

PLANNING APPLICATION REPORT

Case Officer: Charlotte Howrihane

Parish: Kingsbridge **Ward:** Kingsbridge

Application No: 2013/22/FUL

Agent:

Mrs Amanda Burden - Luscombe Maye
59 Fore Street
Totnes
TQ9 5NJ

Applicant:

Mr And Mrs Gidley
C/O Agent Luscombe Maye

Site Address: 20 Buckwell Road, Kingsbridge, TQ7 1NQ



Development: Erection of new dwelling (Re-submission of 0536/22/FUL)

Reason the application is at Committee: Cllr O'Callaghan has called the application to committee due to concerns about the impact of the dwelling on neighbouring properties and, to a lesser extent, the extent of parking provision.

Recommendation: Conditional approval

Conditions:

- Standard time limit
- Accord with plans
- Tree protection measures (pre-commencement)
- Construction Management Plan (pre-commencement)
- Removal of permitted development rights
- Natural slate
- Details of external lighting to be submitted

Accord with recommendations of ecology survey
Drainage details to be submitted
Parking area to be installed prior to occupation of dwelling

Key issues for consideration:

Principle of development, design, landscape impact, neighbour amenity

Site Description:

The site is currently part of a large rear garden at 20 Buckwell Road, a semi-detached dwelling in Kingsbridge. The site is not within any special areas of designation.

The Proposal:

The application seeks permission to construct a single dwelling in the rear garden of the existing dwelling, for the family of the current occupants of no.20. A two-storey, four-bed dwelling is proposed.

The original application was submitted with a red line encompassing the whole site, including the existing dwelling at 20 Buckwell Road. The application has since been readvertised with a revised location plan which removes the existing dwelling from the red line, so that the proposed dwelling would become a separate planning unit.

Consultations:

- County Highways Authority- standing advice
- Trees- no objection subject to condition
- Town Council- objection: *'There are 4 parking spaces proposed to be shared between 2 properties at the site however, given the number of bedrooms, in accordance with Supplementary Planning Document (July 2020) paragraph 8.7, 5 in number parking spaces should be provided and nil justification has been offered for not meeting the identified provision.'*

Representations:

Seventeen letters of support have been received, including from immediate neighbours, along with six letters of objection. All representations can be seen in full on the Council website, but can be summarised as follows:

Objection:

- Proximity to neighbouring property
- Differing levels between the site and neighbour at Allotment Gardens
- Contravenes SPD Guidance
- Overdominance
- Design emphasises lack of flat space to build such a dwelling
- Impact on amenity, privacy, and enjoyment of neighbouring property
- Access path is intrusive to neighbour in Allotment Gardens
- Boundary hedge referenced belongs to the neighbour
- Planting schemes will not disguise the development
- High roofline will be imposing to neighbouring properties
- Overbearing impact on neighbour in St Marco Gardens
- Trees referenced are managed and owned by neighbour

- Proximity of the soakaway is a concern as the garden is built on a hill

Support:

- House prices in the area are forcing local families out
- Providing a local family with the opportunity to build their own house should be supported
- When considering other developments recently approved in the area, there is no reason to refuse this application
- The proposed house fits in with the surrounding area
- Families should be encouraged for the good of the community
- The application will not impact on the enjoyment of neighbours properties
- No disruption to neighbouring properties
- The applicant has been considerate of neighbours and made adjustments accordingly
- Building a house within the town presents an opportunity to reduce car travel
- Scale of development is in keeping with the area
- Important to increase housing stock within the town
- Permitting the application would free up another family home
- The applicants work within the community, and permitting them to live near their parents would allow them to care for them, reducing pressure on local services

Relevant Planning History

- 0536/22/FUL- provision of new residential dwelling- withdrawn
- 1548/21/PR4- Pre-application enquiry for provision of new residential dwelling- partial support
- 28/1253/86/3- Extension- conditional approval

ANALYSIS

1. Principle of Development/Sustainability:

- 1.1. Policy TTV1 of the Joint Local Plan (JLP) provides a hierarchy of settlements for the distribution of growth and development to deliver homes and jobs, to enable each town and village to play its role within the rural area. The aim of the policy, which is reinforced within Strategic Objective SO6 is to steer new development towards the most sustainable locations. Kingsbridge is within Tier 1 of the settlement hierarchy, as one of the Main Towns within the Plan Area.
- 1.2. The emerging Kingsbridge, West Alvington & Churchstow (KWAC) neighbourhood plan (which has reached regulation 17 stage and has been to an examination and therefore carries some weight on the decision making process) also identifies a settlement boundary, within which the principle of development is supported. The site is within the designated settlement boundary for Kingsbridge as part of policy KWAC Env1.
- 1.3. Policy DEV8 seeks to provide housing which meets local needs, and prevent development which would exacerbate an existing imbalance in housing stock. ONS data for Kingsbridge shows that there is no current imbalance in the provision of 4-bed dwellings, and the proposed dwelling therefore complies with DEV8
- 1.4. As such, the site is within a location where the principle of residential development is supported.

