

## PLANNING APPLICATION REPORT

**Case Officer:** Verity Clark

**Parish:** Staverton **Ward:** Dartington and Staverton

**Application No:** 1751/20/HHO

**Agent/Applicant:**

Mr Leon Bell - Van Ellen + Sheryn  
5 Station Yard  
Ashburton  
TQ137EF

**Applicant:**

Mr S Middleton  
Bulland Farm  
Ashburton  
TQ137NG

**Site Address:** Bulland Farm, Bulland, Ashburton, TQ13 7NG

**Development:** Householder application for replacement single storey side extension and internal and external alterations



**Reason item is being put before Committee:**

Cllr Hodgson has referred the application to the Committee as she considers the design to be a subjective planning judgement and has noted there are potential environmental benefits to the proposal. Cllr Hodgson also notes that the Parish Council supports the proposal.

**Recommendation:** Refusal

## **Reasons for refusal:**

1. The proposed development by virtue of its scale, footprint, siting and design would result in a cramped, unbalanced visual appearance which lacks subservience to the detriment of the character and appearance of the host dwelling and the surrounding area, and as such, conflicts with Policies TTV29 and DEV20 of the Plymouth and South West Devon Joint Local Plan.
2. The proposed development is considered to conflict with Policies TTV29 and DEV20 of the Plymouth and South West Devon Joint Local Plan and it has therefore not been established that there is a satisfactory imperative reason overriding public interest for the development to take place. It is therefore considered unlikely that Natural England would subsequently grant an EPS licence for the proposal contrary to Policy DEV26 of the Plymouth and South West Devon Joint Local Plan.

## **Key issues for consideration:**

Principle of Development  
Design and Visual Appearance  
Neighbour Amenity  
Ecology/ Biodiversity  
Drainage/ Flood Risk  
Highways Safety  
Sustainability

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## **Site Description:**

Bulland Farm is a detached residential dwelling located on the outskirts of Ashburton within open countryside. The dwelling is 2 storey and features stone, tile hanging and a slate roof. There is a single storey side extension on the south elevation which will be removed as part of the proposal. The site is bounded by a stone boundary wall which attaches to the dwelling.

The site is also located within the Greater Horseshoe Bat SAC.

## **The Proposal:**

The proposal seeks to remove the existing single storey extension on the south elevation and replace it with a larger single storey extension. The extension will attach to the curved boundary wall and at its largest point will extend 9.2m beyond the side elevation of the original dwellinghouse. The extension will feature a standing seam zinc roof and vertical timber walls with rooflights and large areas of glazing.

## **Consultations:**

- County Highways Authority:  
No highways implications.
- Biodiversity Specialist:  
Proposal is not considered to meet IROPI test. The IROPI test has not been met by virtue of conflict with policy TTV29 and DEV20 and it is not considered likely therefore that Natural England would subsequently grant an EPS Licence

- Town/Parish Council:  
Support.

### **Representations:**

None.

### **Relevant Planning History**

None.

### **ANALYSIS**

#### Principle of Development:

The site is an existing dwelling; the principle of a residential extension is therefore established, subject to compliance with any other relevant policies.

#### Design/Landscape:

Policy TTV29 (Residential Extensions and Replacement Dwellings in the Countryside) requires extensions to be appropriate in scale and design in the context of the setting of the host dwelling while Policy DEV20 (Place Shaping and the Quality of the Built Environment) requires proper regard to the pattern of local development and the wider development context and surroundings in terms of style, local distinctiveness, siting, layout, orientation, visual impact, views, scale, massing, height, density, materials, detailing, historic value, landscaping and character, and the demands for movement to and from nearby locations.

