

PLANNING APPLICATION REPORT – Householder Developments

Case Officer: Curtis Badley **Parish:** Kingsbridge **Ward:** Kingsbridge

Application No: 0049/23/HHO

Applicant:

Mr Lee Bonham
Derby Lodge
8 Derby Road
Kingsbridge
TQ7 1JJ

Site Address: 8 Derby Road, Kingsbridge, TQ7 1JJ



Development: Householder application for two storey side extension plus first-floor extension over part of existing ground floor, to include pitched roof to match existing

Reason item is being heard by Committee: The applicant is an elected Local Ward Member.

Recommendation: Delegated approval to the Head of Development Management subject to no further representations being received within the reconsultation period (date TBC) that raise any new issues not considered in the Officer Report.

Conditions:

Standard time limit
Adherence to plans
Adherence to drainage details
Materials to match

Adherence to ecological mitigation and enhancement

Key issues for consideration:

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

Site Description:

8 Derby Road is a link detached residential property located within the built-up area of Kingsbridge. The site comprises of a two-storey dwelling, externally finished in painted render beneath a slate tiled roof. The property benefits from an existing two storey flat roof side extension to the East.

The property is located to the South of Derby Road, facing onto the crossroads of Erbington Street and Rack Park Road. The dwelling is sited towards the front of the site and has an off-road parking space to the front and a sloping garden to the rear. The site narrows from the front to the rear (North to South) of the property which backs onto the Kingsbridge Recreation Ground.

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

The Proposal:

The proposed development seeks to construct a two-storey side extension to the existing dwelling providing an additional bedroom at first floor and a cloakroom at ground floor, together with a first-floor rear extension to provide an extension to an existing bedroom. The first-floor extension will partly replace an existing balcony enclosure, the remaining balcony being modestly extended. Both extensions will be pitch roofed, the pitch roof to the two-storey side extension replacing the bulk of the flat roof to the existing side addition.

The materials proposed would comprise of painted rendered walls, a slate roof covering and windows and doors to match the existing dwelling.

Other Matters:

Amended plans have been received since the original consultation took place which correct the extent of the applicant's land ownership (specifically the boundary between Nos. 8 & 9 Derby Road) and thus amend the red line denoting the application site. These plans do not amend the development for which planning permission is sought. Reconsultation has taken place given the receipt of these amended plans, and this is reflected in the recommendation, above.

Consultations:

- Devon County Council Highways Authority: No Highways Implication
- Kingsbridge Town Council: "KTC: Recommend Approval" Overall View: Support

Representations:

Representations from Residents:

R and C East – Resident at 9 Derby Road:

Comments received in objection as “the proposed extension would be built very close to the boundary limits, making this an over-development of the plot. It would overshadow our productive little vegetable garden depriving it even further of the current limited amount of light and sunshine that it attracts”.

Representations from Internal Consultees:

Relevant Planning History:

28/1665/00/F - Erection of garage
Conditional Approval - 21 November 2000

28/0224/08/F - Alterations to dwelling
Refusal - 26 March 2008

28/0663/08/F - Resubmission of application 28/0224/08/F for alterations to dwelling
Conditional Approval - 19 May 2008

ANALYSIS

1. Principle of Development/ Background:

1.1. 8 Derby Road is located within the built area of Kingsbridge 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 two-storey side extension adjoining the existing two storey flat roofed extension. As part of the proposal, the pitched roof of the proposed extension will be carried over onto the existing extension, thus removing the bulk of the flat roof and replacing this with a pitched roof. The proposal extends the existing gable roof form, ensuring a cohesive design solution which does not dominate the existing dwellinghouse. To the rear, the first-floor extension projects from the existing gable roof form also.

2.2. As a result of the rear extension, access to the Western side of the rear extension was restricted. A small balcony extension is proposed to ensure this access is retained and this expansion is considered to be modest in size.

2.3. The proposed extensions are considered to create a well-proportioned increase to the existing dwellinghouse. The side extension is set back from the principal elevation, allowing the extension to remain subservient to the host dwelling. The proposals do not significantly impact upon the amenity space available and are

considered to retain the visual qualities of surrounding area, ensuring a visual gap between the dwelling and its neighbour to the West, number 9 Derby Road is retained.

- 2.4. 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').
- 2.5. 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 have a neutral impact on the AONB itself. As the proposal is located within the built form of Kingsbridge, 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 of the JLP and policy KWAC Env3 of the Kingsbridge, West Alvington and Churchstow Neighbourhood Plan ('NP').

3. Neighbouring Amenity:

- 3.1. Number 8 Derby Road is a link detached property located on a constrained site which narrows to the rear. This, combined with the close-knit nature of surrounding development, sloping topography, siting of existing windows and, in relation to the applicant property, a rear balcony, means that there is already a degree of mutual overlooking between neighbouring properties. This point will be considered further below.
- 3.2. In terms of representations, it is noted that objections have been received from the neighbouring property, 9 Derby Road, which is positioned to the East/South-East of the application site. No.9 is set at a slightly lower level than No.8 and has both a terraced rear garden and a small side/front garden currently in use as a vegetable plot. This side/front garden is situated to the north-east of the applicant property.
- 3.3. As part of their assessment of the application, Officers have sought and received a revised location plan and block plan which clarifies site ownership and the location of the site boundary between the application site and the neighbouring property, 9 Derby Road. With regard to proximity to No.9, it is noted that the proposed side extension does not extend out further to the side than the existing side extension and would be viewed in the context of and against the backdrop of the existing built form. A minimum gap of 1.7 metres would be retained between the side wall of the applicant property and the side boundary with No.9.
- 3.4. The representations made by No.9 object on the basis that the extensions will "overshadow our productive little vegetable garden". Officers are mindful that No.9 has two identified garden areas; one to the rear and another to the side/front. The garden area that No.9 consider would be affected by the development is the part of its garden that lies to the side/front of the property. DEV1 seeks to ensure development provides for satisfactory daylight, sunlight, outlook and privacy. However, in consideration of overshadowing/sunlight and daylight, officers would place more weight upon any perceived impact upon the neighbour's property itself

