

## PLANNING APPLICATION REPORT

**Case Officer:** Rachel Head (TF)

**Parish:** Milton Abbot **Ward:** Milton Ford

**Application No:** 1579/16/VAR

**Agent/Applicant:**

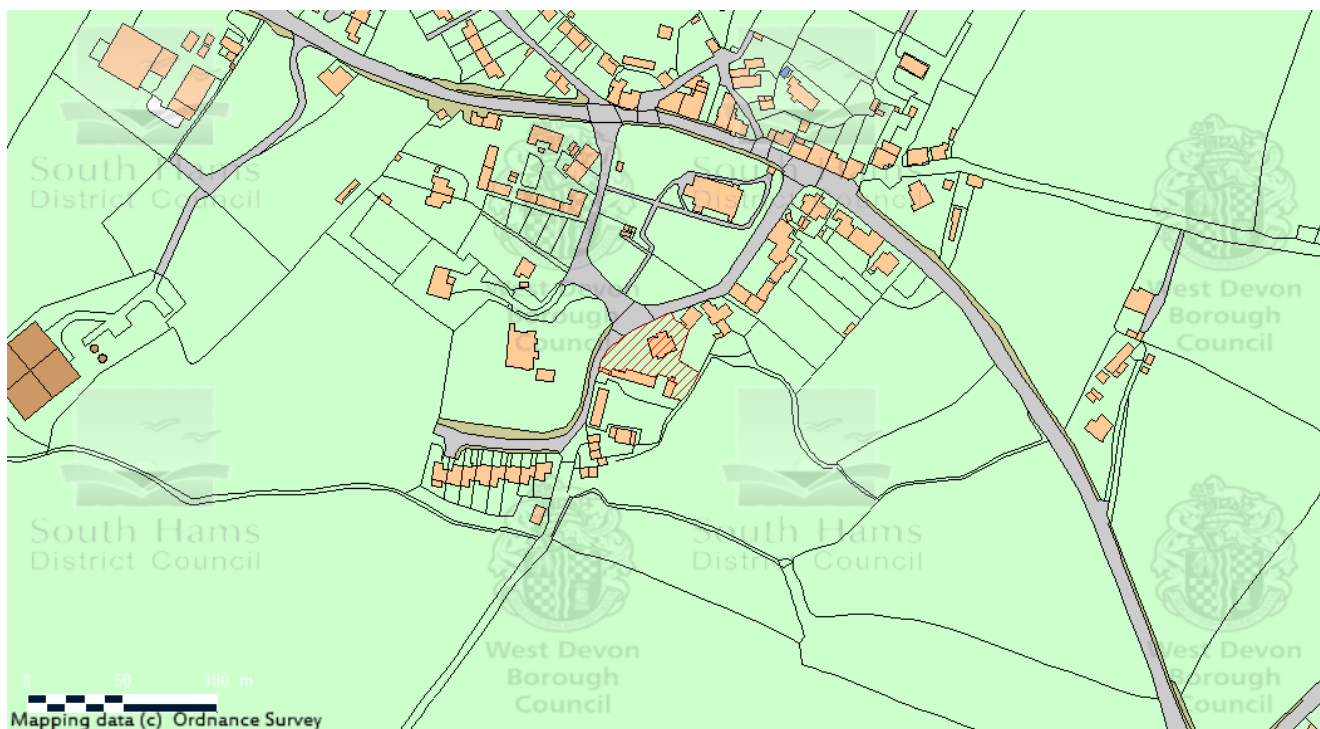
Mr Mark Evans  
Cedar House  
Membland  
Newton Ferrers, Plymouth  
PL8 1HP

**Applicant:**

Mr & Mrs Cleaver  
Lamber Hey, 12, Venn Hill  
Tavistock  
PL19 0NY

**Site Address:** Lamber Hey, 12 Venn Hill, Milton Abbot, PL19 0NY

**Development:** Variation of condition No.2 (Approved Plans) of planning consent 01830/2011 to allow for minor material amendments



**Reason item is being put before Committee:** Referred by Cllr Baldwin - This application consists of various elements that are additional /variations to the initial planning application 01830/2011. Whilst some of these are acceptable, I believe others should be considered by committee in view of the sensitive location of the property in a Conservation area, adjacent to a listed building.