The site of the extension is highly visible within the streetscene and the current extension appears subservient in scale and design to the host dwelling. The width of the original dwellinghouse is approximately 14m. The width of the proposed extension at its widest point is 9.2m adjacent to the road. It is considered that the width of the proposed extension, which is more than half the width of the original dwellinghouse, results in an overly dominant addition of an inappropriate scale, extending out from the dwelling by a significant degree. The joining of the extension to the existing boundary wall adds further to the dominance and results in a cramped appearance within this corner of the plot. It is therefore considered that the extension lacks subservience and is of an inappropriate scale, resulting in an unbalanced visual appearance to the detriment of the character and appearance of the host dwelling. Due to the siting of the extension next to and adjoining the existing boundary wall, the extension would be highly visible within the streetscene, and particularly prominent in views for those travelling north. This visibility is heightened given the lower ground level of the application site against the height of the road. Whilst there is not a concern raised with the general use of the materials proposed, and the use of a zinc roof is considered to be more appropriate than a slate roof which would contrast with the slate hanging gable wall, given the contrasting nature of the proposed materials in combination with the overall scale and footprint of the proposal, together with its visual prominence, the proposal is considered to result in an extension that would detract from the character and appearance of the host dwelling and the surrounding area. It is considered that an extension of a smaller width, utilising a zinc roof would be more visually appropriate in this location.

Revised plans were received during the course of the application to try to address the concerns raised. The revised plans were considered to be an improvement on those originally submitted however they were not considered to go far enough to overcome these concerns. The application is being considered on the basis of these revised plans.

The proposal is therefore considered to be contrary to Policies TTV29 and DEV20 of the JLP.

#### Neighbour Amenity:

It is necessary for developments to take into account the residential amenity of neighbours and impact on the environment. In this case, due to the separation distance of the extension from any neighbouring properties and uses there are no amenity issues raised.

As such, the proposal would not lead to any materially harmful impact on residential amenity by way of loss of light, loss of outlook, loss of privacy or overbearing impact. It would therefore accord with JLP Policies DEV1 (Protecting Health and Amenity) and DEV2 (Air, Water, Soil, Noise, Land and Light).

#### Ecology/Biodiversity:

The application has been accompanied by a Bat Building and Emergence Survey Report by Corylus Ecology. The reports have identified the presence of bats and the house has been confirmed to support a maternity roost. The report concluded that the area of the building to be impacted upon by the proposed works is used as a nonbreeding roost by low numbers of pipistrelle bats. According to the Bat Mitigation Guidelines (English Nature, 2004) the roost within the roof void of the main house is considered to have medium-high conservation significance; this roost will not be directly impacted upon by the proposals. The pipistrelle roost, which is to be destroyed by the proposed work, is considered to have low conservation status. No further surveys are considered necessary to characterise the roosts.

The proposed works have the potential to disturb, injure or kill small numbers of bats and will destroy/obstruct access to roosts by these species which are Habitats Regulations offences, and accordingly a European Protected Species Licence would be required for the proposal to lawfully proceed.

As the proposal will trigger a Habitats Regulations offence (destruction/obstruction of roosts), the LPA must consider whether the proposal meets the 3 derogation tests, and accordingly whether Natural England are likely to grant a EPSL which would permit the proposal to lawfully proceed. The 3 derogation tests are outlined below as considered by the Council's Biodiversity Specialist:

1. Imperative Reason Overriding Public Interest – The proposal would result in an extension to an existing residential dwelling. Extending an existing dwelling might be considered a good use of existing housing stock, rather than requiring that a new larger dwelling be constructed. However, whilst the proposed extension could result in a small benefit to sustainability this is not considered to outweigh the concerns raised with the visual impact from the scale, footprint, siting and design of the extension which are considered to result in a cramped, unbalanced visual appearance which lacks subservience to the detriment of the character and appearance of the host dwelling and the surrounding area, and as such, conflicts with Policies TTV29 and DEV20 of the Plymouth and South West Devon Joint Local Plan. Accordingly it is considered that the IROPI test has not been met.

2. No Satisfactory Alternative – Given the siting, design, orientation and setting of the existing dwelling it is considered that potential options for further development in alternative locations are limited, however the IROPI has not been established given the conflict with Policies TTV29 and DEV20.

