

## PLANNING APPLICATION REPORT

**Case Officer:** Rachel Head      **Parish:** South Huish      **Ward:** Salcombe and Thurlestone

**Application No:** 4713/21/HHO

**Agent:**

Mr Douglas Gunn  
Douglas Gunn Design  
Trafalgar House  
19 Coronation Road  
Salcombe  
TQ8 8EA

**Applicant:**

Ms Emma Foster  
The Willows, Bolberry Road  
Hope Cove  
TQ7 3HT

**Site Address:** The Willows, Bolberry Road, Hope Cove, TQ7 3HT



**Development:** Householder application for ancillary annexe

**Reason item is being put before Committee:** Applicant is a member of staff at the Council.

**Recommendation:** Conditional approval

**Conditions:**

1. Time limit
2. Accord with plans
3. Materials to match existing
4. Annexe to remain ancillary
5. Surface water drainage

## Key issues for consideration:

Principle of development, design, impact on AONB, neighbour amenity

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## Site Description:

The property falls within the built form of Inner Hope, to the south of the village and is accessed off Bolberry Road. The site comprises a one and a half storey detached dwelling with painted render and Cedral clad walls, and slate roof.

The site has an existing driveway off the main road. The rear garden extends north from the rear of the dwelling, and then north-east at a 90 degree angle to form an L-shaped amenity space which runs along the back of the property, 'Kittiwake'. The topography of the land slopes down from the front of the property, and so the garden level is at a lower level than the road to the front (south).

There is an existing garden room to the north-west corner of the site. The property is currently undergoing construction following the grant of planning consent to raise the roof of the main house for first floor accommodation.

The site is within the South Devon Area of Outstanding Natural Beauty and it falls just outside of the Inner Hope Conservation Area.

## The Proposal:

The proposed development is for an ancillary annexe for the applicant's mother. The extension would be located to the rear (west) and side (north) of the main dwelling. It would measure approximately 65sqm, comprising a bed and living/dining room, with a link to the ground floor of the main dwelling on the west elevation. Two windows are proposed to both the south and north elevations with an access door to the south. Bifold doors are also proposed on the east elevation of the extension facing the garden.

The application also proposes a car port extension to the front of the existing garage to provide shelter for one car. The materials of the annexe and car port would comprise rendered walls and roof tiles to match the existing dwelling.

## Consultations:

- County Highways Authority: No highways implications.
- South Huish Parish Council: Object

- The plans represent complete overdevelopment of the site. Originally, there was a garage, this was converted, now a car port is being requested, there is no requirement for this and the entire application is out of keeping in the AONB.
- The extension and proposed plans are too large for the plot. The extension extends around the rear of the property, if allowed the new building will have no comparison to the original property. The footprint will be overbearing for the plot.
- The entire garden area is on a flood plain, the application does not demonstrate that there will be no adverse impact on local streams, lead, flood channels and neighbouring properties as per Policy SH Env 7 of the South Huish Neighbourhood Plan.
- Surface water run-off would significantly increase, impacting on the issues raised above, it is essential that full details of how the impact of the run-off would be mitigated. Details, with reference and understanding of the issues raised in the ATKINS report are required prior to any permission being considered.

- Any additional building work that is permitted must remain ancillary to the main dwelling and never used independently.

## **Representations:**

### **Representations from Residents**

None received.

### **Relevant Planning History**

- 46/1019/94/3 Erection of extension to provide lounge and ensuite bathroom – Conditional approval 30/08/94
- 2535/20/HHO Householder application for raising of roof to provide extra living accommodation, extension to living room, installation of bat box, balcony and guarding, two sets of bifold doors in lieu of windows to ground floor (part retrospective) – Withdrawn
- 3364/20/HHO Householder application for raising of roof to provide first floor bedrooms and bathrooms and retrospective consent for garden shed, games room infill cladding, summer house, cladding under balcony, porch and living room extension (resubmission of 2535/20/HHO) – Conditional approval 16/12/20

## **ANALYSIS**

### Principle of Development/Sustainability:

The site is located within the built area of Hope Cove and comprises an existing dwelling and residential curtilage.

