

# PLANNING APPLICATION REPORT – Householder Developments

**Case Officer:** Verity Clark

**Parish:** Bere Ferrers

**Application No:** 0260/21/HHO

**Agent (if applicable):**

Mr Tim Mitchell - Mitchell Architects Ltd.  
2 Stoke Damerall Business Centre  
5 Church Street  
Stoke, Plymouth  
PL3 4DT

**Applicant:**

Icarus Allen  
1 Cotts  
Road Pengarth To Lower Birch Cross  
Bere Alston  
PL20 7BX

**Site Address:** 1 Cotts, Bere Alston, PL20 7BX

**Development:** Householder application for demolition of single storey extension and erection of two storey replacement extension



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

Cllr Crozier has called the application to committee as he believes the proposal will dominate the neighbouring property resulting in over dominance.

**Recommendation:** Conditional Approval

**Conditions:**

1. Standard time limit (3 years)
2. Adherence to plans

3. Mitigation measures to reduce light spill from rooflights
4. Obscure glazed screen erected prior to first use of balcony
5. Adherence to ecology report and installation of 1 bat and 1 bird box

### **Key issues for consideration:**

Principle of Development  
Design/Landscape/Heritage  
Neighbour Amenity  
Ecology/Biodiversity  
Drainage/ Flood Risk  
Highways/Access  
Sustainability

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### **Site Description:**

1 Cotts is a terraced residential dwelling which is located to the south west of Bere Alston within open countryside. The dwelling is set over two stories in the front part of the building facing the highway and at single storey level only within the side extension which is set behind a neighbouring property's garage and features a flat roof. The dwelling features render with UPVC openings with a slate pitched roof, whilst the flat roof is made of felt.

The site is located within the Tamar Valley AONB, undeveloped coast designation and within the World Heritage Site.

### **The Proposal:**

The proposal seeks consent to demolish the existing single storey flat roof extension on the south east of the dwelling which is sited behind the neighbour's garage and erect a two storey extension, with single storey element and associated rear balcony and spiral staircase. The extension will feature render at ground floor level and hanging slate at first floor level apart from on the north west elevation which will only feature render. A standing seam roof with four rooflights and UPVC openings are proposed. Four new rooflights are also proposed in the north east elevation and one within the south west elevation of the original pitched roof.

### **Consultations:**

- Landscape Specialist:

#### Response received 13/5/21:

The site is within the Tamar Valley AONB and the JLP Undeveloped Coast designation. The site is also located in the 1G Open Inland Plateaux landscape character type.

Policy 25 of the JLP which relates to Nationally Protected Landscapes such as the Tamar Valley AONB requires that proposed development should be designed to prevent light pollution on an intrinsically dark landscape. The need to avoid light pollution is also referred to in the Tamar Valley AONB Management Plan 2019-2024.

There is a concern that the proposed extension and reconfiguration of the existing

property would, as currently designed, introduce a large number of potential new light sources onto the site, in the form of roof lights and a large amount of glazing to the rear – south-west elevation. These new roof lights and glazed areas would have the possibility of increasing the level of light pollution through light spill into the dark sky landscape of the AONB. This would have an adverse effect on the special quality, tranquillity and character of the AONB.

#### Recommendation

Holding objection subject to further information being submitted in respect of any mitigation measures to reduce the potential for light spill from the proposed development.

Response received 8/6/21 following officer querying if holding objection could be overcome with condition to include a film over rooflights:

Happy to accept that solution. The films do make a difference.

The roof lights were certainly of concern.

I agree, in respect of the French doors, we don't want to impose a condition that would be inherently counter-productive. If the living room is too dark then they will have to keep the lights on all the time.

- Drainage Specialist:  
Based on the information provided we would be happy to support the proposed scheme.
- Town/Parish Council:  
The council object to this application. The property will over dominate the area and the plans submitted are not clear. Object.

