

## PLANNING APPLICATION REPORT – Householder Developments

**Case Officer:** Curtis Badley

**Parish:** Wembury

**Ward:** Wembury and Brixton

**Application No:** 0596/23/HHO

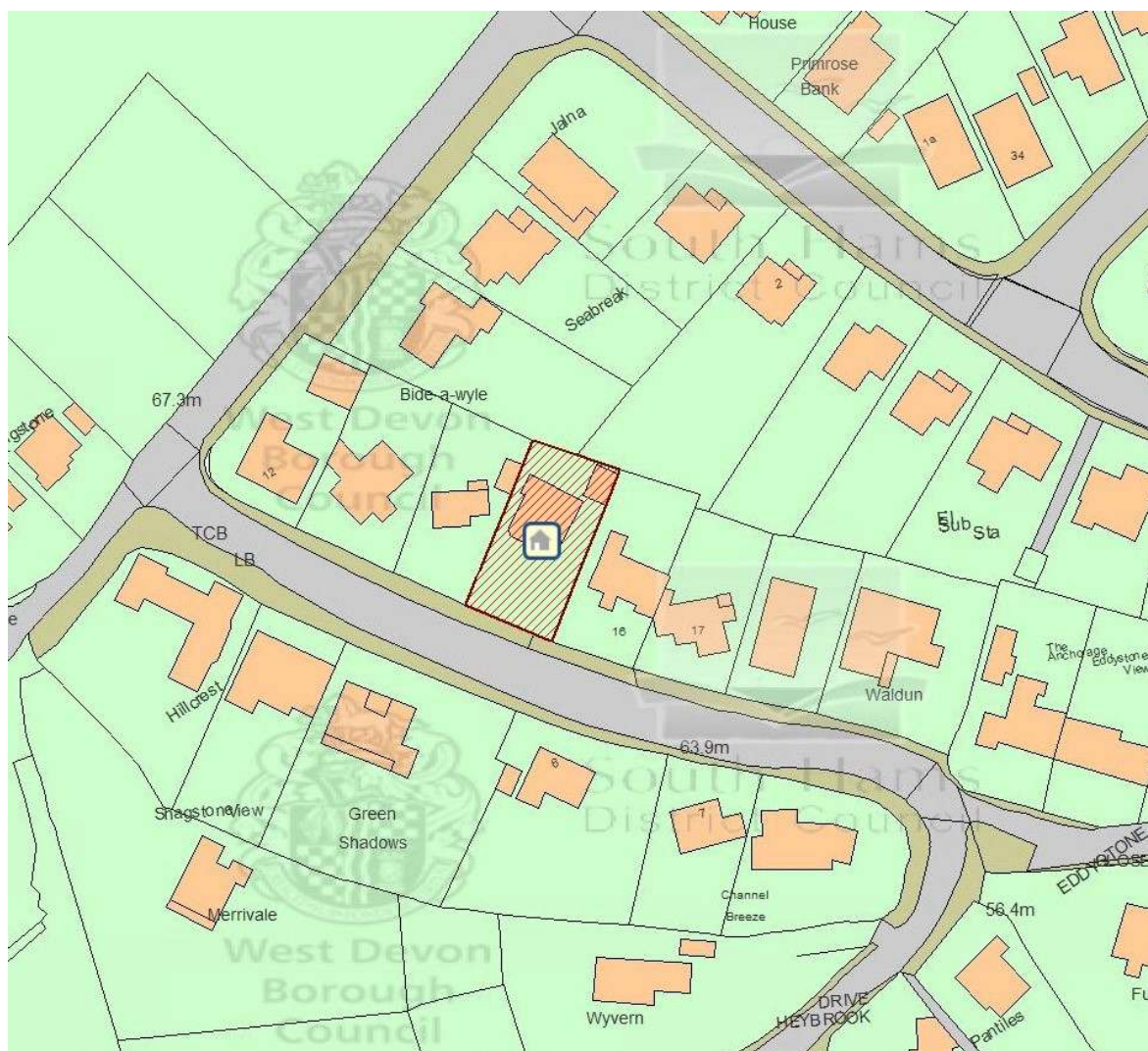
**Agent:**

Mr Derek Butler - Derek Butler Designs Ltd  
Hexhill Cottage  
Brixton Torr  
Plymouth  
PL8 2BD

**Applicant:**

Mr & Mrs D Sims  
15 Heybrook Drive  
Heybrook Bay  
PL9 0BN

**Site Address:** 15 Heybrook Drive, Heybrook Bay, PL9 0BN



**Development:** Householder application for side porch and bedroom extension

Reason item is being heard by Committee: The former Local Ward Member, namely Cllr Daniel Brown, has asked that it be heard by Committee for the following reason: *“I would like this application to be considered by the Development Management Committee as a result of the comments from the PC regarding concerning around scaling and massing.”*