2. Design/Landscape:

- 2.1. Both the adopted JLP and emerging neighbourhood plan support the subdivision of existing plots providing it is undertaken sympathetically and does not result in an overdevelopment of the plot or harm to neighbours. JLP policy DEV10.6 states *'development of garden space within Plymouth and the towns will only be permitted where it does not adversely affect the character and amenities of the area, and where the proposal can demonstrate that it contributes to the creation of sustainable linked neighbourhoods'*. NP policy KWAC BE3.2 states *'The subdivision of existing plots will only be supported where there is no loss in character or environmental quality of the surroundings, there is suitable highway access on at least one boundary, plot and unit sizes are comparable with adjacent properties, adequate amenity space is provided and the amenity of adjoining properties is not compromised.'*
- 2.2. No.20 currently benefits from a large garden to the rear, and Officers are satisfied that the site can accommodate the proposed dwelling whilst retaining sufficient external amenity space for both dwellings, proportional to other nearby properties. The dwelling would have a footprint of 149.16m², and therefore meets the space requirements set out in the Nationally Described Space Standards.
- 2.3. The dwelling would be of a traditional design, with rendered walls and a slate roof. The design and materials are therefore considered to be in keeping with the local vernacular, and complies with policy DEV20 of the JLP and policy KWAC BE3 of the emerging neighbourhood plan in this regard.
- 2.4. The site is within a residential part of Kingsbridge, and not within any special areas of designation. Due to its location to the rear of no.20, the dwelling would be largely obscured from wider viewpoints and the street scene, and the traditional form and materials of the dwelling proposed leads Officers to conclude that the dwelling would not have a detrimental impact on the local landscape, and therefore accords with policy DEV23 of the JLP.

3. Neighbour Amenity:

- 3.1. Letters of representation have been received from immediate and surrounding neighbours to the site, some in support of the application, and some objecting to the proposal.
- 3.2. Objection has been raised from residents of Allotment Gardens, to the north, and St Marco Gardens, to the west. Officers have visited a number of these properties as part of their assessment of the proposal.
- 3.3. A key concern in relation to Allotment Gardens is the height of the proposed dwelling, and its proximity to the nearest neighbour, no.15.
- 3.4. The Supplementary Planning Document (SPD) which provides additional guidance to policies within the JLP includes a section on residential amenity, including outlook:

13.27 *While views from a private house or garden are not safeguarded by planning legislation, an extension should not be constructed in close proximity to either a habitable room window of a neighbouring property or its private garden where it would have an unacceptable overbearing effect on a household's outlook.*

13.28 *In order to protect the outlook of neighbouring properties, the minimum distance between a main habitable room window and a blank wall, should be at least 12m. This distance should be increased for a three-storey development, normally to at least 15m.*

13.29 *Where there is a difference in ground levels these should be taken into account and the distance increased, normally by an extra 3 metres for every 2 metres increase in height.*

- 3.5. The north elevation, which would be the closest to no.15 Allotment Gardens, is approximately 13m from this neighbour. Whilst this is within the acceptable range stated in 13.28 (above), Allotment Gardens is at a lower ground level than Buckwell Road, meaning that the proposed dwelling would be elevated above Allotment Gardens. Whilst Officers are therefore mindful of paragraph 13.29, which states that a difference in ground levels should be taken into account, this is guidance only, and the SPD is clear that the site context should also be taken into account, as per paragraph 13.18:

13.18. *The levels of privacy expected from a residential environment will differ depending upon the location. For example, within densely developed contexts such as city, town or neighbourhood centres, or areas with a medieval street pattern, it is reasonable to assume that privacy might be less than in lower-density neighbourhoods.*