## **PUBLIC CONSULTATIONS**

### **Representations:**

1 letter of support and 1 letter of objection received. Issues raised:

Support:

- Well planned and cleverly designed
- Improve facilities and make good use of a difficult site
- Pleasing appearance that is in-keeping

Objection:

- Appearance out of character with other cottages within AONB
- Loss of light from new gable wall

### **Relevant Planning History**

None.

## **ANALYSIS**

### Principle of Development/Sustainability:

The proposal seeks consent to demolish an existing single storey extension on the south east of the dwelling and erect a two storey extension, with single storey element and associated rear balcony and spiral staircase. The whole of the site lies within open countryside, the Tamar Valley AONB and Undeveloped Coast.

As the application site is located within the Undeveloped Coast JLP Policy DEV24 is considered relevant, which states:

“Development which would have a detrimental effect on the undeveloped and unspoilt character, appearance or tranquillity of the Undeveloped Coast, estuaries, and the Heritage Coast will not be permitted except under exceptional circumstances. Development will only be permitted in the undeveloped coast where development:

1. Can demonstrate that it requires a coastal location.
2. It cannot reasonably be located outside the Undeveloped Coast.”

Further points are raised within Policy DEV24 which consider the acceptability with regard to the Undeveloped Coast however 1 and 2 consider the principle of the proposal.

The proposal seeks to form an extension to an existing, lawful dwellinghouse within the application site which sits wholly within the undeveloped coast designation and where existing development is already present. As such, it is considered that the proposal can demonstrate this coastal location is required and cannot reasonably be located outside the undeveloped coast thereby according with parts 1 and 2 of Policy DEV24.

Policy TTV29 of the JLP considers residential extensions in the countryside, noting that proposals to extend existing residential dwellings in the countryside will be permitted provided the extension is appropriate in scale and design in the context of the setting of the host dwelling. A full assessment of the scale and design is provided for in the ‘design/landscape/heritage’ section of this report, yet for convenience is deemed acceptable.

As such, the proposal is restricted to this coastal location and the principle of extending the dwelling, subject to an appropriate scale, design and visual impact on the Undeveloped Coast is considered to be acceptable. The principle of the development is therefore considered to accord with Policies TTV29 and DEV24 of the JLP.

### Design/Landscape/Heritage:

Policy DEV20 of the JLP states that development proposals will be required to meet good standards of design, contributing positively to both townscape and landscape, and protect and improve the quality of the built environment.

In addition, Policy DEV23 of the JLP states that development will conserve and enhance landscape, townscape and seascape character and scenic and visual quality, avoiding significant and adverse landscape or visual impacts.

Policy DEV25 of the JLP states that the highest degree of protection will be given to the protected landscapes of the South Devon AONB, Tamar Valley AONB and Dartmoor

National Park. The LPAs will protect the AONBs and National Park from potentially damaging or inappropriate development located either within the protected landscapes or their settings.

The proposed two storey side extension will adjoin the adjacent property but will feature a higher eaves level and correspondingly higher ridge level. The pitch of the roof has been kept as shallow as possible to reduce the overall height. The design and access statement notes that the eaves height is required due to construction standards and head height requirements. The roof will feature grey standing seam material as the pitch is too shallow for natural slate.

Appendix 1 of the Adopted SPD gives guidance on residential side extensions from paragraph 13.37. It is noted that in order to ensure that a side extension does not over-dominate the existing house or street-scene, it should generally be subordinate (smaller) in scale to the original dwelling and set back from the front of the property. The guidance goes on to note that where an extension is set back, the roof of the extension should be lower than that of the main house. This ensures that the extension is subordinate. Side extensions should also be of a width to ensure they appear less important than the original dwelling.

In this instance, although the overall height of the extension is higher than the host property and the adjacent attached dwelling, given the context of the site this is considered on balance to be visually acceptable. A number of the properties in this location have been altered and there are examples of extensions of varying designs and heights. There are examples of the height stepping up towards the application site and it is considered that the height of the extension will follow this characteristic. As such, whilst a ridge height higher than the existing dwelling is not generally supported, in this instance given the variety within the nearby streetscene and the site constraints, this is considered to be acceptable. The use of a mixture of tile hanging and render is considered to be acceptable, taking reference from the nearby properties and the use of standing seam roofing material is acceptable given the constraints of the site and the pitch of the roof, as it helps to retain a characteristic of an extension and is of a non-intrusive colour and visual appearance. The extension will not exceed 50% of the original floorspace and the overall size, scale and visual appearance is therefore considered to be acceptable.

