

PLANNING APPLICATION REPORT

Case Officer: Amy Sanders

Parish: Bigbury **Ward:** Charterlands

Application No: 1424/22/VAR

Agent/Applicant:

A Brown - A B Design (Poole) Ltd
Unit 43 19b Moor Road
Broadstone
Poole
BH18 8AZ

Applicant:

Mr & Mrs Long
Waves Edge
Challaborough
TQ7 4JB

Site Address: Waves Edge, Challaborough, TQ7 4JB



Development: Application for variation of condition 2 (approved plans) of planning consent 4416/17/FUL (APP/K1128/W/18/3202068) (Retrospective)

Reason item is being put before Committee:

Cllr Taylor has concerns regarding the neighbouring amenity and the design of the scheme.

Recommendation:

Conditional Approval

Conditions

In accordance with plans

Compliance with approved landscape scheme – planning reference. 0485/21/ARC

Compliance with construction management scheme – planning reference. 0485/21/ARC

Submission of drainage details – foul water

Submission of drainage details – surface water

Removal of PD rights

Key issues for consideration:

Design and appearance, development impacts upon the AONB and heritage coast, and neighbouring amenity.

Site Description:

The application site is located on the south-east edge of Challaborough. The site is positioned on the slopes of a hillside which overlooks the bay, beach and South West Coast Path. The site is located within the South Devon AONB and Heritage Coast. The site is within a cluster of dwellings, set away from the holiday park, and is accessed via a narrow lane. Access to the site is from the highway located to the north east of the property.

At the site is a detached single storey dwellinghouse.

The Proposal:

The planning history of the site shows that planning permission was granted through an appeal decision, reference APP/K1128/W/18/3202068, and planning application reference 4416/17/FUL, for the erection of a replacement dwellinghouse.

This application proposes to retrospectively vary condition 2 (approved plans) of the parent planning permission Ref: 4416/17/FUL, seeking the following changes:

- Repositioning of external cladding
- Addition of some external cladding
- Insertion of 2no. Roof lights on the north facing elevation – the originally approved scheme showed 1no. Roof light in a lower position, this has been removed.
- Insertion of 1no. Roof light on the east facing elevation pitched roof.
- Amendment to design of window openings and patio doors on the west facing side elevation.
- Removal of larger window on the north facing elevation and change in design of circle shaped window to rectangular.
- Insertion of additional triangular design window in gable, above existing window on the rear elevation.

Consultations:

- County Highways Authority: No highways implications

- Town/Parish Council: Object

Representations:

Representations from Residents

3 letters of objection have been received and cover the following points:

- Objection to the application on the grounds that when permission was granted for a larger single storey dwelling, there was no indication of roof windows. They have been installed without permission.
- No consultation with neighbours regarding the windows in the roof and the reflection of light when the sun hits is obtrusive to property "Garston".
- At night, there is light pollution from within the property.
- The much-enlarged Waves Edge is in the view of the field when looking southeast into Challaborough Bay.
- How was a small bungalow allowed to be enlarged to such a degree? It is one of the front line sea facing houses.
- Waves Edge is meant to be single storey but the current high roof has 5 roof windows which is not like a single-storey building.
- The five roof windows are all very visible from Cheldon. No other houses along the sea-side of Cliff Lane have roof windows.
- Neighbouring amenity is impacted from the roof windows reflecting sunlight and providing glare.
- There is anger and dismay at the lack of open dialogue, and at the installation of roof windows prior to planning permission, and at there being roof windows at all.

Relevant Planning History

Planning Application Ref: 1621/16/FUL

Description: READVERTISEMENT (Revised Plan Received) Erect replacement dwelling

Decision Date: 13 April 2017

Refusal

Appeal Date: 27 July 2017 Appeal Determination Date: 02 November 2017

Appeal Ref: APP/K1128/W/17/3176134 Appeal Result: Dismissed (Refusal)

Planning Application Ref: 4416/17/FUL

Description: Erect replacement dwelling (re-submission of 1621/16/FUL)

Appeal Date: 18 July 2018 Appeal Determination Date: 23 October 2018

Appeal Ref: APP/K1128/W/18/3202068 Appeal Result: Upheld (Conditional approval)

Planning Application Ref: 0485/21/ARC

Description: Application for approval of details reserved by conditions 3, 9 and 11 of planning consent 4416/17/FUL (APP/K1128/W/18/3202068)

Decision Date: 04 February 2022

Discharge of condition Approved

ANALYSIS

Principle of Development:

This application relates to a parent permission where the principle of the development has been assessed and permission awarded for the erection of a replacement dwelling.

Design/Landscape:

The proposed design changes are considered to be minor changes which do not alter the overall aesthetic or vernacular of the approved scheme at the site.