## **Recommendation:** Conditional Approval

### **Conditions:**

1. Standard time limit
2. Adherence to plans
3. Adherence to construction management plan

### **Key issues for consideration:**

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

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### **Site Description:**

15 Heybrook Drive ('Shearwater') is a detached residential property located within the built-up area of Heybrook Bay. The site comprises of a chalet bungalow, providing living accommodation over two storeys, built of painted render external walls with painted timber windows and doors below an interlocking concrete tiled roof.

The property is located to the North of Heybrook Drive and the front boundary treatment consists of a low stone wall with hedgerow behind. The ground floor accommodation comprises kitchen, sitting room and hallway, together with two bedrooms with en-suites. The first floor accommodation comprises a third bedroom with en-suite, together with a living room. The first floor accommodation, set within the roofspace, is served by two front and two rear facing dormer windows.

The topography of the land has a shallow slope down from the West side of the property to the East. A front deck provides level access to the front patio doors and a short, paved ramp allows vehicular access from the gravel driveway to the garage which lies to the Eastern side of the plot.

The property is located within the South Devon Area of Natural Beauty (AONB).

### **The Proposal:**

The proposed development seeks to construct a single storey side extension to the existing chalet bungalow providing an extended bedroom and new entrance porch. The extension would be accessed by new access steps and handrails to the front of the property.

The extension would be externally finished with painted rendered walls and would have a flat roof clad with single ply roofing membrane in grey. Doors and windows would be timber to match existing.

The proposal also seeks to install a new rear facing window to the existing ground floor en-suite bathroom.

### **Consultations:**

- Devon County Council Highways Authority: No Highway Implication

- Wembury Parish Council: “Objection due to overdevelopment of the site and impact on the neighbour's amenity.”

## **Representations:**

### **Representations from Residents:**

Ms T Seymour – Resident at 14 Heybrook Drive:

Comments received in objection as the proposed development “appears to sit exceedingly close to the boundary & seems like overdevelopment.” Comments raise concern to the space required to undertake the works and maintenance of the property without entering number 14 and that a one metre gap would enable space to undertake future maintenance and not feel like overdevelopment.

### **Relevant Planning History:**

58/1494/78/3 - Erection of a porch  
Conditional Approval - 22 November 1978

58/0699/84/3 - Extension to dwelling  
Conditional Approval – 3 July 1984

58/1423/86/3 - Alterations to approved scheme to extend bungalow  
Conditional Approval – 11 November 1986

58/0253/98/3 - Loft conversion  
Conditional Approval – 25 March 1998

2567/15/HHO- Householder application for demolition of existing detached garage and erection of new attached garage, side-extension and alterations  
Conditional Approval – 10 February 2016

### **ANALYSIS**

The following **analysis** is given where the answer to any of the preceding questions is **no** or there are comments from any party or consultee.

#### 1. Principle of Development/ Background:

- 1.1. 15 Heybrook Drive is located within the built area of Heybrook Bay and comprises of an existing dwelling and residential curtilage. The principle of the proposed development is therefore acceptable, subject to all other material planning considerations and protective designations relevant to this sensitive location.

#### 2. Design and Landscape:

- 2.1. The proposed development seeks to construct a single storey side extension to the existing chalet bungalow. The proposal projects 10.3 metres parallel alongside the Western site boundary, retaining the existing boundary treatment on site. The width of the proposed extension varies from 1.78m to 2.42m to infill the gap between the existing side elevation of the property and boundary treatment which are not parallel.

- 2.2. The proposed extension is considered to be a modest, single storey addition to the existing dwellinghouse. The proposed single storey addition utilises a flat roof and is set back from the principal elevation, allowing the extension to remain subservient to the host dwelling. The proposals are considered to retain suitable amenity space, and visual qualities of the property ensuring that the proposal does not represent an overdevelopment of the site. The proposed materials largely match the existing property. On this basis, the proposal is considered to accord with the provisions of policies DEV20 and DEV23 of the Joint Local Plan ('JLP').
- 2.3. The site falls within the South Devon AONB. Policy DEV25 of the JLP 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 reflect those of the existing dwelling and have a neutral impact on the AONB itself. As the proposal is located within the built form of Heybrook Bay 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 limited scale of the proposal within a residential context, the proposal is considered acceptable with regard to the provisions of policy DEV25.

