

PLANNING APPLICATION REPORT – Householder Developments

Case Officer: Rachel Head

Parish: Kingsbridge

Application No: 3047/21/HHO

Agent:

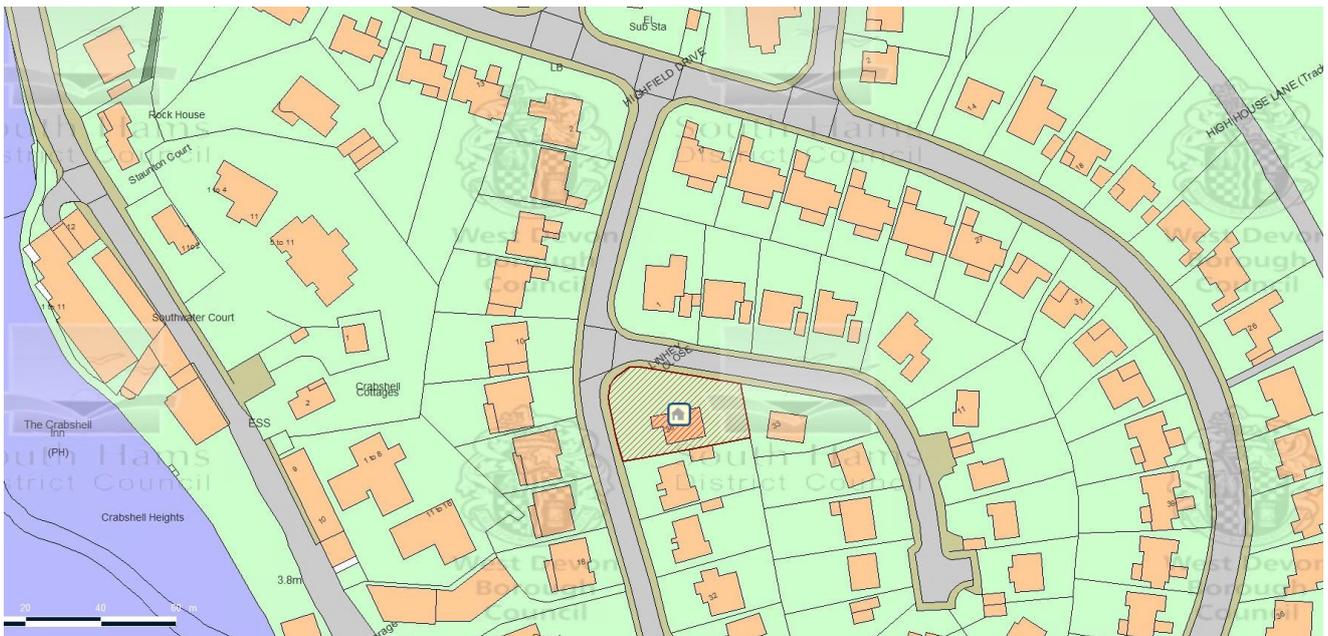
Miss Selena Pryce
Selena Pryce Designs
6 Scotts Close
Churchstow
Devon
TQ7 3RB

Applicant:

Mr P George
38 Linhey Close
Kingsbridge
TQ7 1LL

Site Address: 38 Linhey Close, Kingsbridge, TQ7 1LL

Development: Householder application for detached garage including extension to existing first floor terrace and regularisation of replacement boundary wall (resubmission of 1229/21/HHO)



Reason item is being put before Committee: Cllr O’Callaghan wishes to call the application to committee for the following reason:

“I don’t really feel the boundary wall is any more out of keeping than much of the other similar boundary arrangements nearby. I feel it is quite subjective and in this case a site visit by DM members would be useful.”

Recommendation: Refusal

Reasons for refusal:

The installation of the boundary wall to the North and West of the site is incongruous and unduly prominent within the street scene, which is one of open front gardens. Its scale, and

design is considered harmful to the character and appearance of the existing dwelling and the local area. As such, the proposal does not conserve or enhance the South Devon AONB, fails to maintain the area's distinctive sense of place nor reinforce local distinctiveness and as a result, is contrary to the provisions of DEV20, DEV23 and DEV25 of the JLP, policy BE3 of the emerging Kingsbridge, West Alvington and Churchstow Neighbourhood Plan and paragraphs 130 and 134 of the National Planning Policy Framework.