As the site is located in the Cornwall and West Devon Mining Landscape World Heritage Site (WHS) Policy DEV22 of the JLP requires development proposals to conserve or where appropriate to enhance the outstanding universal value of the site. In this instance the proposal is primarily for the removal of a later addition extension and its removal is considered to have a neutral impact on the WHS. The size, scale and visual appearance of the proposed development as considered above is deemed to be acceptable for the site and its wider context and as such it is considered that the proposal will conserve the outstanding universal value of the site.

The proposal will introduce a significant number of rooflights and rear doors. The Landscape Specialist has noted that Policy DEV25 of the JLP which relates to Nationally Protected Landscapes such as the Tamar Valley AONB requires that proposed development should be designed to prevent light pollution on an intrinsically dark landscape. The need to avoid light pollution is also referred to in the Tamar Valley AONB Management Plan 2019-2024. There is a concern that the proposed extension and reconfiguration of the existing property would, as currently designed, introduce a large number of potential new light sources onto the site, in the form of roof lights and a large amount of glazing to the rear – south-west elevation. These new roof lights and glazed areas would have the possibility of increasing the level of

light pollution through light spill into the dark sky landscape of the AONB. This would have an adverse effect on the special quality, tranquillity and character of the AONB.

Following discussion with the Landscape Specialist they have confirmed that the concern would be overcome if a condition was added requiring details of a light reducing film for the new rooflights as this would help to significantly reduce light spill. Whilst the rear doors will add additional glazing, as these are the primary openings serving the living area, if a film was added to this glazing it would likely result in the need for additional lighting within the dwelling due to the reduced light gained from the opening and is therefore not practical. As such a condition is recommended requiring details of a light reducing film or tinted glazing for the proposed rooflights. With the addition of this condition the impact of light spill within the AONB is considered to be acceptable.

It is therefore considered that the proposal as a whole is of an acceptable size, scale and visual appearance and maintains the character and quality of the landscape, the outstanding universal value of the World Heritage Site, the AONB and the Undeveloped Coast in accordance with JLP Policies TTV29, DEV20, DEV22, DEV23, DEV24 and DEV25.

The proposal is also considered to accord with Policy E1 of the Neighbourhood Plan as adverse impacts to the AONB and WHS are avoided and the proposed development is considered to conserve the existing wider landscape and local character and quality of the area.

#### Neighbour Amenity:

It is always necessary for developments to take into account the residential amenity of neighbours and impact on the environment. Concern has been raised from the adjacent property that the new gable end wall on the north west side of the extension will exclude some light to their bedroom at the rear first floor level.

The proposal will result in the extension extending 1.6m beyond the rear elevation of the adjacent property at first floor level with a balcony sitting in line with the neighbouring balcony to the rear and set approximately 0.4m higher than the floor level of the adjacent balcony.

The Council's adopted SPD provides guidance on impacts on daylight and sunlight from paragraph 13.30 onwards:

**13.30** Extensions should not result in a significant loss of daylight or sunlight to habitable rooms of neighbouring properties, such as kitchens, living rooms or bedrooms. An extension should also not lead to an unsatisfactory loss of light to the property being extended.

**13.31** Proposals which would result in a harmful loss of daylight or sunlight to a neighbouring property will be refused. In order to ensure that a proposed development will not cause a harmful loss of daylight the 45 degree guideline should be followed.

**13.32** An imaginary line at an angle of 45 degrees is drawn from a point within the window of the closest ground floor habitable room of the neighbouring property towards and across the site of the proposed extension or new development. If there is more than one window lighting this room, the line is taken from the window which is the main source of light. When elevated to an angle of 25 degrees above horizontal,

this line will show the maximum width and/or depth that a proposed extension can build up to without unreasonably obstructing light or views to a neighbouring property.

