

PLANNING APPLICATION REPORT

Case Officer: Chris Mitchell

Parish: Dartmouth **Ward:** Dartmouth & East Dart

Application No: 0096/17/HHO

Agent/Applicant:

Mr Tim Provost
9 Duke Street
Dartmouth
TQ6 9PY

Applicant:

Mr Nick Royle
The Boathouse,
South Town
Dartmouth
TQ6 9BU

Site Address: The Boathouse, South Town, Dartmouth, TQ6 9BU

Development: Householder application for construction of external access lift, associated bridge link and other external works

Reason item is being put before Committee: As the new access onto Manor Gardens is in the ownership of South Hams District Council.



Recommendation: Refusal

Reasons for refusal:

The design, location, scale and massing of the proposed external lift tower would result in less than substantial harm to setting of neighbouring listed buildings and fails to preserve or enhance or enhance the character and appearance of the Dartmouth Conservation Area and the Area of Outstanding Natural Beauty. This harm is not outweighed by any public benefit and is therefore contrary to Local Plan Policies Core Strategy CS1 (Location of Development), CS7 (Design) CS9 (Landscape and Historic Environment), *Development Policies* DP1 (High Quality Design), DP2 (Landscape Character), DP6 (Historic Environment), Emerging Joint Local Plan DEV1 (Protecting amenity and the environment), DEV20 (Place shaping and the quality of the built environment), DEV21 (Conserving the historic environment), DEV22 (Development affecting the historic environment), DEV24 (Landscape character) and DEV27 (Nationally protected landscapes) and Para's 64, 66, 132, 134 and 137 of the National Planning Policy Framework.

Key issues for consideration: The visual impact upon the Dartmouth Conservation Area and Area of Outstanding Natural Beauty, impact on the setting of listed buildings, neighbour impact and harm upon Coastal Path.

Site Description:

The site is located to the south of Dartmouth town centre with pedestrian access taken from South Town. The Boathouse is a two storey dwelling house sited adjacent to the River with the property cut into the steep hillside with pedestrian access via 72 steps from South Town within the existing stone boundary walls. To the north west of the property is the Local Authority owned land of Manor Gardens. The property is sited within Dartmouth Conservation Area and the South Devon Area of Outstanding Natural Beauty (AONB).

The Proposal:

The proposal is for the construction of a lift tower to improve access to the property connecting to the first and ground floors of the dwelling house together with a bridge and new pedestrian access taken from Manor Gardens. The lift shaft would be clad in a mix of natural stone and would be built to a height of 12.1m from ground level.

The originally submitted proposal of this application sought a higher lift tower of some 13.7m, which was not considered to be below the boundary wall of the road with South Town and therefore it was reduced by 1.6m that was advised to be reduced in height by the case officer.

The proposed new access from Manor Gardens would remove a section of wall and construct two 1.8m high pillars and install a 1.8m timber gate.

Consultations:

- County Highways Authority No comments received

- Environmental Health Section No comments received
- Town/Parish Council Objection.

A unanimous decision by the Planning Committee is to Recommend Refusal on the grounds of overdevelopment of the site, un-neighbourly, not in keeping with the water frontage and of being visually intrusive.

- Conservation Objection

Whilst the principle of providing this lift was not rejected at pre-application, acceptance was subject to the quality of design in response to the context and challenges of the locality.

I have assessed this proposal in relation to the Dartmouth Conservation Area(CA) and most relevant designated heritage assets including:- Manor House, Whiteknights, 17 Southtown (all grade II) and the SAM's Bayards Cove Fort, Dartmouth Castle, Gallants Bower and Gomerock Tower. There are, of course, other HA's, both designated and non-designated that are affected. I note that The Boathouse is a building that is not a heritage asset and does not make a positive contribution to the CA.

Summary

I consider there to be harm to the setting of designated heritage assets in the 'less than substantial' level, so para's 132, 134 and 137 of the NPPF apply. There is some genuine justification for the provision of a lift, but the benefit accrues only to the applicants and future owners of The Boathouse. Whilst it overcomes the need to climb the steps it does not provide full accessibility. I can see no public benefit to the scheme that would outweigh the harm. I recommend refusal on the grounds of harm to the character and appearance of the Dartmouth Conservation Area and harm to the setting of heritage assets.

Analysis

The fine views from Manor Gardens are acknowledged in the CA Appraisal. This designed vantage point is hugely appreciated by locals and visitors and is one of the best spots in Dartmouth to enjoy the estuary and understand the significance of the port and its defences. The proposed lift tower will permanently dissect and impinge upon the views and detract significantly from the experiential value of them from the Gardens and in the serial views along this stretch of Southtown. It will also harm views of the CA from the water and from Kingswear. Given the volume of traffic and passengers using the ferries and enjoying the water this impact is also very significant. The 'preserve or enhance' test required of the LPA by S72 of the 1990 Act cannot be passed by this proposal as the harm is clearly evident.