**Recommendation:** Conditional approval

**Conditions:**

Accord with plans  
Accordance with drainage report  
Applicant to notify the LPA to enable inspection of the drainage system  
Garage for storage of motor vehicles only

No additional windows on southeast or southwest elevation  
Landscaping scheme required  
Landscaping scheme retained  
Front boundary wall to be agreed/provided

**Key issues for consideration:**

Whether to the proposed amendments are acceptable in relation to the impact on adjacent occupiers, the character and appearance of the conservation area as well as issues relating to drainage and flooding.

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**Site Description:**

The application site relates to a detached 2 storey dwelling, located within the settlement of Milton Abbot. The property is not listed, but is located within the Conservation Area, and has listed buildings nearby, the closest being 11 Venn Hill (Gil) to the north. Lamber Hey is a more modern property within the context of Milton abbot, and is formed from a mixture of local stone, red slate hanging on the front elevation, white render on the rear and sides, and brown roof tiles. Whilst the building is not of the same materials and more modern in character than the surrounding Conservation Area, its arts and crafts style and traditional form is considered to be a heritage asset that contributes positively to the character of the Conservation Area.

**The Proposal:**

This application seeks amendments to the previously approved scheme and includes re-grading or garden levels, including new steps and retaining features incorporated into landscape and drainage modifications, storage shed, relocated Bore holes relating the drainage scheme, relocated replacement tree and minor re-siting and re-design of garage including alterations to rear design to incorporate single storey lean-to extension.

**Consultations:**

- County Highways Authority: No highways implications
- Environmental Health Section: None received
- Milton Abbot Parish Council: Object, the following points are made;
  - The status of the original application for the redevelopment of the property, application 01830/2011 should be established as a matter of urgency, given the views of residents that it had lapsed, prior to the commencement of the development.
  - Should that application have lapsed, enforcement action in respect of any consequently unauthorised works be instigated without delay.
  - The current application should be refused on the following grounds;
    - Boundary walls constructed at Lamber Hey have had an adverse effect on the amenities of adjoining properties, Meadow Cottage and 9 Venn Hill, through loss of light and visibility from existing windows.
    - The adverse effect on the privacy of Meadow Cottage due to being overlooked from the patio area of Lamber Hey and the construction of office space that has a large window area.
    - The construction of a roof of a building at Lamber hey that connects with the roof of Meadow Cottage.
    - The hard landscaping and overbearing nature of the development, caused by the extension of the property to the boundaries of adjacent dwellings,

creates an urban aspect out of keeping with the predominantly rural nature of the village, especially as the property is sited within a conservation area.

- Inadequate sightlines for vehicles exiting the adjoining property, due to increase in height of boundary wall.
  - The construction of a boundary wall in block and render instead of stone as shown on previously approved plans.
  - The close proximity of the Grade II listed buildings, Dukes Cottage, 3-8 and 11 Venn Hill, and the nearby Grade I listed Church of St. Constantine.
- Drainage Engineer: Recommendations – No Objection

Based on the information provided we would support the current proposal. Sufficient information has been provided to demonstrate a workable scheme, the installation of the final design will need to be agreed with the LPA. Therefore if permission is granted please include the following conditions to finalise the drainage design.

#### Observations and comments

Sufficient foul and surface drainage details have been provided to confirm that a workable scheme can be accommodated on the site. The scheme will be reliant on being installed in strict accordance with the Foul and Surface Water Drainage Strategy Report - AT2256 dated October 2016 and will need to be checked upon completion.

#### Suggested conditions

##### *Surface Water*

*1. The scheme must be installed in strict accordance with the Foul and Surface Water Drainage Strategy Report - AT2256 dated October 2016 and maintained for the life of the development.*

*2. The applicant is to notify the LPA on completion of the external surfacing and drainage system to arrange an inspection to ensure it has been built in accordance with the plans.*

*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.*

- Conservation Specialist – Concerns over front boundary wall, internal walls adjacent to 11 Venn Hill and parking area, no objection to works at rear. Landscaping could soften the impact of the internal walls, recommend the rebuilding of the front boundary wall to provide a more suitable enclosure for the CA setting.

#### **Representations:**

Objection comments received, which make the following points;

- Highway safety issue from boundary wall
- Loss of light to Meadow Cottage
- Garden storage shed overbearing
- Flooding and drainage issues
- Loss of privacy from rear patio
- Multiple power sockets in room over garage
- Loss of privacy to Bowled Over
- Stream at rear has been piped over
- Removal of Devon hedge
- Windows should have been replaced like for like
- Changes not suitable for CA setting
- Stop notice should be issued
- Damage to public highway

## **Relevant Planning History**

01830/2011 - Erection of glazed extension and link attached garage and utility room with storage above - Approved

## **ANALYSIS**

### Principle of Development/Sustainability:

The principle of extensions and alterations to the dwelling were approved under application 01830/2011, however the development as built has gone beyond the approval given under 01830/2011 and now seeks approval via an amendment to the approved scheme. The principle of alterations to domestic dwellings is acceptable provided the proposal accord with other relevant policies.