**13.33** The 45 degree guideline is relevant to both single and two-storey house extensions. For a single-storey extension, the line is drawn from the mid-point of the window. For a two-storey extension, the line is taken from the quarter point closest to the boundary.

The agent has submitted a plan detailing the 45 degree angle from the neighbouring property's rear first floor level doors which demonstrates that the wall of the extension will not encroach upon the 45 degree plane and therefore the proposal is not considered to result in an unacceptable loss of light to this opening.

The proposal will include a new first floor balcony which will sit adjacent to the neighbouring balcony. There is an existing wall along this shared boundary which is approximately 0.9m high from the application sites balcony's finished floor level which will allow for intervisibility between the properties. As such an obscure glazed screen is proposed along this boundary with a height of 1.7m above the floor level of the balcony which will extend approximately 0.8m above the existing wall to ensure there is no overlooking. The use of obscure glazing is lightweight whilst allowing light through and is therefore not considered to result in a loss of light or overbearing impact. The installation of this screen will be required by condition.

Whilst the extension will extend beyond the rear wall of the adjacent property; 2 Cottis at first floor level, as the extension will not extend the full width of the neighbours balcony, does not encroach upon the 45 degree plane thereby not resulting in a loss of light, and given the lower roof slope design on the other side of the neighbours balcony, the proposal is not considered to result in an overbearing, or overly dominant impact on the neighbouring property; 2 Cottis.

The proposal is considered to have an acceptable impact on all other surrounding properties.

As such, with the addition of a condition, 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 and DEV2 and the requirements of the NPPF.

#### Ecology/Biodiversity:

JLP Policy DEV26 states 'Development likely to have a harmful impact on locally designated sites, their features or their function as part of the ecological network, will only be permitted where the need and benefits of the development clearly outweigh the loss and where the coherence of the local ecological network is maintained, whilst Policy E2 of the Neighbourhood Plan states that development proposals should maintain and enhance the biodiversity of the area.

An ecological impact assessment has been submitted in support of the application. The report confirmed that there was no evidence of bats and the buildings generally offered negligible bat roosting potential. No birds or nesting material were recorded within or on the buildings, although hedgerows present to the rear of the property could support common garden birds. This habitat will not be impacted by the proposals; therefore, no impacts are predicted. No further survey work was considered to be necessary. Enhancement measures in the form of one bat and one bird box are recommended to ensure biodiversity net gain.

These will be required by condition to ensure compliance with Policy DEV26 of the JLP and Policy E2 of the Neighbourhood Plan.

#### 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.

The design and access statement notes that “the existing building has the benefit of an existing septic tank for foul water drainage. This is a shared facility and is located off-site to the South/South-East of the building. The proposed alterations to the existing building will reconnect to this existing drainage facility. Surface water drainage runs into an existing soakaway in the gardens to the South of the site. The existing courtyard area into which the new proposals extend is currently impermeable concrete, except for two small flower beds. Of these 2.5sqm will be covered by the new extension. The entirety of the concrete hard standing will be removed during construction, and the replacement external surface will be flag stones with a permeable substrate. Thus, the effective impermeable surface area is effectively being increased by 1.94sqm and should have a beneficial impact on the private drainage system.”

The Drainage Specialist has considered the proposal and confirmed that on the basis of the information provided they are happy to support the proposed scheme. As such the proposal is considered to comply with Policy DEV35 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 of the JLP.

#### Sustainability:

The proposal seeks to extend an existing dwelling with increased living area with larger areas of glazing facing the south west providing for natural heating and it could therefore be argued that the proposal would support the aims of Policy DEV32 of the JLP and Policy E3 of the Neighbourhood Plan 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:

To conclude, the principle of an extension to the existing dwelling is considered to be acceptable and in accordance with Policies DEV24 and TTV29 of the JLP. The impact of the proposal from a design, landscape and heritage perspective is considered to be acceptable and in accordance with DEV20, DEV22, DEV23, DEV24 and DEV25 of the JLP and Policy E1 of the Neighbourhood Plan. Whilst concerns relating to neighbour amenity and overbearing impact have been raised, the relationship is considered to be acceptable with the addition of a suitably worded condition requiring the installation of an obscure glazed screen on the side elevation of the balcony is considered to be in accordance with Policies DEV1 and DEV2 of the JLP. The proposal is also considered to be acceptable from a highways/access, drainage, ecology and sustainability standpoint.