The use of the cladding western red cedar was approved under application ref. 0485/21/ARC. The proposed additional use of cladding on the front facing elevation is considered to be acceptable in amount and quantity. It does not extend across the entire gable front. The front elevation was going to have a level of cladding as approved on the previously approved scheme, so the proposal is not introducing a new material to this elevation. The front elevation is more discrete, in that it faces away from the coast line, and the land levels of the highway are significantly higher, making the additional cladding not an obvious addition when looking from the street scene.

In regards to the insertion of the extra roof lights, Officers are aware that roof lights formed part of the previously approved scheme. The addition of the roof lights on the north facing elevation (addition of one, and replacement of the roof lights higher up the roof slope), is not considered to alter the vernacular of the property from what was previously approved. The roof lights are minimal in scale, and do not exceed a large expanse of the roof slope.

The additional roof light on the side elevation roof is also considered to be a minimal change in design from the originally approved scheme.

The rearrangement of the windows and openings on the west facing elevation, are considered to still be commensurate to the overall window design as approved. The property itself is not of historical merit, so the proposed modern design of the windows and openings are not considered to be of detriment to the character of the property.

There is a minimal level of additional glazing, including the addition of the triangular window in the gable on the rear elevation. This will mirror the existing window on the rear elevation, and appears appropriate in scale.

The proposal will not see an increase in the overall scale, massing, bulk or layout of the proposed dwelling, from the previously approved scheme.

In light of the above considerations, the proposed design changes are not considered to significantly harm the character and appearance of the property at the site, and the proposal is considered to comply with Policy Dev 20.

The site is located within the AONB and Heritage Coast. The highest degree of protection is offered to this designated site. In the appeal decision, ref. APP/K1128/W/18/3202068, the Planning Inspector found that: *'the proposal does respond positively and sensitively to the wider landscape character, and that therefore no harm to the AONB arises by virtue of the proposed development'*.

In addition, the Planning Inspector found that:

'Whilst the design features of the proposed scheme may be different than that of its neighbours, I do not find that it would necessarily draw the eye or be overly prominent when viewed in the context of this part of Challaborough. Further the proposed replacement dwelling would represent an update and remodelling of a tired structure, and would give the site a more modern appearance in line with the surrounding properties. As such the proposed replacement

dwelling would enhance the appearance of the site, and therefore would not result in harm to the character and appearance of the area.'

As discussed above, because the overall aesthetic of the design of the property is not greatly altered in this revised scheme, and the changes that are proposed are considered to be in keeping with the approved scheme, and are commensurate in scale with the property, the proposal is not considered to harm the special qualities of the AONB or Heritage Coast. The alterations to the elevation that is most visually prominent within the AONB, from the coast path and beach, has not altered greatly, and sees the small increase in glazing to the triangle gable. The proposed materials have been agreed as part of the discharge of condition application 0485/21/ARC. As part of application 0485/21/ARC, an assessment was made of the materials and details upon the impacts upon the AONB and landscape character, and these were considered acceptable.

It is noted that within the AONB dark night skies should be protected, especially from intrusive light pollution and light spill. The proposal would see the addition of 2 no. roof lights which is not considered to significantly increase the level of light spill from what was previously approved on the scheme, therefore there is not considered to be harm to the dark night sky of the AONB. Also, Officers reference the surrounding land uses, including residential development and the tourist park, which will already result in some light pollution, so the proposed application site is not considered to be introducing light into a dark area.

In respect of the above, the proposal is considered to meet the aims and objectives of Policies Dev 23, Dev 24 and Dev 25.

Neighbour Amenity:

2 letters of objection have been received which express concerns about the neighbouring amenity arising from the roof lights, and the glare and shine these cause upon residents.

The positioning of the property, in relation to the neighbouring properties is shown on the site location plan. The position of the property at the development site is on a slight angle, so is not directly parallel with the neighbouring properties. As such, the roof light on the side east elevation, is not directly facing toward the property at 'Idle Rocks', and 'Idle Rocks' is set further back from the highway and the property, to not be facing the roof light. The ridgeline height of Waves Edge is approximately 1.5 metres lower than the ridgeline height of Idle Rocks. As the roof light is out of the perimeter, and not within the same level, of the neighbouring property at 'Idle Rocks', there is not considered to be a detrimental impact on amenity of the property 'Idle Rocks'.

In relation to the roof lights on the front facing elevation, these are also not considered to be of detriment to the neighbouring amenity for the following reasons- the neighbouring property known as 'Seacliff' is approximately 27 metres distance from the development site, and the neighbouring property known as 'Garston' is approximately 43 metres distance. These are considered to be suitable distances away to not receive direct reflection from the roof lights. In addition, the topography of the site is such that the land levels rise significantly towards the south and the east, so the neighbouring properties to the south are set on a higher ground level than the development site.

There is mention of the unacceptability of the scale and height of the scheme, and how this has been of detriment to the views afforded from properties to the south of the scheme. This

proposal does not alter the height or the scale of the approved scheme, and Officers consider it is acceptable in this regard.