### Design/Landscape:

The main changes to the approved scheme include; an additional lean to on the rear of the garage to house a plant room, changes to the roofing materials on the single storey rear lean to extensions and alterations to the garden areas in respect of levels, drainage and amended tree position.

The overall bulk and scale of the proposed extensions are broadly the same other than the modest plant room to the rear of the garage and the height of the garage remains the same as the extant permission with a minor change its position. The 3No roof lights were approved under application 01830/2011, the approved plans indicated a void over the garage, however as internal works are not development, the inclusion of internal steps to access this area would not require consent and whilst the use of the garage was controlled via condition, the void above it was not.

The approved scheme had stated in the design and access statement like for like replacement of windows where necessary, however the window details did not form part of the approved application and were not conditioned. Therefore, as a dwellinghouse with Permitted Development rights, the change of windows to a different material and opening style did not require planning consent in itself. Whilst it is regrettable that the original timber framed windows have been removed, as consent is not required for the replacement, it is considered that refusal on this ground would not be justified.

As the changes which have given the dwelling a more modern appearance are primarily within the constraints of Permitted Development on the original dwelling, the impact on the conservation area and the setting of the nearby Listed Buildings is considered acceptable.

The conditions attached to 01830/2011 included time limits, approved plans, approval for details of external finishes and garage door, car storage only on the garage and no new additional windows on the southeast or southwest elevations.

The conditions relating to the plans, use of the garage and removal of PD for additional windows are recommended as part of this approval. The buildings works to the exterior of the dwelling are completed and the materials are acceptable, the garage door is a roller door with a dark grey finish, which is considered acceptable.

The amended materials on the roof of the single storey lean to extensions are considered acceptable, they are modern in design and the main single storey garden room extension was approved with modern fenestration including large glazed doors across the back, this elevation is not visible from the public highway, the provision of solar PV panels was also shown on the single storey lean to roof extension under the approved 2011 scheme.

The garden store in the rear garden is acceptable, it matches the scale of the garages/outbuildings serving Meadow Cottage. The external finish is a slate roof with painted rendered walls.

The changes to the levels of the rear garden are acceptable due to the rear garden area not being prominent from either the street scene or wider views.

The front boundary wall is over 1 metre from ground level and therefore does require planning consent, the applicants have provided further information in respect of the previous walls in place and in relation to other boundary walls within the locality. The conservation specialist has concerns over this wall in respect of its stone facing, the expansion joints used and the facing stone, a condition is recommended requiring the replacement of this wall with a stone wall more in keeping with the sites conservation area setting.

The wall that is positioned between Lamber Hey and 11 Venn Hill constitutes permitted development and therefore it does not require planning consent, however it is sited adjacent to a listed building and the provision of planting to the front of this wall will offer a softening of its current appearance. Similarly the retaining wall adjacent to the parking area will benefit from landscaping.

#### Neighbour Amenity:

The previous approval included a patio area to the rear of the dwelling, the patio that has been constructed is not in accordance with the approved plans and this application seeks to regularise the patio as built. The patio area is larger than the patio approved under 01830/2011, however the approved scheme allowed for a degree of overlooking to the roofline of Meadow View and it is considered that the patio as built does not significantly increase this as to warrant refusal on these grounds.

It is considered that the scheme does not result in a loss of privacy to the occupiers of Bowled Over, which is sited to the south of Meadow Cottage.

The boundary wall between the application site and Meadow Cottage has the potential to result in some loss of light to the ground floor windows on north elevation of Meadow Cottage, however the loss of light is modest due to the original means of enclosure on this boundary being a timber fence which was approximately the height of the eaves of Meadow Cottage and the relative height of Meadow Cottage being much lower. In addition, it has been evidenced that this wall constitutes permitted development.

#### Highways/Access:

The highways officer has offered no objections to the proposal. The parking provision remains the same as the previous approval and conditions are recommended in respect of the retention of the garage for the parking of cars.

The boundary walls are considered not to result in highway safety issues.

The public highway is a county matter and any damage to that highway would be a matter for Devon County Council to assess and take appropriate action.