The Parish Council have stated that if application is permitted the building must remain ancillary to the main dwelling and never used independently. Officers agree and consider that in this instance it is appropriate to impose a condition to ensure that the annexe is used only for purposes ancillary to the main dwelling house and not as a separate unit of accommodation, in order to safeguard the amenity and character of the surrounding area.

The principle of the proposed development is therefore acceptable, subject to all other material planning considerations.

### Design/Landscape:

Officers raised concerns about the design, in particular the ridge height of the original annexe extension. Revised plans have been received which reduce the height of the ridge by 1.8m and a lowered roof pitch.

The JLP Supplementary Planning Document (SPD, adopted July 2020) provides guidance on the acceptability of residential annexes under DEV10.4:

‘When considering whether an extension or outbuilding is capable of being occupied independently of the main dwelling, the LPAs will have regard to its relationship to the main dwelling, and the extent to which facilities such as bathrooms, kitchens and toilets are shared’ (paragraph 4.130).

The LPAs will normally expect an annexe to:

- Be an extension to the existing dwelling, or an outbuilding sited within its garden- the proposal is an extension to the existing dwelling.
- Be functionally related to the main dwelling – the floor plans of the extension shows that it would be related to the main dwelling, bathroom and kitchen facilities remain within the main dwelling.

- Be used only in conjunction with the main dwelling - as above.
- Be in the same ownership as the main dwelling - the whole site is owned by the applicant.
- Be accessed via the main dwelling or its garden and not by means of an independent access- the extension is to the rear/side of the main dwelling and is accessed via the main dwelling. However, there is also a side access meaning that the extension could be accessed without entering the main dwelling, and causing little disturbance to occupants of the main dwelling.
- Be reliant on facilities and floor space provided by the main dwelling such that it cannot be occupied completely independently- the plans include a living/dining area, the kitchen facilities of the main dwelling would be relied upon. If approved is it recommended a condition be applied to restrict the use of the annexe to remain ancillary to the host dwelling.
- Share a garden or other outdoor amenity space with the main dwelling, with no boundary demarcation or sub division of the land between the main dwelling and the annexe- the annexe would share the garden with the host dwelling, there is currently no significant boundary demarcation or sub-division.
- Be designed in such a way as to easily allow the annexe to be used as an integral part of the main dwelling at a later date- the proposed extension could be used as an integral part of the main dwelling at a later date.

It is the Officer's view in this case that the proposed annexe extension accords with the majority of the criteria above. The proposal is therefore considered acceptable with regards to policy DEV10.4 of the JLP.

The Parish Council have raised concern about the proposal represents an overdevelopment of the site, is too large for the plot, the extension will have no comparison to the original property and will be overbearing. They highlight the previous planning history with the conversion of the garage and state there is no requirement for the car port. Also commenting that the proposal is out of keeping with the AONB.

Officers are of the opinion that the annexe extension would be largely obscured due to the drop in levels from the road and the bulk of the existing dwelling, and scarcely visible from outside of the site given the large curtilage and location of the site within the village. The site is in an obscured position, surrounded by vegetation and enclosed by the neighbouring dwellings within a built up area of the village and so, on balance, the proposed works are not considered to impact upon the wider landscape, Inner Hope Conservation Area setting, or AONB setting.

Due to the relatively large existing garden Officers do not consider the extension to the rear to be an overdevelopment of the site. It is therefore not deemed justified to refuse the application on this basis.

Whilst the history of the site and previous approvals are noted, the erection of a modest car port on the existing driveway, set back from the highway, within the built form of the village is considered acceptable in this instance.

The materials proposed for both the annexe extension and the car port would be in keeping with the local vernacular, and the application is therefore considered to be acceptable with regard to landscape impact.

The site falls within the South Devon AONB. Policy DEV25 requires that proposals "conserve and enhance the natural beauty of the protected landscape with particular reference to their special qualities and distinctive characteristics or valued attributes". The proposal meets the first policy test, in that the design and palette of materials have a neutral impact on the AONB, thereby conserving the natural beauty of the AONB. While it does not offer enhancement, given the small scale of the proposal it is considered acceptable with regard to the provisions of DEV25.