### 3. Neighbouring Amenity:

- 3.1. Representations have been received from the neighbouring property to the west (No.14) objecting to the proposal on the grounds that "the extension appears to sit exceedingly close to the boundary & seems like overdevelopment."
- 3.2. No.14 comprises a two-storey dwelling of contemporary form and design, with attached garage. The boundary between No.14 and the application property is marked by a horizontal timber fence (2m high approx.) The garage serving No. 14 is also partially built up to the shared boundary.
- 3.3. The proposed extension would be some 10.3 metres deep, and situated alongside the existing side elevation of the dwelling. It would not extend out beyond the existing front or rear walls of the dwelling. The use of a flat roof in this instance reduces the overall scale of the development and restricts the height to 3.1 metres – below the height of the eaves of the existing property. No windows are introduced facing this neighbouring property.
- 3.4. In terms of neighbour impact, although the extension would be situated closer to No.14 than the existing dwelling, the extension would not extend the dwelling to the front or rear, and must be considered in relation to the existing extent of built form. The extension would also be partly screened by the existing boundary fence, or its replacement, and by the existing garage serving No.14 which, as noted, is partially built up to the shared boundary.
- 3.5. Overall, having regard to proposal's modest, subservient form and siting to the side of the dwelling, adjacent to existing built form, it is not considered that the proposal would constitute an overdevelopment or otherwise materially harm the amenities of the occupiers of No.14 by reason of overlooking, overshadowing or overbearing impact. A condition has been attached to ensure the construction management plan is adhered to in order to safeguard the environment, residential amenities and access to the

highway. The proposal is therefore considered to accord with the provisions of DEV1 and DEV2 of the JLP.

- 3.6. The representations of No.14 also raise concern regarding the space required to undertake the works and thereafter maintain the property without needing to enter No.14 and note that a one metre gap would enable space to undertake future maintenance and not feel like overdevelopment. Whilst these points are noted, in this regard the extension cannot be distinguished from any other extension or work proposed close to a party boundary, and no policy of the JLP or guidance within the associated SPD seeks to avoid single storey side extensions in such circumstances. Beyond this, the representations may be considered to cover civil matters beyond the control of the Local Planning Authority.

#### 4. Highways/Access:

- 4.1. Due to the scale, nature and siting of the proposal to the side of the existing dwelling and retention of existing parking and access arrangements, a suitable level of parking and amenity space is retained. The proposal is not expected to result in any significant change with respect to highways. 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. document. The proposed extension represents an increase in impermeable area of 19.6m<sup>2</sup>, although some of the area covered is already impermeable finishes. The proposed surface water from the extension will soakaway into the front garden as illustrated within the 'Block Site Plan with Drainage'. Due to the minor nature of the development this drainage strategy is considered acceptable in this instance and accords with the provisions of policy DEV35 of the JLP.

#### 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.
- 6.2. The application includes the installation of an electric vehicle charging point within the existing garage as detailed on the proposed plans. This introduction is considered to contribute positively to the provisions within the renewable energy policies. A condition is recommended to secure the provision of this feature.

#### 7. Conclusion:

- 7.1. On balance the proposal is considered acceptable in terms of principle of development, design, impact on the AONB and neighbouring amenity. It is recommended that the application is approved subject to the suggested conditions which secure the implementation of the plans and construction management plan as submitted.

***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  
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  
DEV20 Place shaping and the quality of the built environment  
DEV23 Landscape character  
DEV25 Nationally protected landscapes  
DEV26 Protecting and enhancing biodiversity and geological conservation  
DEV32 Delivering low carbon development

## **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

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:
  - DBD1041/SLP 'Site Location Plan' received by the Local Planning Authority on 17 February 2023.
  - DBD1041/BSP 'Block Site Plan' received by the Local Planning Authority on 17 February 2023.
  - DBD1041/201 'Block Site Plan with Drainage' received by the Local Planning Authority on 17 February 2023.
  - DBD1041/05 Rev A 'Proposed Floor and Roof Plans, Elevations and Sections' received by the Local Planning Authority on 17 February 2023.

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 development hereby approved shall in all respects accord strictly with the Construction Management Plan written by Derek Butler Designs Ltd (dated: 14<sup>th</sup> February 2023) and received by the Local Planning Authority on 17 February 2023.

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

4. No window shall be installed in the north-west elevation of the extension hereby approved unless granted planning permission by the Local Planning Authority.

Reason: In the interest of neighbouring amenity.

5. The EV charging point as shown on the approved plans shall be installed prior to the occupation/use of the extension hereby approved, and hereafter be retained and maintained for the life of the development.

Reason: To ensure that the development contributes to the carbon reduction aims of the Joint Local Plan.