings, the development hereby permitted shall be carried out in accordance with the comments and recommendation set out in the Bat Survey dated 3rd October from Butler Ecology including the provision of new access for bats, guidance on timber treatment, precautions during building works and timing of operations. The approved accesses shall remain in place and the openings kept unobstructed thereafter.

Reason: To safeguard the welfare of a protected species of wildlife, in the interests of the amenity of the area and the Conservation (Natural Habitats) Regulations 1994 and the 1981 Wildlife and Country Act (as amended)

8. All planting, seeding, turfing or hardsurfacing comprised in the approved landscaping scheme as detailed within section 7.5 (Hedge Planting Specification) of the ecology report and shown on drawing number 1418/09 Rev C shall be carried out by the end of the first planting and seeding seasons following the occupation of the buildings or completion of the development, whichever is the sooner. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation. The landscaping scheme shall be strictly adhered to during the course of the development and thereafter.

Reason: To ensure the provision of an appropriate landscaping scheme in the interests of the visual amenities of the locality and to assimilate the development into its surroundings.

9.No additional floorspace shall be created within the building hereby permitted unless otherwise agreed in writing by the Local Planning Authority.

Reason: To restrict the intensity of use and ensure its use remains ancillary to the main dwelling.

10.Prior to installation a schedule of materials and finishes, and samples of the materials to be used in the construction of the external surfaces, including roofs, have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out only in accordance with the details so approved.

Reason: To enable the Local Planning Authority to consider the details of the materials.

11.Notwithstanding the provisions of Article 3 of The Town and Country Planning (General Permitted Development) (England) Order 2015 ((and any Order revoking and re-enacting this Order), no development of the types described in Part 1, Class E shall be undertaken without the express consent in writing of the Local Planning Authority other than those expressly authorised by this permission:-

Reason: To enable the Local Planning Authority to exercise control over development which could materially harm the character and visual amenities of the development and locality.

Informatives

Any developer of the site should be aware that any development or works below Mean High Water Springs tidal height 4.9m (Above Chart Datum) or 2.28m (Above Ordnance Datum) is likely to require a Marine License from the Marine Management Organisation.

In view of the potential flood risks in this locality, we would advise that any developer of this site gives consideration to the use of flood resilient construction practices and materials in the design and build phase. Choice of materials and simple design modifications can make the development more resistant to flooding in the first place, or limit the damage and reduce rehabilitation time in the event of future inundation. Detailed information on flood proofing and mitigation can be found by referring to the CLG free publication 'Improving the Flood Performance of New Buildings'. Please see the link below:

http://www.planningportal.gov.uk/uploads/br/flood_performance.pdf

It would also be advisable for the applicant to prepare a flood plan which outlines how they will respond to a flood. Further advice on this can be found in the following link:

<https://www.gov.uk/prepare-for-a-flood>

We would also strongly recommend that the applicant registers with our flood warning service at: <https://www.gov.uk/sign-up-for-flood-warnings>