The setting of the nearest listed buildings on Southtown, (Manor House, Whiteknights, 17 Southtown) will be harmed, both in views of them and from them. Having 'special regard'

as required by S66 of the 1990 Act this harm makes the proposal an undesirable development.

The setting of Bayards Cove fort will be harmed in views from the water and this is an iconic fortification of critical importance to Dartmouth so any harm needs much justification.

There will be some, albeit slight, impact on the Scheduled Ancient Monuments (SAM's) of Dartmouth Castle, Gallants Bower and Gomerock Tower. As stated above the views of the defensive assemblage at the mouth of the estuary from Manor Gardens and Southtown are of value and will be harmed.

Problems with the proposal are the height, form, materials and design.

Comparison has been made with the nearby lift tower and whilst I have no wish to analyse the merits of that development it is significantly lower and constructed of materials which are visually recessive into the backdrop of the huge retaining wall to Southtown. It is not a positive feature and is visible from Southtown, but crucially it does not reach a height whereby it ruins views. It also formed part of a whole site re-development which presumably offered overall enhancement. The current proposal is much higher and that is a fundamental problem. I note that it is now intended to be stone clad rather than slate hung, which is a much better option that removes one of the fundamental objections. The Cornish slate proposed may be acceptable but I would also encourage the provision of cut stone coping – granite or limestone but slate is an option. The failure to properly consider materials choices at the outset is unfortunate.

The bridge to the tower is an uninspiring structure of the most bland utilitarian design and presents no aspiration to add a feature of interest. The tower itself is a very bland box structure.

Applying the NPPF the poor design fails to meet the aims of paras 64 and 66.

It is unclear to me how many other waterfront properties have similar access restrictions and could seek such solutions. If there are others then the cumulative impact could be very harmful indeed. If there is a wider need could a collective solution be an option?

Possible improvements

For such a proposal to overcome the harm I have set out I suggest there are some fundamentals that must be achieved:

1 It must be lower. Whilst it may be desirable for the applicants to have a fully enclosed lift shaft it could easily be an open platform type lift. Yes, this would be open to the elements but so are the steps presently used for access. What this could achieve is lowering the height by up to 3m, or more if additional steps were used to access the platform.

2 Design. Need it be a solid box? Could an open frontage present a better appearance in views from the river? Would access to the views not be a more enjoyable experience for the users that a sealed box? An open platform lift option could allow a different, less solid, design approach? Could vegetation form a part of a coherent design approach?

It could be sensible for the applicants to withdraw this application and re-visit the design approach through pre-app in consultation with ourselves, neighbours, DTC and others affected.

Representations from Residents

There have been some 60 letters of representation received and include the following points:

- The revised proposals scale and massing together its height and design are out of keeping with the local area;
- Detrimental visual impact upon Conservation Area and would harm the Area of Outstanding Natural Beauty;
- Harm to setting of listed properties;
- Over dominance upon Manor Gardens as it would rise 2.2m above the gardens and therefore result in loss of views out over the River Dart and towards Kingwear and its castle;
- Loss of view from the Coastal path;
- Overshadowing of neighbouring properties and result in loss of light;
- Overdevelopment of the site;
- If approved would set a dangerous precedent to future developments within the local area;
- The proposed new access into Manor Gardens and linked bridge to this tower is unacceptable as it is onto public land.

Previous Comments

There were 57 letters of representation and a 200 signature petition raising objection to the previous proposal with similar comments.

Relevant Planning History

0275/16/PRH	Pre-application - Householder - new lift access to dwelling from Manor Gardens Officer Support
15/1899/14/F	Householder application for extension to balcony and repositioning of access stair Conditional Approval

ANALYSIS

Principle of Development/Sustainability:

The site is located within the development boundary of Dartmouth where the principle of sustainable development is supported subject to all other material considerations.

Two properties in the area already have planning permission for lift shafts; the immediate neighbouring property of Riverhouse, a modern dwelling that was granted planning permission with similarly design lift tower and Lidstones (the 6th property to the north site) where a lift shaft was approved under planning approval 15/3219/14/F. The principle of providing lift shafts has therefore previously been accepted in the area but each case must be considered on its merits. The cumulative impact of these developments is now also a relevant consideration.

Design/landscape:

Since submission this application has been amended to reduce the overall height of the tower by 1.6m and the external materials have been changed from slate to natural stone, this was in response to concerns raised by Officer's.

Whilst the reduced height of the proposed lift tower together and being clad in natural stone has reduced its overall visual impact upon the character and appearance of the local area, concern is still raised with regard to the overall adverse visual impact that the structure would have upon the wider setting of heritage assets which include a number of listed buildings, the Conservation Area and the Area of Outstanding Natural Beauty (AONB).

