

## PLANNING APPLICATION REPORT

**Case Officer:** Chris Mitchell

**Parish:** Kingswear **Ward:** Dartmouth and East Dart

**Application No:** 0041/17/HHO

**Agent/Applicant:**

Michael Parkes  
12 Spittis Park  
Lower Contour Road  
Kingswear  
TQ6 0AP

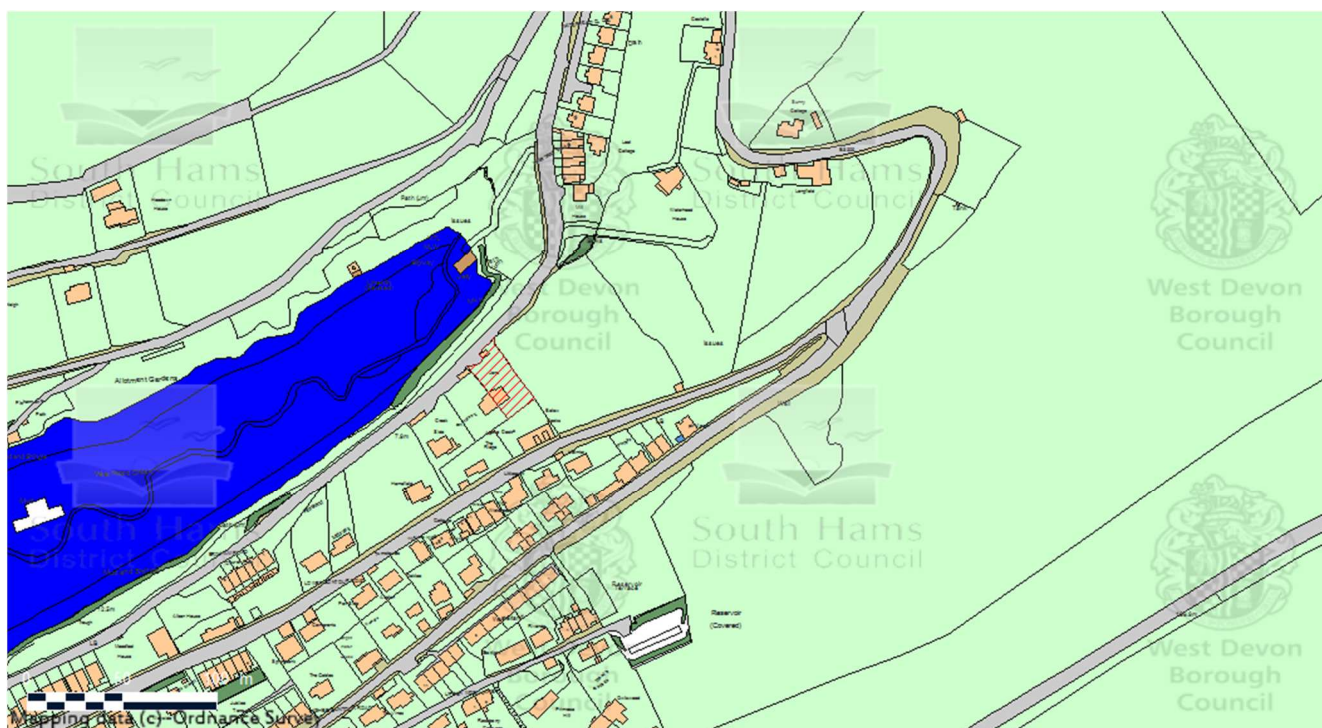
**Applicant:**

Mr And Mrs J S Hill  
Jonswood  
Brixham Road  
Kingswear  
TQ6 0BA

**Site Address:** Jons Wood, Brixham Road, Kingswear, Devon, TQ6 0BA

**Development:** Householder application for proposed alterations and extensions (resubmission of consent 3337/16/HHO)

**Reason item is being put before Committee:** The Ward Member states the present application is more suitable to the site and the current house is of little merit and cannot see any reason to refuse