Key issues for consideration:

Design, materials and impact on the street scene, impact on the South Devon Area of Outstanding Natural Beauty.

Site Description:

The site is located within the built form of Kingsbridge, c. 0.7km south of the town centre. The site is located within the South Devon Area of Outstanding Natural Beauty. The site hosts a two storey dwelling with gardens to the front, rear and side along with parking and an internal garage. The site sits on the corner of the bend of Linhey Close and although the dwelling is set back and down significantly from the road, in comparison to its neighbouring properties. The boundary is visually prominent when viewed from the highway in particular on approach from the North off Highfield Drive.

The Proposal:

The applicant seeks to erect a detached garage to the North West corner of the plot, extend the first floor terrace to the front of the property including privacy screens with a porch extension to the ground floor below.

The applicant also seeks to regularise the installation of the rendered and timber slated boundary wall which wraps around the North and West boundaries of the property. The walling is at different heights at different points on the boundary but is between 1.8m and 3.1m in height.

Officers have informed the applicant of the recommendation to refuse the application, the applicant has declined to pursue alternative finishes and has requested that the application be determined on the basis of the plans as submitted.

Consultations:

- County Highways Authority: No highways implications.
- Kingsbridge Town Council: Support

PUBLIC CONSULTATIONS

Representations:

Representations from Residents

None received.

Relevant Planning History

- 28/0524/76/2 Erection of six dwellings - three bungalows with separate garages and three houses with integral garages – Conditional approval 12/07/76
- 28/2020/13/F Householder application for extension to dwelling – Conditional approval 18/10/13
- 1229/21/HHO Householder application for detached garage and extension to first floor terrace (re-submission of 28/2020/13/F) – Withdrawn 01/06/21

ANALYSIS

Principle of Development

The site is located within the built form of Kingsbridge and hosts a single residential dwelling; the principle of development is therefore established.

Design and Landscape (South Devon AONB)

The original proposal was for an enclosed front porch extension which included three panes of glazing to the ground floor of the front (west) elevation of the existing property. Officers had concerns about this design as it would be considered to alter the appearance of the front elevation so as to appear as more like a rear elevation. Revised plans have been received which replace this element with an open porch, the current approach is now considered acceptable. Due to the minor alteration to the proposal it was not deemed necessary to re-advertise the application in this instance.

The Town Council support the application and no letters of representation have been received.

A detached garage was previously approved in 2013. This proposed garage is proposed to be forward of the principle elevation of the dwelling. Due to the topography on the site and the proposed retaining wall the majority of the garage will be built into the garden and mainly screened from the highway. It is considered a subservient addition to the site and this element of the proposal is also deemed acceptable.

The application also proposes an extension to the existing front terrace at first floor. The width of the terrace will be extended along the entire width of the property, its depth will remain the same. As this is an upside-down property the balcony will serve the main living areas of the sitting and dining rooms at this level. Whilst front terraces which extend the whole width of the property are not a feature of the street due to the various mixed design of the properties it does not seem justified to refuse the application on this basis. The boundary wall already installed at the property has a painted render finish with piers, slated coping and timber infill sections. Officers have concluded that due to its length, height and prominence within the street scene, which spans over 50m in length on the corner of Linhey Close, is too large and overly dominant, which is incongruous in the streetscene, which is currently in the main of open front gardens with low level walls and small hedges. The replacement of the boundary hedging which was in place previously with the wall is not considered to make a positive contribution to the street scene. Whilst the removal of the hedge and the introduction of a 1m wall would have been allowed under permitted development, the combination of the walls location at the highest point of the site, length across the both North and West boundaries and height between 1.8m and 2.2m with a maximum height of 3.1m where the pavement slopes down significantly increases the built form within the locality.

Officers note the existing similar render/timber boundary wall nearby within the street, although this is significantly smaller in both length; which is approximately 30m, and height; which is 1.9m at the most north point, has a maximum height of 2.2m at the gate posts and is 1.8m on the south end, nearest the front of the property. An assessment of the planning history shows that this wall does not benefit from planning permission so whilst the style and design is similar to this existing wall within the street it does not set a precedent of what is acceptable within the locality.