#### Drainage:

The excavation on the site had resulted in surface water drainage issues, the application has been accompanied by a detailed drainage scheme, which the LPA's Drainage Officer has reviewed and offered no objections subject to conditions, which are recommended for inclusion.

#### Other Matters:

The removal of hedging on a domestic property does not require planning consent. Therefore, whilst the removal of the hedge was not shown on the previous planning application, its removal did not require consent. In addition, the front boundary was a mixture of hedge and natural stone wall, the hedge being to the northern part and stone wall being to the south between the pedestrian and vehicular access and beyond the vehicular access to the boundary with Meadow Cottage. The stone wall that has been constructed mimics the original stone wall with the cock and hen stones atop the wall.

In respect of the stream at the rear, the stream had been covered over but this has now been removed.

A number of comments have indicated that the development was not commenced within the 3 year period of application 01830/2011 being granted. The applicants have stated that it was commenced within the 3 year period. No evidence to show whether or not the scheme was commenced within the three years has been submitted. Irrespective of this, there is no record of the pre-commencement conditions attached to 01830/2011 having been discharged. The applicant was advised to cease works whilst an enforcement investigation was undertaken, which has resulted in this application being submitted, it is appropriate to consider whether the breach of planning control can be rectified through a planning application before formal action is considered.

***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**

*All standard policies listed (delete where not relevant, add others as relevant, including NPPF):*

### **West Devon Borough Council Core Strategy 2011**

SP1 – Sustainable Development

SP18 – The Heritage and Historical Character of West Devon

SP20 – Promoting High Quality Design

### **West Devon Borough Council Local Plan Review 2005(as amended 2011)**

BE1 – Conservation Areas

BE3 – Listed Buildings

H40 - Residential Extensions

### **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 hereby permitted shall be carried out in accordance with the approved plans and documents to be listed on the decision notice.

Reason: For the avoidance of doubt and in the interest of proper planning.

2. The drainage scheme must be installed in strict accordance with the Foul and Surface Water Drainage Strategy Report - AT2256 dated October 2016 and maintained 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.

3. Prior to commencement of the external hard surfacing the applicant is to notify the LPA on completion of the main drainage runs to arrange an inspection to ensure it has been built in

accordance with the plans. Any pipes already back filled may need to be exposed to complete the inspection. On completion of the hard surfacing the applicant is to notify the LPA to arrange an inspection to ensure the final connections have been built in accordance with the plans.

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 proposed garage hereby approved shall be used only for the storage of a private motor vehicles and other uses ancillary to the private dwelling and for no business or commercial purposes.

Reason: To safeguard the residential amenities of adjoining occupiers in accordance with Development Plan Policy H40.

5. Notwithstanding the provisions of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any Order revoking, re-enacting or further amending that Order), no additional windows to the South East and South West elevation shall be installed without the express grant of planning permission.

Reason: In order to preserve the amenities of the adjacent property in accordance with Local Plan Policy H40.

6. Within 3 months of the date of this approval, full details of landscaping works shall be submitted to and approved in writing by the local planning authority, these works shall be carried out entirely in accordance with the approved details. The scheme shall include boundary treatment, planting schedules (species, sizes densities) and any existing trees to be retained/removed.

Reason: In the interests of visual amenity and the preservation of the character of the conservation area.

7. All landscape works shall be carried out in accordance with the approved details within 6 months of the date of the first occupation of any building or completion of development whichever is the sooner, unless agreed in writing with the local planning authority. Any trees, plants, grassed areas which within a period of 5 years from the date of planting die, are removed or become seriously damaged or diseased shall be replaced in the first available planting season with others of similar size species or quality, unless the local planning authority gives written consent to any variation.

Reason: In the interests of visual amenity and the preservation of the character of the conservation area.

8. Within 8 weeks of the date of this consent details of a replacement front boundary wall shall be submitted to and approved in writing by the local planning authority, the details shall include a sample panel of a minimum of 2 metres by 2 metres, constructed on site and made available to view, which will show the proposed stone, its method of laying/coursing and any proposed joint details. The wall shall be erected in accordance with the approved details within 6 months of the date of the details being approved and maintained as such thereafter.

Reason: In the interests of enhancing the character and appearance of the conservation in accordance with policy BE1 of the West Devon Local Plan, policy SP18 of the West Devon Core Strategy and the advice contained within the National Planning Policy Framework, in particular paragraphs 129, 131, 132 and 135.