3 - Maintenance of Favourable Conservation Status – The ecology report sets out mitigation including ecologist supervision, timings, lighting, bat roost compensation to include temporary roost provision and raising of 6 hanging slates on the southern gable of the dwelling to compensate for loss of roosting opportunities in the lean-to.

Evidence of breeding bird was recorded in the lean-to. The work will need to be carried out in a way which does not impact on nesting birds. Recommendations include removing vegetation and demolishing the lean-to outside of the bird nesting season. Should any nests be found prior to or during works then the project ecologist should be notified and works will need to wait until the nest is no longer in use.

The IROPI test has not been met by virtue of conflict with Policies TTV29 and DEV20 and it is not considered likely therefore that Natural England would subsequently grant an EPS Licence.

If the application was considered to be acceptable the following requirements would need to be secured by condition:

- No works shall proceed until the LPA has been provided with a copy of a EPS Licence for Bats issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 authorising the works to go ahead.
- The mitigation and compensation measures outlined in the Bat Building and Emergence Survey Report shall be implemented, to safeguard the interests of protected species.
- There shall be no additional external lighting erected on south elevation that could illuminate the new bat roosting provision locations or flightpaths from the roosts to surrounding vegetation.

Given the conflict with Policies TTV29 and DEV20, and accordingly failure to meet the IROPI test, it is considered that the proposal conflicts with Policy DEV26 (Protecting and Enhancing Biodiversity and Geological Conservation).

#### Drainage/ Flood Risk:

The site is not located in flood zone 2 or 3 or within a critical drainage area and is therefore considered to be acceptable on flood risk grounds. If the application was considered to be acceptable a condition requiring the use of a sustainable form of drainage could be added to ensure the development complies with Policy DEV35 (Managing Flood Risk and Water Quality Impacts) of the JLP.

#### Highways/Access:

DCC Highways have confirmed no highways implications and the proposal is not considered to impact on highway safety, access or parking provision and therefore accords with Policy DEV29 (Specific Provisions Relating to Transport) of the JLP.

#### Sustainability:

The proposal seeks to extend an existing dwelling and although improved sustainability has not been suggested within the application submission, it could be argued that the proposal would support the aims of Policy DEV32 (Delivering Low Carbon Development) of the JLP which seeks amongst other points to reduce the energy load of development by good layout, orientation and design to maximise natural heating, cooling and lighting and reduce heat loss area.

#### Conclusion:

Whilst the proposed extension could result in a small benefit to sustainability this is not considered to outweigh the concerns raised with the visual impact from the scale, footprint, siting and design of the extension which are considered to result in a cramped, unbalanced visual appearance which lacks subservience to the detriment of the character and appearance of the host dwelling and the surrounding area, and as such, conflicts with Policies TTV29 and DEV20 of the Plymouth and South West Devon Joint Local Plan. As the proposed development is considered to conflict with these Policies it has therefore not been established that there is a satisfactory imperative reason overriding public interest for the development to take place. It is therefore considered unlikely that Natural England would subsequently grant an EPS licence for the proposal contrary to Policy DEV26 of the Plymouth and South West Devon Joint Local Plan.

***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 of 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  
TTV29 Residential extensions and replacement dwellings in the countryside  
DEV1 Protecting health and amenity  
DEV2 Air, water, soil, noise, land and light  
DEV10 Delivering high quality housing  
DEV20 Place shaping and the quality of the built environment  
DEV23 Landscape character  
DEV26 Protecting and enhancing biodiversity and geological conservation  
DEV29 Specific provisions relating to transport  
DEV32 Delivering Low Carbon Development  
DEV35 Managing flood risk and Water Quality Impacts

Other material considerations include the policies of the National Planning Policy Framework (NPPF) and guidance in Planning Practice Guidance (PPG). Additionally, the following planning documents are also material considerations in the determination of the application:

**Plymouth and South West Devon Joint Local Plan Supplementary Planning Document 2020.**

**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.