In accordance with Policy Dev 1, residential amenity has been considered, and the proposal is not considered to substantively alter amenity levels such that refusal could be justified on this basis.

Highways/Access:

The Highways Officer has commented there to be no highways implications.

Other Matters:

An ecological survey was not a validation requirement for this application. On the parent permission an ecological survey was conducted and found there to be no bats, or birds at the site, and the proposed erection of a replacement dwelling, was not considered to harm protected species.

The parent permission (4416/17/FUL) was issued with a condition relating to drainage. The same condition will be issued on any subsequent grant of planning permission because the details of the site drainage have not been supplied and approved in writing as of yet.

The Planning Balance:

The application proposes amendments to an existing permission (which could still be implemented in full). For the reasons set out above Officers consider the proposed amendments to the existing permission are acceptable and the application is recommended for approval subject to conditions as detailed above.

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).

On 26 March 2019 of the Plymouth & South West Devon Joint Local Plan was adopted by all three of the component authorities. Following adoption, the three authorities jointly notified the Ministry of Housing, Communities and Local Government (MHCLG)* of their choice to monitor the Housing Requirement at the whole plan level. This is for the purposes of the Housing Delivery Test (HDT) and the 5 Year Housing Land Supply assessment. A letter from MHCLG to the Authorities was received on 13 May 2019 confirming the change.

On 13th January 2021 MHCLG published the HDT 2020 measurement. This confirmed the Plymouth, South Hams and West Devon's joint HDT measurement as 144% and the consequences are "None".

Therefore a 5% buffer is 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 5.8 years at end March 2021 (the 2021 Monitoring Point). This is set out in the Plymouth, South Hams & West Devon Local Planning Authorities' Housing Position Statement 2021 (published 12th November 2021).

[*now known as Department for Levelling Up, Housing and Communities]

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

SPT12 Strategic approach to the natural environment

TV1 Prioritising growth through a hierarchy of sustainable settlements

TTV26 Development in the Countryside

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

DEV23 Landscape character

DEV24 Undeveloped coast and Heritage Coast

DEV25 Nationally protected landscapes

DEV26 Protecting and enhancing biodiversity and geological conservation

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) including but not limited to paragraphs 126, 130, 134 and 176 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.

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 hereby approved shall in all respects accord strictly with drawing number(s):

Site location plan drw.no. 15;

Proposed floor plan and elevations 015/001/14;

received by the Local Planning Authority on 13 May 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.

2. The development hereby approved shall in all respects be built and developed in accordance with the approved landscaping scheme, under application ref. 0485/21/ARC.

Reason: To protect and enhance the landscape character and visual amenity.

3. The development hereby approved shall be carried out at all times, in accordance with the construction management plan, approved under application ref. 0485/21/ARC.

Reason: To protect neighbouring amenity, and the safety of highway users.

4. Within three months of the date of this decision notice, details of the disposal of foul water shall be submitted to and approved in writing by the Local Planning Authority and the approved foul water system shall be installed prior to occupation of the dwelling. Following its installation the approved scheme shall be permanently retained and maintained thereafter.

Reason: To safeguard the amenities of the locality and to ensure the developed is adequately drained.

5. Within three months of the date of this decision notice, details of the surface water design including percolation test results and supporting calculations shall be submitted to and approved in writing by the local planning authority. Details of the maintenance and management responsibility for the drainage system must be submitted to and approved in writing by the local planning authority prior to installation on site. Such approved drainage details shall be completed and become fully operational before the development is first brought into use. Following its installation the approved scheme shall be permanently retained and maintained thereafter. Surface water drainage systems design and installation shall be in accordance with CIRIA C697 The SUDs Manual and CIRIA C698 Site Handbook for the construction of SUDs.

Reason: To safeguard the amenities of the locality and environment and to ensure the development is adequately drained.

6. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) Order, 2015 (and any Order revoking and re-enacting this Order), no development of the types described in the following Classes of Schedule 2 shall be undertaken without the express consent in writing of the Local Planning Authority, other than those expressly authorised by this permission:-
 - (a) Part 1, Class A (extensions and alterations)
 - (b) Part 1, Classes B and C (roof addition or alteration)
 - (c) Part 1, Class D (porch)
 - (d) Part 1, Class E (a) swimming pools and buildings incidental to the enjoyment of the dwellinghouse and; (b) container used for domestic heating purposes/oil or liquid petroleum gas)
 - (e) Part 1, Class F (hardsurfaces)
 - (f) Part 1, Class G (chimney, flue or soil and vent pipe)
 - (g) Part 40, class A & B (Installation of domestic Microgeneration Equipment)
 - (h) Part 1, (h) including those classes described in Schedule 2 Part 2 of the Town and Country Planning (General Permitted Development) Order 1995 (and any Order revoking and re-enacting this Order)
 - (i) Part 2, Class A (means of enclosure) and;

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.

