

PLANNING APPLICATION REPORT

Case Officer: Rachel Head

Parish: South Huish **Ward:** Salcombe and Thurlestone

Application No: 4454/22/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 extension to approved car port, re-align steps, add window and enclose to form garage

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. Garage to remain incidental
5. Surface water drainage

Key issues for consideration:

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

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 from the south. 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).

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 seeks to extend the overall footprint of the previously approved car port by approx. 6sqm and enclose to form a garage, the addition of a window to the internal facing north elevation of the garage and re-align the external steps between the driveway and the dwelling adjacent to the proposed garage.

The materials proposed would comprise rendered walls and natural slate roof tiles to match the existing dwelling.

Consultations:

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

South Huish Parish Council have reviewed the application and have unanimously agreed to OBJECT to the proposals.

Councillors felt that the plans were misleading and request clarification of exactly where the photograph in the documentation was taken as they were unable to establish this.

This plot has already undergone significant development, with huge increases to overall floor space since 2020. These previous works have resulted in the removal of the original garage and replacement with a car port. The request is now for the car port to be extended and enclosed to form a garage.

This additional application is further overdevelopment of the plot.

Neighbourhood Plan Conditions to adhere to include:

1. SH ENV2
2. SH ENV6
3. SH ENV7
4. SH ENV8
5. SH HBE3

While the Parish Council strongly object to this application, should the planning officer see fit to approve the works it is requested that the decision be conditioned that the garage shall not at any time be converted to habitable space and not be used, let, leased or otherwise disposed of for any other purpose including as a separate unit of accommodation and form of holiday letting purposes.

We would also request that permitted development rights be restricted and/or removed where possible.

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
- 4713/21/HHO Householder application for ancillary annexe – Conditional approval 05/01/22

ANALYSIS

1. Principle of Development/Background:

- 1.1. The site is located within the built area of Hope Cove and comprises an existing dwelling and residential curtilage. The principle of the proposed development is therefore acceptable, subject to all other material planning considerations.
- 1.2. This application follows a previous consent on site for the erection of an annexe extension to the rear of the property and for the erection of a car port off the existing garage building within the driveway to the front of the property. This application seeks to enclose the car port to create a garage extension, moving the walls away from the eastern boundary of the site. It also proposes to re-align the external steps from the drive to the main dwelling adjacent to the garage and for the addition of a window to the north internal facing elevation of the garage.

2. Design/Landscape:

- 2.1. The Parish Council have objected to the scheme on the grounds that they consider that; “This plot has already undergone significant development, with huge increases to overall floor space since 2020. These previous works have resulted in the removal of the original garage and replacement with a car port. The request is now for the car port to be extended and enclosed to form a garage. This additional application is further overdevelopment of the plot.”
- 2.2. In response to the Parish Council’s concerns, the proposed garage is to be moved away from the shared boundary which will reduce the impact on neighbour amenity. This proposal includes an increase in size of the garage building by approx. 6sqm than the previously consented footprint of the carport. Due to the scale and nature of the proposal Officers do not consider that the proposal would appear unduly visually prominent within the street scene, the built form does not increase any further than the existing building line of the adjacent properties, the ridgeline of the garage is lower than the main dwelling and so it reads as a subservient addition. Officers therefore do not consider the proposal to be an

overdevelopment of the plot and in this context, the proposal is considered to accord with the provisions of DEV20, DEV23 and HBE3.

2.3. 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 itself, as the proposal is located within the built form of Hope Cove and changes to character and appearance of the residential area will be localised only, thereby conserving the natural beauty of the AONB. While it does not offer enhancement, given the small scale of the proposal, including the presence of an existing residential dwelling, the proposal is considered acceptable with regard to the provisions of DEV25, Env2 and Env8.

3. Neighbour Amenity:

3.1. By altering the position of the proposed garage away from the eastern boundary of the site, the proposal is considered to have a lesser impact than the previous car port scheme on neighbouring amenity in terms of overbearing impact.

3.2. Due to the scale, nature and siting of the proposal it is not considered that the proposal would result in any significant change with respect to neighbour amenity relative to the extant consent. As such, the proposal is considered to accord with the provisions of DEV1.

3.3. No formal comments from the neighbouring properties have been received.

4. Highways/Access:

4.1. Due to the scale, nature and siting of the proposal it is not considered that the proposal would result in any significant change with respect to highways safety relative to the extant consent. As such, the proposal is considered to accord with the provisions of DEV29.

5. Drainage:

5.1. The site does not fall within Flood Zone 2 or 3 nor within a Critical Drainage Area. The proposal does not increase the impermeable area on site, the proposed surface water from the garage will connect to the existing rainwater system. Due to the minor nature of the development this is considered acceptable in this instance and accords with the provisions of DEV35 and Env7.

6. Climate Emergency:

6.1. The Council has declared a climate emergency and the 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 Env6 of the South Huish Neighbourhood Plan.

6.2. The application includes the installation of an electric vehicle charging point on the garage as detailed on the plans. The details of the proposed roof slates have been submitted which are Welsh blue/grey natural slates. These elements are considered to contribute positively to the provisions within the renewable energy policies.

7. Other Matters:

7.1. The Parish Council have stated that if application is permitted the garage should not be converted to habitable space including a separate unit of accommodation or holiday let.

Officers agree and consider that in this instance it is appropriate to impose a condition to ensure that the garage is used only for purposes incidental 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.

- 7.2. The Parish have also requested that if the application is approved the property's permitted development rights are removed/restricted. It is not procedurally possible to remove permitted development rights for an existing property under a subsequent householder planning application. Permitted development rights for future changes to the development for which consent is being sought can be removed, however Officers do not consider this to be reasonable or necessary in this case. It can be noted any further extensions to the dwelling under permitted development rights would be limited by the works to the original dwelling which have already taken place and the location of the property within the AONB (where permitted developments are already constrained under the terms of the GPDO). Any future development proposals requiring planning permission would be assessed on their own merits.
- 7.3. Finally, the Parish Council also stated that the submission is misleading and request clarification of exactly where the photograph in the documentation has been taken from. The applicant has confirm this is an error in the submission and the said photograph has not been taken on site.
- 7.4. With this detail confirmed Officers consider that the plans and information submitted are clear and valid with sufficient information provided to make an informed decision on the proposed development.

8. Conclusion:

- 8.1. On balance the proposal is considered acceptable in terms of design, neighbouring amenity and highways impact and it is recommended that the application is approved subject to the suggested conditions.

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 South Huish Neighbourhood Plan was made 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 South Huish 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 Env6, Encouraging renewable energy and low carbon development
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 number '20.2.10a' received by the Local Planning Authority on 22 December 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 proposed private motor garage shall only be used for the accommodation of a private motor vehicle, the said garage shall only be used for purposes incidental to the main dwelling 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. No surface water from the roof of the garage building hereby approved shall be discharged onto the highway, or any land outside of the curtilage of The Willows, Bolberry Road, Hope Cove.

Reason: To ensure a satisfactory means of surface water disposal.