**Recommendation:** Refusal

**Reasons for refusal:**

The design and massing of the proposed extension would be out of keeping and does not harmonise with the existing dwelling and neighbouring property and in the opinion of the Local Planning Authority it would be detrimental to the visual amenities and character of the locality and therefore contrary to Joint Local Plan Policies DEV20 (Place Shaping and the Quality of the Built Environment), DEV24 (Landscape Character) and DEV27 (Nationally Protected Landscapes), Core Strategy Policies CS7 (Design) and CS9 (Landscape and Historic Environment), Development Plan Policies DP1 (High Quality Design) and DP2 (Landscape Character).

**Key issues for consideration:** Design use of materials, impact upon neighbours and local area and wider AONB.

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**Site Description**

The site is situated to north east of Kingswear adjacent to the main road out of the village and overlooks Waterhead Creek. The property is a semi-detached dwelling house built in mid 20th Century building with rendered walls, UPVC windows and concrete tiled roof.

**The Proposal**

The proposal is for a two-storey side (east) extension to provide kitchen/dining room at ground floor and master bedroom with en-suite above. The extension would measure 7.2m in depth by 4.1m in width by 6.1m in height to eaves and 8.3m to ridge. The materials will be render for the side and rear walls with full height UPVC glazing on the north west elevation and concrete tiled roof to match existing.

**Consultations:**

- |                                |                      |
|--------------------------------|----------------------|
| • County Highways Authority    | No objection         |
| • Environmental Health Section | No comments received |
| • Town/Parish Council          | Support              |

**Representations from Residents**

There have been four letters of support received and cover the following points:

- The proposed design would sympathetic and compliment to the local area;
- The design adds to the diversity of extensions in the area;
- The previous approvals would be problematic from leaking roofs.

**Relevant Planning History**

3337/16/HHO	Householder application for alterations and extensions	Conditional Approval
30/2674/11/F	Resubmission of planning approval reference 30/2007/11/F (for alterations and extensions with external decking) for amendments to plans	Refusal
30/2007/11/F	Householder application for alterations and extensions with external decking	Conditional Approval
30/0126/90/3	Demolition of pre-fabricated garage and erection of replacement garage with hobbies room	Conditional Approval

## ANALYSIS

There is no objection to the principle of an extension to this property subject to all other material planning considerations.

The proposed scheme is identical to that of a previously refused planning application 30/2674/11/F by the Local Planning Authority on the grounds of its scale and massing that unbalances with the existing dwelling and the adjoining neighbouring property.

The new ridge should be stepped down to match that of the neighbouring property's extension so as to balance with the neighbouring property. The proposed full gable is out of keeping with the existing façade when read with both the applicants and neighbour's properties and therefore this proposal would result in an un-balanced design.

The agent argues the proposed extension should be of a different design rather than copying neighbouring property and the applicant requires more room. Officer's have considered this comment though do not find this reasoning to be acceptable to warrant an unacceptable design. However, it should also be noted that the LPA has previously refused an identical scheme under the previous planning application 30/2674/11F. It is considered that the proposed ridge height should stepped down thereby the extension would be subservient to that of the main house as per the neighbouring property's (Overcreek) extension. This would be in line with the recent previous approvals given to this property under planning permission 333716/HHO.

The proposed gable over the extension results in an unbalanced design to that of the existing dwelling house and its neighbouring property and therefore is not considered to be in keeping with the character of the locality. It is therefore recommended that this proposed extension be refused on the grounds of inappropriate design and massing.

The proposal is not considered to result in a detriment upon the wider landscape of the Area of Outstanding Natural Beauty.

The design and massing of the proposed development would be out of keeping with the existing property and does not harmonise with the neighbouring property and therefore it is considered that it would be detrimental to the visual amenities of the locality

### Neighbour Amenity

The proposed extension would not result in any detrimental impact upon neighbouring properties.