In particular, concern is still raised regarding the impact that the tower would have upon the fine views from Manor Gardens which are acknowledged in the Conservation Area Appraisal. This designed vantage point is hugely appreciated by locals and visitors and is one of the best spots in Dartmouth to enjoy the estuary and understand the significance of the port and its defences.

The proposed lift tower will permanently dissect and impinge upon the views and detract significantly from the experiential value of them from the Gardens and in the serial views along this stretch of Southtown. It will also harm views of the Conservation Area from the water and from Kingswear. Given the volume of traffic and passengers using the ferries and enjoying the water this impact is also very significant. The 'preserve or enhance' test required of the

Local Planning Authority by S72 of the 1990 Act cannot be passed by this proposal as the harm is clearly evident.

The Officers consider there to be harm to the setting of designated heritage assets in the 'less than substantial' level, so para's 132, 134 and 137 of the NPPF apply. The heritage assets in question Manor House, Whiteknights, 17 Southtown (all grade II) and the SAM's Bayards Cove Fort, Dartmouth Castle, Gallants Bower and Gomerock Tower.

Further concern is also raised to number of other properties along the waterfront with similar access restrictions that would seek similar solutions and officers would raise concern to further lift towers that would result in a cumulative impact that could be very harmful to the character and appearance of the Conservation Area and AONB.

The design of the bridge to the tower is also noted as being an uninspiring structure of a bland utilitarian design and presents no aspiration to add a feature of interest to the overall impact of this proposal.

The proposed lift tower would only provide private access to the applicant's property and therefore does not provide any wider public benefit to overcome the harm that it would cause upon character and appearance of the local area.

When applying the National Planning Policy Framework (NPPF) the proposed design is not considered to benefit the character and appearance of the Conservation Area, minimise its impact upon the setting of designated heritage assets and therefore fails to meet the aims of paras 64 and 66 and therefore is recommended for refusal.

Third Party comments:

The objections received to the loss of views of the River Dart are noted and usually are not material consideration of planning. However, in this case due to the sensitive nature of these public views these comments are of material consideration and the tower is considered to result in having a harmful visual impact upon the outlook from and into Manor Gardens.

The issues raised to the visual impact that the lift tower would have upon surrounding listed buildings are noted and as detailed previously in this report and officer objection is raised to harmful impact that this proposed structure would have upon their settings.

The concerns raised that the proposed tower, link and bridge would constitute overdevelopment of the site are noted though there is more than sufficient land available to this property and this would not be a reason to refuse the application.

The objections received to overshadowing and dominance upon Manor Gardens is noted though the tower has been reduced in height and would only cast a shadow onto the roof of the dwelling house and a small section part of Manor Gardens. This proposed tower would project above the Gardens by 2.2m in height, there is sufficient land either side to not adversely harm the piece of land in terms of loss of light.

The concerns raised to proposed new access via a linked bridge through Manor Gardens are noted though this is a matter to be dealt with by Council's Assets department who are in negotiations with the applicants on such an agreement. This is a civil matter and not a material consideration of planning.

Highways/Access:

There has been no Highway objection has been raised to the proposed tower and linked bridge. There is limited harm caused by the proposed new access from a highways point of view as no new vehicular access is being proposed and the use of natural stone and timber for the new gate would not be of significant harm to warrant an objection to this access.

Conclusion:

The proposed lift tower would result in less than substantial harm to the setting of neighbouring listed buildings.

The proposal fails to preserve or enhance the character and appearance of the Conservation Area and the wider Area of Outstanding Natural Beauty.

There is no overriding public benefit that arising from the proposed development that would outweigh the harm that it would have upon the character and appearance of local area and designated heritage assets. As such it is recommended that this proposal be refused.

This application has been considered in accordance with Section 38 of the Planning & Compulsory Purchase Act 2004 and with Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Planning Policy

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.

Development Plan

The relevant development plan policies are set out below:

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
DP6 Historic Environment
DP7 Transport, Access & Parking

South Hams Local Plan

SHDC 1 Development Boundaries

Emerging Joint Local 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. The precise weight to be given to policies within the JLP will need to be determined on a case by case basis, having regard to all of the material considerations as set out on the analysis above.

PLYMOUTH AND SOUTH WEST DEVON JOINT LOCAL PLAN -: PUBLICATION (as considered by the Full Councils end Feb/Early March 2017)
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DEV1 Protecting amenity and the environment

DEV2 Air, water, soil, noise and land

DEV20 Place shaping and the quality of the built environment
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DEV21 Conserving the historic environment

DEV22 Development affecting the historic environment
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DEV24 Landscape character

DEV27 Nationally protected landscapes

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.