Subsequently, the design and scale of the revised scheme is considered to be acceptable within the context of the site; the scale, height and massing of the extension is subservient to the existing dwelling and therefore accords with the provisions of policy DEV20 of the JLP.

### Neighbour Amenity:

The proposal is not considered to have a significant overlooking or loss of privacy impact on the amenity of the neighbouring properties.

Following Officer concerns regarding neighbour impact revised plans have been received which alters the siting of the building further north into the garden, away from the closest neighbour (High Hopes Cottage). The revised plans also reduce the height, from approximately 5.6m to 3.8m. The re-siting and significant decrease in height reduces any overbearing impact or loss of daylight/sunlight impact on the neighbouring property. For these reasons the revised scheme is considered acceptable in terms of neighbour amenity.

No formal comments from the neighbouring properties have been received.

### Highways/Access:

The proposal would not impact upon the existing highways arrangement.

### Drainage:

The Parish have raised concerns about the surface water run-off being significantly increased by the proposal, highlighting the garden area is on a flood plain and the application does not demonstrate that there will be no adverse impact on existing local watercourses or neighbouring properties.

However, the site does not fall within Flood Zone 2 or 3 nor within a Critical Drainage Area. The applicant has demonstrated that the impermeable area of the proposed extension is less than existing on site, the proposed surface water will connect to the existing rainwater system which is considered acceptable in this instance and accords with the provisions of DEV35.

### Ecology:

Whilst there was not a Preliminary Ecological Appraisal submitted with this application following a visit to the site the existing outbuilding to be removed is a modern timber building with a flat roof, there is no roof void and the boards are in good condition, it is therefore considered that it would be unlikely that the roof space would be used by protected species.

As a precautionary approach if the application is approved an informative will be applied to advise the applicant of what to do in the unlikely event protected species are discovered during the works in order to ensure no harm is caused to protected species should they be discovered to be within the building.

### Conclusion:

For the above reasons the revised scheme is considered to be acceptable in terms of design, neighbour amenity and impact on the landscape. It is therefore recommend for conditional approval.

***This application has been considered in accordance with Section 38 of the Planning & Compulsory Purchase Act 2004.***

## **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  
SPT11 Strategic approach to the Historic environment  
SPT12 Strategic approach to the natural environment  
TTV1 Prioritising growth through a hierarchy of sustainable settlements  
TTV2 Delivering sustainable development in the Thriving Towns and Villages Policy Area  
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  
DEV21 Development affecting the historic 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  
DEV28 Trees, woodlands and hedgerows  
DEV31 Waste management  
DEV32 Delivering low carbon development  
DEV35 Managing flood risk and Water Quality Impacts

**South Huish Neighbourhood Plan**

Following a successful referendum, the Malborough Neighbourhood Plan was adopted at Annual Council on 20 May 2021. It now forms part of the Development Plan for South Hams District and is used when determining planning applications within the Malborough Neighbourhood Area. The proposed is considered to adhere to relevant policies:

SH Env 1 Settlement Boundaries and avoidance of coalescence  
SH Env2 Impact on the South Devon Area of Outstanding Natural Beauty (AONB)  
SH Env3 Safeguarding the biodiversity and Green Infrastructure throughout the Parish  
SH Env 7, Drainage Impact  
SH Env 8, Dark Skies and the avoidance of light pollution  
SH T1: Car Parking  
SH HBE 3: Design Quality within the Parish

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:

**South Devon AONB Management Plan (2019-2024)**

**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.

## 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 numbers '20.2.4d' (Location and Block Plans) received by the Local Planning Authority on 11 January 2022 and '20.2.7d' (Proposed Plans and Elevations) received by the Local Planning Authority on 22 March 2022.

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. The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those of the existing building.

Reason: In the interests of visual amenity.

4. The annexe extension hereby permitted shall not be used at any time other than for the purposes ancillary to the residential use of the dwelling known as The Willows, Bolberry Road, Hope Cove TQ7 3HT and shall not be used, let, leased or otherwise disposed of for any other purpose including as a separate unit of accommodation.

Reason: In accordance with the application submission and in the interests of residential and local amenity.

5. 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.