

PLANNING APPLICATION REPORT

Case Officer: Alexis Wilson

Parish: Wembury

Application No: 2579/22/HHO

Agent:

Mr Stewart Green
Yealmbury
Stoke Road
Noss Mayo
PL8 1DY

Applicant:

Mr & Mrs Stephen Lang
Red Gables
Cliff Road
Wembury
PL9 0HN

Site Address: Red Gables, Cliff Road, Wembury, PL9 0HN



Development: Householder application for conversion of existing garage to extra living accommodation

Recommendation: Refusal

Reason for Call In: Councillor Brown wishes the Committee to consider the planning judgment made by the officer on scale, appearance and physical relationship to the host dwelling and existing annex.

Reasons for refusal:

The proposed annex development by virtue of its scale, appearance, facilities, its physical relationship to the existing annex and disjunction from the main dwelling house, is tantamount to a the creation of a new dwelling in the countryside. The application is therefore deemed contrary to policies SPT1 (3i, 3v), SPT2 (10,12), TTV26 (1), TTV29 (5), DEV10 (4), DEV20 (2, 4, 5), DEV23 (1, 2, 3, 4, 5, 7), DEV24 (1, 3, 5), DEV25 (2, 5, 6, 7, 8i, ii, iii, iv, v, vi, ix) and DEV29 (10), of the Plymouth and South West Devon Joint Local Plan (2014 - 2034), as well as paragraphs 11, 174, 176, 177, 178 of the National Planning Policy Framework and the guidance contained within the Plymouth and South West Devon Joint Local Plan Supplementary Planning Document, including but not limited to paragraphs 4.128 to 4.132 inclusive.

No drainage solution has been demonstrated so a judgement cannot be made by Officers to ensure this application complies with Policy DEV35 (4, 8) of the Joint Local Plan.

Key issues for consideration:

- Principle of Development/Sustainability
- Design, Scale and Massing
- Protected Landscape
- Drainage
- Highways/Access/Parking
- Neighbour Amenity
- Biodiversity

Site Description:

The proposed site is located outside of the built form of the village of Wembury in the protected landscape of the South Devon Area of Outstanding Natural Beauty, the Heritage Coast and the Undeveloped Coast.

Red Gables is a modern extended detached property with self-contained annex and attached garage, situated outside of the main village development area, in an elevated countryside position with an outlook across open public land, including a public right of way (Wembury Footpath 16) and Wembury Bay below. The property has previously been extended with a large roof gable feature (dormer), balcony, conservatory, garage and 1-bedroom self-contained annex added by the current owners which is currently let privately as tourist accommodation (contrary to conditions contained within its 1999 planning permission).

Access to the property is gained via a wooden 5 bar gate from Cliff Road. A public right of way (Wembury Footpath 29) runs along Cliff Road and past the entrance to Red Gables, leading down to the beach and the 1,000 year old Grade 1 Listed Church of St Werburgh.

The Proposal:

The application is for conversion of the attached garage to create further domestic accommodation in order to provide a 1-bedroom, 1-bathroom two storey annexe with living

area. It is proposed by the applicant that this annex be combined with the existing annex, which sits between the proposed new annex and the main dwelling house, to create a self-contained living unit for the applicant's adult son, his partner and their children. The existing annex, granted permission in 1999 (58/1851/98/F) as ancillary accommodation for dependent family members, is currently let as an income generating business and evidence shows this has been the case since at least 2018.

The conversion of the garage requires the roofline to be raised, a side dormer window added on the west roof elevation, velux windows added to the west and east roof elevations, new first floor window on the north elevation and new glass patio doors where the garage door presently is on the north elevation. An internal staircase from the living area will access the upstairs bedroom and shower room. The proposed annex will share the entrance door and hallway of the existing annex with which it is to be amalgamated. It is proposed that the annex be connected to the existing septic tank and soakaway.

Consultations:

- County Highways Authority: *No Highways implications*
- Environmental Health Section: *No comments received*
- Parish Council: *No objection*

Representations:

None received

Relevant Planning History:

Planning Application Reference	Proposal	Site Address	Decision
58/1035/94/3	Alterations & extension to bungalow and garage	Cliff Road, Wembury, PL9 0HN	Conditional approval, 07 Sept 1994
58/1851/98/F	Single storey extension and alterations to provide self-contained annex and garage	Cliff Road, Wembury, PL9 0HN	Refusal, 15 Jan 1999. Appeal allowed 05 June 1999 subject to conditions
58/0384/04/F	Extension to provide conservatory and balcony	Cliff Road, Wembury, PL9 0HN	Conditional approval, 19 April 2004

58/0984/08/F	Extension to dwelling	Cliff Road, Wembury, PL9 0HN	Conditional approval, 03 July 2008
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ANALYSIS

Principle of Development/Sustainability

The location of the proposal is outside the built form of the village of Wembury in an elevated countryside position. Whilst the current dwelling establishes the principle of residential development on this site, the fact that the site is located in the South Hams AONB and the Undeveloped and Heritage Coast, any new development would be subject to compliance with the protective policies relevant to these designations.