than part of its garden area - para 13.30 of the JLP SPD stating “13.30 Extensions should not result in a significant loss of daylight or sunlight to habitable rooms of neighbouring properties, such as kitchens, living rooms or bedrooms.” In this case, the development is not identified as impacting on the dwellinghouse itself but, as noted, part of its garden. No.9’s terraced garden area to the rear of the dwelling is not regarded to be adversely impacted by the proposed works. Officers consider any impact upon this front/side garden to be minor, having regard to the size and projection of extension, aspect and juxtaposition of the two properties. In conclusion, mindful of the above and para 13.30 of the SPD, officers are content that the proposal would not harmfully affect the amenities of the neighbouring dwelling by reason of overshadowing, loss of light/sunshine or overbearing impact such that a conflict with DEV1 could be evidenced.

3.5. In terms of privacy and overlooking, as a result of the degree of overlooking already permitted by the existing dwelling and rear balcony area, the proposed reconfiguration of the balcony area and placement of rear facing doors/windows in the first floor rear extension, is not considered to create a materially more harmful impact upon neighbouring properties than currently exists. Moreover, the overall extent of the balcony will be reduced as a result of the proposed development.

3.6. It is noted that a side facing window proposed to serve the additional bedroom (which replaces an en-suite bathroom window to the side) will have a view over the side garden of the adjacent property, the side/front garden serving No.9 (discussed in 3.4 above) and its side elevation. The side/front garden of No.9 is already overlooked from the existing balcony to an extent and, being to the front/side, can also reasonably be considered to be secondary to the principal garden area to the rear wherein privacy criteria are not so rigorously applied. It is also noted that the proposed first floor rear extension removes the existing overlooking of this side/front garden area permitted by the existing balcony. Moreover, as noted, No.9 has a larger, terraced garden area to the rear.

3.7. Taking these points into consideration, it is not considered that the proposals will result in harmful overlooking or a loss of privacy.

3.8. In conclusion, it is not considered the proposal will harmfully impact upon residential amenity and the proposal is considered to comply with policies DEV1 and DEV2 of the JLP.

4. Ecology:

4.1 The Preliminary Ecological Appraisal ‘13322/GLE’ by Green Lane Ecology (dated December 2022) found no evidence of use by bats or bird nesting and sets out precautionary measures to avoid any harm during building works. The appraisal also sets out the provision of biodiversity enhancement recommended to swift bricks. A condition has been attached to ensure the adherence to the recommendations of the ecological appraisal. On this basis, the proposal accords with JLP policy DEV26 which seeks to protect and enhance biodiversity.

5. Highways/Access:

5.1 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.

Further the County Council Highways Officer has raised no objection to the proposed development. As such, the proposal is considered to accord with the provisions of policy DEV29 of the JLP.

6. Drainage:

- 6.1 The site falls within Flood Zone 2, an area with a medium probability of flooding. The site also lies within the Kingsbridge Critical Drainage Area. The increase in impermeable area resulting from the proposed development is 3.2m² and the associated drainage consultation response supports the current proposal based on the information provided.
- 6.2 A condition is recommended to ensure 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 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. On this basis, the development this is considered acceptable and accords with the provisions of policy DEV35 of the JLP.

7 Climate Emergency:

- 7.1 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. The development of small-scale renewable energy generation is also detailed in policy KWAC Env7 of the NP.
- 7.2 The application includes the installation of three photo-voltaic panels as detailed on the South Elevation of the proposed roof. This introduction is considered to contribute positively to the provisions within the renewable energy policies.

8 Conclusion:

- 8.1 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 conditions as listed.

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

Kingsbridge, West Alvington and Churchstow Neighbourhood Plan (2021 – 2034)

KWAC Env3 Impact on the Natural Environment, South Devon Area of Outstanding Natural Beauty (AONB), green corridors and green infrastructure.

KWAC Env7 Carbon Reduction

KWAC Env8 Encouraging renewable energy

KWAC BE3 Design Quality

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:

- 2701.SLP 'Site Location Plan' received by the Local Planning Authority on 28 March 2023.

- 2701.SBP 'Site Block Plan' received by the Local Planning Authority on 28 March 2023.
- 2701.02 Rev P4 'Plans and Elevations as Proposed' received by the Local Planning Authority on 28 March 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 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.

4. The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those of the existing building unless amendments have been agreed in writing with the Local Planning Authority.

Reason: In the interests of visual amenity.

5. The recommendations, mitigation and enhancement measures of the Preliminary Ecological Appraisal, '13322/GLE' by Green Lane Ecology on December 2022, 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