*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**

### Relevant policy framework

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 Plymouth & South West Devon Joint Local Plan 2014 - 2034 is now part of 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).

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  
TTV1 Prioritising growth through a hierarchy of sustainable settlements  
TTV2 Delivering sustainable development in the Thriving Towns and Villages Policy Area  
TTV29 Residential extensions and replacement dwellings in the countryside  
DEV1 Protecting health and amenity  
DEV2 Air, water, soil, noise, land and light  
DEV20 Place shaping and the quality of the built environment  
DEV22 Cornwall and West Devon Mining Landscape World Heritage Site  
DEV23 Landscape character  
DEV24 Undeveloped coast and Heritage Coast  
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

### **Bere Peninsula Neighbourhood Plan**

Policy E1: Protecting the Local Environment  
Policy E2: Supporting Biodiversity  
Policy E3: Progressing towards a Low Carbon Environment

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:

### **The Plymouth & South West Devon Joint Local Plan SPD**

### **Tamar Valley AONB Management Plan (2019-2024)**

## **WHS Management Plan**

### **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. 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 drawing number(s):

General Plan (Indicative Drainage Plan Drawing No. 2234-MAL-A-011 revision P1) received by the Local Planning Authority on the 12<sup>th</sup> March 2021.

Site Location Plan (Drawing No. 2234-MAL-A-001 revision P1) received by the Local Planning Authority on the 22<sup>nd</sup> March 2021.

Site & Other Plans (Proposed Site Plan Drawing No. 2234-MAL-A-006 revision P3) received by the Local Planning Authority on the 22<sup>nd</sup> March 2021.

Site & Other Plans (Proposed Sections Drawing No. 2234-MAL-A-009 revision P1) received by the Local Planning Authority on the 22<sup>nd</sup> March 2021.

Revised Plan (Proposed Elevations Drawing No. 2234-MAL-XX-XX-DR-A-007 revision P4) received by the Local Planning Authority on the 17<sup>th</sup> May 2021.

Revised Plan (Proposed Floor Plans Drawing No. 2234-MAL-XX-XX-DR-A-008 revision P4) received by the Local Planning Authority on the 17<sup>th</sup> May 2021.

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. Prior to the installation of the nine rooflights hereby approved, details of the light reducing film or tinted glazing to be used on the rooflights shall be submitted to and approved in writing by the Local Planning Authority. The light reducing film or tinted glazing shall then be installed in accordance with the details as approved and shall be retained and maintained as such in perpetuity.

Reason: In order to reduce the impacts of light pollution from artificial light to conserve and enhance the natural beauty of the Tamar Valley AONB.

4. Prior to first use of the balcony on the south west elevation, an obscure glazed privacy screen of a minimum height of 1.7m from the floor level of the balcony shall be installed on the north west side elevation of the balcony facing '2 Cotts' in accordance

with approved plan '2234-MAL-XX-XX-DR-A-007 revision P4'. The screen shall be fitted with a minimum of level 3 obscure glazing over the entirety of the screen with no clear areas and shall thereafter be permanently retained in that condition.

Reason: To protect the amenity and privacy of residents of the adjacent property; '2 Cottis'.

5. The recommendations given in the 'Ecological Impact Assessment (Bats and Birds)' shall be followed, including precautions to prevent threat of harm during construction works, and the incorporation of one bat and one bird box. The bat and bird boxes shall be installed prior to first occupation of the extension hereby approved and shall be retained thereafter.

Reason: To safeguard legally protected species, and to ensure biodiversity net gain.