- 3.6. Policy DEV1 of the JLP, which relates to residential amenity, notes that '*unacceptable impacts will be judged against the level of amenity generally in the locality.*' The site is within a densely-populated residential area, within one of the main towns in the district. The sloping topography of this part of Kingsbridge means that many properties experience mutual overlooking, and neighbours at varying ground levels, and properties are sometimes closer to one another than set out in the SPD guidance.
- 3.7. Officers are also mindful that the proposed site is currently a residential garden, with opportunities for overlooking towards 15 Allotment Gardens currently possible for occupants of the garden. Whilst the impact of the built form of the proposed dwelling would clearly be greater than that of people simply using the garden, the dwelling has been orientated so that the ridge runs north-south, minimising the impact on Allotment Gardens, as the bulk of the property would be further south within the site.
- 3.8. There is an existing boundary hedge between the site and Allotment Gardens. Supplementary planting is proposed to provide additional screening between the two, and the only window proposed to the north elevation is a high-level window to the ground floor, to prevent any concerns regarding overlooking, or privacy impact. It is proposed to remove permitted development rights for the dwelling, if approved, so no additional windows or openings could be installed without a further application for planning permission.
- 3.9. Concern has also been raised from no.15 about the impact on their amenity of the access path which runs from the site entrance, along the northern boundary to the proposed dwelling. Whilst gravel would be laid to create a formal path, there is already an existing grass access path along the northern boundary. The ground level of this path would not be altered by the proposal. Officers would also note that by its nature, an access path is used in a transitory manner, and not somewhere that people stop and stay. As such, the path is not considered to have a harmful impact on the amenity of the neighbours when compared to the existing situation.
- 3.10. As such, when considering the additional planting, the orientation and design of the dwelling, which has been designed to minimise neighbour impact, and when assessing against the existing levels of amenity in the local area, Officers conclude that the proposed dwelling would not have an unacceptable impact on the amenity of the neighbouring dwellings in Allotment Gardens, subject to aforementioned conditions.
- 3.11. Objection has also been raised with regard to neighbour amenity at St Marco Gardens, to the west of the site. Again, these properties are on a lower ground level than Buckwell Road, so the proposed dwelling would be elevated above these properties. However, these properties are over 25m from the proposed dwelling, which exceeds the guidance in the SPD. Officers also noted during the site visit, that the application site is almost completely obscured from St Marco Gardens by tall, thick trees, which, according to her

objection letter, are owned by one of the residents in St Marco Gardens. Given the extent of this vegetation screening, Officers do not consider that the proposal would have a harmful impact on the neighbours to the west.

- 3.12. The adjoining neighbour to 20 Buckwell Road, at no.18, has written in support of the application.
- 3.13. For the reasons stated above, Officers consider that the proposed dwelling would not impact neighbouring dwellings to such an extent that it would be considered harmful to the amenity of these neighbours, in terms of outlook, privacy, light, or overdominance. As such, it is considered to accord with policies DEV1 and DEV2 of the JLP, as well as policy KWAC BE3 of the emerging neighbourhood plan.

4. Highways/Access:

- 4.1. The proposal includes the removal of an old outbuilding to the front of the existing dwelling, to allow for the creation of four off-road parking spaces, to be shared between the two dwellings (no.20 and the proposed dwelling). The Town Council has noted that this does not meet the parking requirements noted in the SPD, which provides indicative parking requirements according to bedroom numbers. For 4 bedroom dwellings the indicative number is 3 spaces. However, Officers are mindful that the parking provision referred to is indicative; the site is within a main town, with services and facilities accessible without reliance on a car in the same way that it may be in more rural areas. In this instance, Officers therefore consider that four spaces between two properties, as well as a turning area is acceptable. The Highways Authority has raised no objection to the proposal, but referred to Standing Advice.

5. Ecology:

- 5.1. A Preliminary Ecological Appraisal has been submitted with the application, which confirms that the development would not impact upon any protected species of wildlife.
- 5.2. The Preliminary Ecological Appraisal also includes an Ecological Mitigation & Enhancement Scheme to provide for habitat creation, increased habitat connectivity and biodiversity, new opportunities for roosting and nesting, and mitigated lighting to reduce potential impacts on the Special Area of Conservation.
- 5.3. Whilst the erection of a dwelling in an existing residential garden has limited scope for biodiversity net gain, the EMES provides some opportunity for biodiversity net gain within the site. A condition is recommended to ensure that the development is carried out in accordance with the recommendations contained within this report.

6. Drainage:

- 6.1. The site is within a Critical Drainage Area, as identified by the Environment Agency, and surface water drainage concerns have been raised by some objectors. The application includes additional soakaways to manage additional surface water run-off, and the foul drainage would connect to the existing mains drainage system. The Council's Drainage Engineer supports the application subject to a condition requiring surface water drainage details to be submitted prior to the commencement of the development, and the development is therefore considered to accord with policy DEV35.

7. Low Carbon development:

- 7.1. The Council has declared a climate emergency and JLP seeks to help in delivering a more sustainable future for the area, whilst at the same time supporting national and

international efforts to respond to the challenge of climate change and build more resilient communities. Carbon reduction is also detailed in policy KWAC Env7 of the emerging neighbourhood plan.

