

PLANNING APPLICATION REPORT

Case Officer: Sarah Carroll **Parish:** Marldon **Ward:** Marldon and Littlehempston

Application No: 4033/16/HHO

Applicant:

Mr I Rowden
Low Cedars
Westerland
Marldon
TQ3 1RR

Site Address: Low Cedars, Road From Marldon Cross To Roots, Westerland, Marldon, Devon, TQ3 1RR

Development: Householder application for composite decking to rear of property to facilitate access from bedroom and conservatory.

Reason item is being put before Committee

The applicant is an employee of the council.

Recommendation:

Conditional Approval

Conditions

Standard time limit
Adherence to plans

Key issues for consideration: The principle of the development and potential impact on the amenity of the neighbouring properties.

Site Description: The site lies to the west of Totnes road in Westerland on the approach into Marldon. Access to the site is achieved via a lane in the centre of two residential plots of a similar size. The proposal site lies behind these two residences with larger plots located to the south and to the north of the site. There is a large amount of vegetation surrounding the plot, to the south of the site in particular.

The Proposal:

The proposal seeks to introduce new steps and a terrace to the north-west corner of the dwelling to meet the ground floor level of the existing property. The access onto the terrace will be from the conservatory and bedrooms at ground floor and access steps lead into the garden area of the site. As the ground level slopes down away from the dwelling, the height of the decking above ground level will range from 0.65m (closest to the dwelling) to 0.8m as the ground level slopes away.

Consultations:

- County Highways Authority: N/A
- Environmental Health Section: No comments received.

- Town/Parish Council: Support

Representations:

There were no letters of representation in relation to this proposal.

Relevant Planning History

No relevant planning history.

ANALYSIS**Principle of Development/Sustainability:**

The principle of the development is considered acceptable as the development is minor in nature and occurring within the grounds of a residential curtilage to improve the amenity of the existing property.

Design/Landscape:

There is thought to be no harmful impact on the dwelling in terms of the design of the proposal. Officers agree that the proposal is minor in nature and will have little or no negative aesthetic effect on the property as a whole.

Neighbour Amenity:

There are no neighbour amenity issues as a result of this proposal. There is no view of private areas of neighbouring properties and therefore the neighbour impact is negligible.

Highways/Access:

No highway issues arise

Planning Balance:

It is recommended that conditional approval be granted.

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

Planning Policy

NPPF

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

Emerging Joint Local Plan

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:

- 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.

Relevant Emerging JLP Policies

TTV32 Residential Extensions and Replacement Dwellings in the Countryside
Policy DEV1 Protecting health and amenity
Policy DEV10 Delivering high quality housing
Policy DEV24 Landscape character

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 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(s) site location plan, SHDC 1, SHDC 2, SHDC 3, SHDC 4 and SHDC 5 received by the Local Planning Authority on 09/01/2017.
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.