### Ecology

The existing loft space of the property is in use and therefore there is no evidence of protected species being present.

### Highways/Access

There would be no highway impact from the proposed extension.

### Conclusion

The submitted proposal is the same in all elements as the previously refused application 30/2674/11/F) for two storey side extension with no alterations. The LPA can find no overriding reason in either local plan policies or contained within the NPPF to override this previous decision and therefore is application is recommended to for refusal for the same reasons; design, scale and massing.

*This application has been considered in accordance with Section 38 of the Planning & Compulsory Purchase Act 2004.*

## **Planning Policy**

*NPPF*

## **Joint Local Plan (Emerging)**

DEV1 Protecting Health and Amenity  
DEV20 Place Shaping and the Quality of the Built Environment  
DEV24 Landscape Character  
DEV27 Nationally Protected Landscapes

## **South Hams LDF Core Strategy**

CS1 Location of Development  
CS7 Design  
CS9 Landscape and Historic Environment

## **Development Policies DPD**

DP1 High Quality Design  
DP2 Landscape Character  
DP3 Residential Amenity

## **South Hams Local Plan (please delete as necessary)**

SHDC 1 Development Boundaries

‘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.

The development plan comprises (delete one list as applicable):

- **South Hams**
- 2006 Core Strategy
- 2007 Sherford New Community Area Action Plan (AAP)
- 2008 Affordable Housing Development Plan Document (DPD)
- 2010 Development Policies Development Plan Document (DPD)
- 2011 Site Allocations Development Plan Document (DPD) for:
  - Dartmouth
  - Ivybridge
  - Kingsbridge
  - Totnes
  - Rural Areas
- Saved policies from 1996 Local Plan?
- Devon Waste Plan
- Devon Minerals Plan

The Plymouth and South West Devon Joint Local Plan (the JLP) will replace the above as the statutory development plan once it is formally adopted.

Annex 1 of the National Planning Policy Framework (the Framework) provides guidance on determining the weight in relation to existing and emerging development plan policies.

- For current development plan documents, due weight should be given to relevant policies according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).
- For the JLP, which is an emerging development plan, the weight is to be determined by the stage of its preparation, the extent to which there are unresolved objections, and its degree of consistency with the Framework.

The JLP is at a relatively advanced stage of preparation, with the pre-submission version formally approved by South Hams District Council, West Devon Borough Council and Plymouth City Council for a six-week period for representations, pursuant to Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations. It is also considered to be consistent with the policies of the Framework, as well as based on up to date evidence. However, until the Regulation 19 stage has concluded, and the scale and nature of representations known, it is considered that the JLP's policies will generally have limited weight within the planning decision. The precise weight will need to be determined on a case by case basis, having regard to all of the material considerations.

Other material considerations include the policies of the Framework itself and guidance in National Planning Practice Guidance (NPPG).'

### **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.

### **Recommended Refusal Reason**

The design and massing of the proposed extension would be out of keeping and does not harmonise with the existing dwelling and neighbouring property and in the opinion of the Local Planning Authority it would be detrimental to the visual amenities and character of the locality and therefore contrary to Core Strategy Policy CS7 (Design) and CS9 (Landscape and Historic Environment), Development Plan Policies DP1 (High Quality Design) and DP2 (Landscape Character) and Adopted Local Plan Policy SHDC1 (Development Boundaries).

### **INFORMATIVES**

1. This authority has a pro-active approach to the delivery of development and early pre-application engagement is always encouraged. As the Local Planning Authority we have endeavoured to work proactively and positively with the applicant to ensure that all relevant planning considerations have been appropriately addressed. This approach accords with the National Planning Policy Framework and with Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010, as amended.

2. The responsibility for ensuring compliance with the terms of the approval rests with the person(s) responsible for carrying out the development. The Local Planning Authority uses various means to monitor implementation to ensure that the scheme is built or carried out in strict accordance with the terms of the permission. Failure to adhere to the approved details can render the development unauthorised and vulnerable to enforcement action.