- 7.2. The application includes renewable energy sources, such as solar panels to the roof, and the installation of an EV charging point. Local materials are proposed, and the dwelling would be highly insulated. Officers therefore consider the proposal to contribute towards the aims of policy DEV32 and KWAC Env7 respectively.

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
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
DEV1 Protecting health and amenity
DEV2 Air, water, soil, noise, land and light
DEV8 Meeting local housing need in the Thriving Towns and Villages Policy Area
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
DEV28 Trees, woodlands and hedgerows
DEV29 Specific provisions relating to transport
DEV32 Delivering low carbon development
DEV35 Managing flood risk and Water Quality Impacts

Neighbourhood Plan

The Kingsbridge, West Alvington, & Churchstow neighbourhood plan is currently out for consultation. Moderate weight can therefore be given to the relevant emerging policies:

KWAC Env1 Settlement Boundaries and the avoidance of coalescence
KWAC Env 5 Prevention of light pollution
KWAC Env 6 Prevention of Flooding and the impact on water quality
KWAC Env7 Carbon Reduction
KWAC Env8 Encouraging renewable energy
KWAC H2 Market Housing
KWAC H4 Principal Residence
KWAC BE3 Design Quality
KWAC T3 Car Parking

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 & South West Devon JLP 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.

Proposed 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) XXX received by the Local Planning Authority on 30th June 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. Prior to the commencement of any development, including demolition or earthworks, a Tree Protection Plan and measures for tree protection during the course of development, shall be submitted to, and agreed in writing by the Local Planning Authority.

Reason: To protect trees of amenity value.

4. Prior to commencement of any part of the site the Planning Authority shall have received and approved a Construction Management Plan (CMP) including:

(a) the timetable of the works;

- (b) daily hours of construction;
- (c) any road closure;
- (d) confirmation that the public footpath adjacent to the site will not be blocked or restricted from use by the construction works
- (e) hours during which delivery and construction traffic will travel to and from the site, with such vehicular movements being restricted to between 08:00 and 18.00 Mondays to Fridays inc.; 09.00 to 13.00 Saturdays, and no such vehicular movements taking place on Sundays and Bank/Public Holidays unless agreed by the Planning Authority in advance;
- (f) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits;
- (g) a site plan showing the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the demolition and construction phases;
- (h) areas on-site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste with confirmation that no construction traffic or delivery vehicles will park on the County highway for loading or unloading purposes, unless prior written agreement has been given by the Local Planning Authority;
- (i) hours during which no construction traffic will be present at the site;
- (j) the means of enclosure of the site during construction works; and (k) details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site obligations
- (l) Details and location of any construction worker welfare facilities, site office, etc.
- (m) Details of the amount and location of construction worker parking.

Reason: In the interests of public amenity and highway safety.

5. 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, Class AA (enlargement of a dwellinghouse by construction of additional storeys)
- (c) Part 1, Classes B and C (roof addition or alteration)
- (d) Part 1, Class D (porch)
- (e) 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)
- (f) Part 1, Class F (hardsurfaces)
- (g) Part 1, Class G (chimney, flue or soil and vent pipe)
- (h) Part 1, Class H (microwave antenna) and;
- (i) Part 2, Class A (means of enclosure)

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.

6. The roofs hereby approved shall be clad in natural slates, of British or European origin.

Reason: To perpetuate the use of vernacular materials so as to retain the character of the locality.

7. Details of any external lighting (including security lighting) to be erected, placed, or sited within the site shall be submitted to and approved in writing by the Local Planning Authority prior to installation. The work shall thereafter be carried out in accordance with the approved details and under no circumstances shall it cause light pollution nor shall external illumination be operated on the site other than in accordance with the approved scheme.

Reason: In the interests of the amenities of the occupiers of neighbouring residential properties.

8. The recommendations, mitigation and enhancement measures of the Preliminary Ecological Appraisal by Colin N Wills (dated 7th August 2021), shall be fully implemented prior to the commencement of the use hereby approved and adhered to at all times. In the event that it is not possible to do so all work shall immediately cease and not recommence until such time as an alternative strategy has been agreed in writing with the Local Planning Authority.

Reason: To safeguard the interests of protected species

9. 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.

10. The parking provision for the proposed dwelling shall be laid out in accordance drawing number A1436.21.P01.C prior to the occupation of the dwelling hereby approved. The spaces shall hereafter be retained and maintained for the parking of private motor vehicles.

Reason: To ensure that the development has adequate parking provision and does not result in additional parking issues in the surrounding area.