The proposed development would, when combined with the existing annex as proposed by the applicant, form a self-contained dwelling attached to the host dwelling but with no dependence on or functional link to it. As such it is considered by Officers to be a new independent dwelling as opposed to an annex ancillary to the main dwelling.

Guidance contained within DEV10 of the Joint Local Plan and relating Supplementary Planning Document, requires all annexes granted permission to be used only in conjunction with the main dwelling and be reliant on facilities and floor space provided by that host dwelling. The proposal being considered would ultimately provide a substantial self-contained standalone property which rivals the size of the host property in scale. In addition, the proposed design would not allow it to be used as an integral part of the main dwelling at a later date due to its narrow linear design and internal wall positioning. As such the proposal conflicts with policies DEV10 and TTV29 of the Plymouth and South West Devon Joint Local Plan (2019) and Paragraphs 4.128 through 4.132 of the Joint Local Plan Supplementary Planning Document (July 2020).

The application site falls within the Undeveloped Coast, where proposals are assessed against the criteria of policy DEV24 as follows:

“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 the development:

1. *can demonstrate that it requires a coastal location*
2. *cannot reasonably be located outside the Undeveloped Coast*
3. *protects, maintains and enhances the unique landscape and seascape character and special qualities of the area*
4. *is consistent with policy statements for the local policy unit in the current Shoreline Management Plan*
5. *is consistent with the relevant Heritage Coast objectives, as contained within the relevant AONB Management Plan.*

Development for the purposes of agriculture, forestry, public access and enjoyment of the coast and estuaries, or community facilities that meet the objectively assessed needs of the local community, will be supported if it meets the above tests”.

The applicant has not provided any justification for the siting of a self-contained dwelling within the Undeveloped Coast, contrary to the provisions of criterion 1. Similarly, policy TTV26 supports the creation of new dwellings within the open countryside where it is demonstrated that they; *“respond to a proven agricultural, forestry and other occupational need that requires a countryside location.”* However, this has not been demonstrated as necessary.

Officers would also note that as the LPA can demonstrate a five year housing land supply, the creation of an independent dwelling could be located outside the Undeveloped Coast and the proposal fails to comply with criterion 2. The location of the site means that any occupants of the development would be heavily reliant on the private car to access services and amenities. Any increased residential capacity in this location would have adverse social and environmental impacts on the area, increasing noise, light emission, private car usage and put pressure on the existing road network and drainage system. As such, the proposal is considered contrary to the provisions of SPT1, SPT2, TTV1, TTV2, TTV26, TTV29, DEV10 and DEV24 of the Plymouth and South West Devon Joint Local Plan (2019), and contrary to paragraph 11 of the National Planning Policy Framework (2021).

Design/Landscape

The site is located in the South Devon Area of Outstanding Natural Beauty (AONB), the Heritage Coast and the Undeveloped Coast (as defined in the Plymouth and South Devon Joint Local Plan 2014-2034). Any development proposal therefore has to comply with the provisions of DEV20, DEV23, DEV24 and DEV25.

The South Devon Area of Outstanding Natural Beauty Management Plan 2019-2024 states;

“Development management decisions will give great weight to the purpose of conserving and enhancing the natural beauty of the South Devon AONB; and support development that is appropriate and proportionate to its setting within or adjacent to the South Devon AONB by seeking to avoid, minimise or as a last resort compensate, for harm to the special qualities and distinctive characteristics of the 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”.

Officers determine that developing further residential units of the type proposed would result in additional built form in the open countryside of the undeveloped coast within the South Devon AONB without justification, contrary to policies TTV26, DEV24 and DEV25, and paragraphs 174, 176 and 178 of the National Planning Policy Framework (2021).

The development of the garage to an annex will increase further the negative impact of the existing annex on the host property, creating an overly linear protuberance. By raising the roofline and installing a large side dormer the design will increase the scale and volume of the building, detracting from and failing to be subordinate to, the host property, particularly when viewed from the public realm.