Policy DEV20 of the Plymouth & South West Devon Joint Local Plan (JLP) requires local distinctiveness to be respected (paragraph 4) and for development to have proper regard to the local context and surroundings in terms of style, materials, (paragraph 2). This is reinforced by policy DEV23, which requires development to “*maintain an area’s distinctive sense of place and reinforce local distinctiveness*”. It is not considered that the boundary wall on the site maintains local distinctiveness. Which is mostly of lower level stone walling and soft landscaped front gardens. In this instance the rendered and timber slatted boundary wall installed is considered to contribute to the incremental erosion of character of the area.

The site is within the South Devon AONB, which is given the highest levels of protection in planning policy. Policy DEV25 requires development within the AONB to conserve and enhance the AONB landscape, including the prevention of “*the addition of incongruous features*” (paragraph 8). The South Devon AONB Planning Guidance states that poorly designed features can cause harm to the AONB. Whilst Officers understand the need for private amenity space and refurbishment to the existing finishes, the addition of the new uncompromised hard built form into the street is considered an incongruous and out of character with the of built form and therefore harmful to the street scene. Discussions were held between the Case Officer and the Council’s Landscape Specialist who stated the installed wall substantially changes the character of the street scene, it does not have proper regard to the pattern of local development and sits incongruously against the relatively low frontages or soft landscaping of the surrounding area. The current application is therefore considered to conflict with policies DEV20, DEV23 and DEV25 of the JLP, policy BE3 of the emerging Kingsbridge, West Alvington and Churchstow Neighbourhood Plan and paragraphs 130 and 134 of the National Planning Policy Framework.

Neighbour Amenity

The alterations to the dwelling including the widening of the first floor balcony is not considered to detrimentally impact the neighbouring properties. The 1800mm high opaque privacy screens to the sides of the terrace create sufficient protection of the residential amenity of the neighbouring properties, in particular No. 36 Linhey Close to the south of the site. The terrace is over 2m away from the southern boundary so the screen is not considered to have a significant overbearing impact. The distance of the terrace from the boundaries to the North and West is significant and the terrace is approximately 25m away from the properties on the opposite side of the road. . On this basis, the proposed extended terrace is considered to accord with the provisions of DEV1 and DEV2 and does not form a substantive reason for refusal.

Highways

The proposal would not impact upon the existing highways arrangement.

Drainage

The applicant has provided written confirmation from South West Water that they will accept the small increase in surface water flows from the site created by the proposal. This is

considered acceptable with the details to be secured by condition 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 proposal is considered to accord with the provisions of DEV35 and does not form a substantive reason for refusal.

Conclusion

Whilst the revised alterations to the dwelling and the proposed detached garage are considered acceptable in this instance, Officers have concluded that due to its massing, height and length the boundary wall already installed at the property is incongruous and unduly prominent within the street scene. As such, the development does not conserve or enhance the South Devon AONB, fails to maintain an area's distinctive sense of place and reinforce local distinctiveness and as a result, is contrary to the provisions of DEV20, DEV23 and DEV25 of the JLP, policy BE3 of the emerging Kingsbridge, West Alvington and Churchstow Neighbourhood Plan and paragraphs 130 and 134 of the National Planning Policy Framework. On this basis, the application is recommended for refusal.

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

SPT12 Strategic approach to the natural environment

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

DEV31 Waste management

DEV32 Delivering low carbon development

DEV35 Managing flood risk and Water Quality Impacts

Kingsbridge, West Alvington, Churchstow Neighbourhood Plan

The site lies within the designated area for the Kingsbridge, West Alvington, Churchstow Neighbourhood Plan the regulation 14 pre submission consultation for this Neighbourhood Plan ran between 20th May and 19th July 2021 and whilst it can be taken into account in the determination of this application it carries low material weight due to its current stage in the plan making process.

The relevant policies for the consideration of this application are:

Env 3 Impact on the natural environment

Env 4 Locally important views

Env 7 Carbon reduction

BE 3 Design quality

BE 4 Heritage Assets

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:

The Plymouth and South West Devon Supplementary Planning Document (SPD) July 2020 was adopted by Plymouth City Council on 22 June 2020, West Devon Borough Council on 9 June 2020 and South Hams District Council on 16 July 2020.

South Devon AONB Management Plan (2019-2024)

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.