The proposed annex, due to its linear nature and access via a single door and internal hallway will be difficult to incorporate in to the main residential property at a later date, as required by policy DEV10. When taken into account with the existing annex to which it is to be

amalgamated, the annex becomes self-contained and is of a scale that would create an independent property attached to the host dwelling. As such it is contrary to TTV26, TTV29, DEV10, DEV20, DEV23, DEV24 and DEV25 of the Plymouth and South West Devon Joint Local Plan (2019) and paragraphs 4.128 to 4.132 of the Joint Local Plan Supplementary Planning Document (July 2020).

Neighbour Amenity

Due to 'Red Gables' large domestic curtilage and high boundary hedges, Officers consider there to be enough space and screening between the proposed site and the neighbouring properties to avoid any significant increase in overlooking as a result of the development. The application is therefore in accordance with the requirements of DEV1 and DEV2 and this does not form a substantive reason for refusal.

Drainage

The Design & Access statement shows the sewerage from the new development being connected into the existing septic tank system. There is, however, no Foul Drainage Assessment (FDA1) form included with the application so full proposed flows are unknown and a full drainage assessment cannot be made by the Officer to ensure this application complies with Policy. The proposal is therefore considered contrary to the provisions of DEV2 and DEV35.

Biodiversity

The applicant has provided a Preliminary Ecological Appraisal to confirm that there are no ecological constraints to development on the site. The Appraisal contains a number of precautionary recommendations in order to safeguard the interests of protected species, which would be appropriate to secure through condition, were the development considered otherwise acceptable. On this basis, the proposal is considered to accord with the provisions of DEV26 and this does not form a substantive reason for refusal.

Highways/Access

Officers deem that by losing two car parking spaces currently contained within the garage, and by increasing the residential use of the property, this will cause an increase in the number of cars parked on the driveway. However the driveway is of generous size and would accommodate in the region of 6 cars if required and the Officer concurs with the applicant that there will remain adequate parking space. This accords with the provisions of DEV29.

Conclusion

The proposed development, when taken into account with the existing annex to which it is to be amalgamated, becomes self-contained and is of a scale that would create an independent property attached to the host dwelling. As such the proposal is tantamount to the creation of a new dwelling in a countryside location which is set in the South Devon AONB, and an area designated as Heritage Coast and Undeveloped Coast by the LPA. Due to its linear nature and access via a single door and internal hallway it will be difficult to incorporate into the main residential property should the need arise at a later date. This leads to the creation of a self-contained dwelling in an area where unrestricted dwellings are not supported.

The raising of the roofline and installation of a large side dormer creates built form which, along with the interconnecting existing annex, challenges the host dwelling as the dominant feature of the site.

For these reasons the proposal is considered contrary to policies SPT1 (3i, 3v) Delivering sustainable development, SPT2 (10 & 12) Sustainable linked neighbourhoods and sustainable rural communities, TTV1 (4), TTV26 (1i, ii, iii, iv & v), TTV29 (5) Residential extensions and replacement dwellings in the countryside, DEV10 (4) Delivering High Quality Housing, DEV20 (2, 4 & 5) Place shaping and the quality of the built environment, DEV23 (1, 2, 3, 4, 5, 7) Landscape character, DEV24 (1, 3, 5) Undeveloped Coast and Heritage Coast, DEV25 (2, 5, 6, 7, 8i, ii, iii, iv, v, vi, ix), DEV29 (10), DEV35 Managing flood risks and water quality impact; Specific provisions relating to transport; paragraphs 11, 174, 176, 177, 178, of the National Planning Policy Framework and the guidance contained within the Plymouth and South West Devon Joint Local Plan Supplementary Planning Document, including but not limited to paragraphs 4.128 to 4.132 .

It is therefore recommended that the application be refused.

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 26 March 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 13 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 12 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 21 March 2019 and West Devon Borough Council on 26 March 2019.

SPT1 Delivering sustainable development
SPT2 Sustainable linked neighbourhoods and sustainable rural communities
TTV1 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
DEV10 Delivering High Quality Housing
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
DEV29 Specific provisions relating to transport
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 11, 174, 175, 176, 178 and guidance in Planning Practice Guidance (PPG). Additionally, the following planning documents are also material considerations in the determination of the application: Plymouth and South West Devon Joint Local Plan Supplementary Planning Document 2020, South Devon Area of Outstanding Natural Beauty Management Plan 2019-2024.

Neighbourhood Plan

A Neighbourhood Plan is currently under preparation for the Parish of Wembury but it has not yet reached a stage where it can be considered material to the decision making process.

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.