

## OFFICER'S REPORT

<b>Case Officer:</b>	Alexis Wilson		
<b>Parish:</b>	Marldon	<b>Ward:</b>	Marldon & Littlehempston
<b>Application No:</b>	0536/24/HHO		
<b>Applicant:</b>	Mrs Claire Booth 10 Peters Crescent Marldon Devon TQ3 1PQ	<b>Agent:</b>	Mr Adrian Board - That's the Plan Ltd 8 Catherine Crescent Goodrington With Roselands PAIGNTON TQ4 5JU
<b>Site Address:</b>	10 Peters Crescent Marldon TQ3 1PQ		
<b>Development:</b>	Householder application for single storey rear (south) & side (east) extension with flat parapet green roof & lantern to create kitchen/ diner, widen existing driveway & new porch		



## **Recommendation: Conditional Approval**

### **Conditions:**

1. Standard Time Limit
  2. Accord to Plans
  3. Adherence to Ecological Mitigation
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### **Reason for referral to Committee**

As the request of Cllr Sam Penfold:-

*I wish for the planning committee to consider 0536/24/HHO, 10 Peters Crescent, Marldon.*

*I understand that there is no general right to light. However, an easement of light can exist. In this context, light is needed for the comfortable enjoyment of 12 Peters Crescent's kitchen and sitting area. The light is enjoyed via a defined aperture, in this case the existing windows (Colls v Home and Colonial Stores [1904] AC 179).*

*And JLP-DEV1 Protecting Health and Amenity,*

*1. Ensuring that new development provides for satisfactory daylight, sunlight, outlook, privacy, and the protection from noise disturbance, both new and existing residents, workers and visitors. Unacceptable impacts will be judged against the level of amenity generally in the locality.*

*I request that the committee thoroughly investigates whether the proposed development from the planning proposal at 10 Peters Crescent would diminish the light currently afforded to 12 Peters Crescent, to the extent that it affects the comfortable enjoyment of the relevant room, bearing in mind its use as a kitchen and sitting room.*

### **Site Description**

The existing property is a modest detached bungalow in a row of similar properties on the south side of Peters Crescent. It is elevated relative to the road and to the rear is an area of informal open space that is accessed via a sloping footpath that runs between this property and the neighbour at number 12 to the open space on higher ground to the rear.

### **The Proposal**

The proposal is for a single storey side and rear extension, which would require the removal of a small existing side extension. The extension is set a significant distance back from the frontage and has a flat sedum roof with central roof lantern. The roof height is 3m (present extension is 2.2m in height), with the top of the lantern being 3.3m and the distance to the nearest neighbour being 1.4m with a Public Right of Way separating the

two properties. A modest timber front porch and widening of the existing driveway complete the scheme.

## **Consultations**

Parish Council: No objection

DCC Highways: No comment received

## **Representations**

Two comments of support have been received which cover the following points:

- I agree and support this application fully.
- I think it is lovely and hope this third application is successful.
- Complaint that the proposed flat roof will be 4.5 metres high is nonsense.
- Overall height of the new extension is less than 3 meters, which is at least 1 meter below the existing roof ridge.
- This proposed extension to no 10 is not at all enormous and will have zero dramatic effect to nearby homes.
- Good luck to the applicants is what I say enjoy building your new extension.

One letter of objection has been received which covers the following points:

- Shocked to see from the plans that the roof height appears to be 4.5 metres high, which is an enormous height so close to another property.
- The wall of the build would be 1.35 metres away from our bungalow which has two kitchen windows and a bathroom window facing it.
- The height of our existing flat roof opposite the proposed build is only 2.4 metres high.
- We query why there is a need for this increase in height creating a large boxlike structure.
- The increase in height in such close proximity will have a dramatic effect on the light into our kitchen diner and bathroom.
- Plus, the long boxlike structure looming 1.35metres from our property will be unacceptably overbearing.
- Intrusive appearance and loss of light
- Grateful if this application was both put to committee, and the site inspected by the planning officer from the walkway between our houses to see the effect this proposal would have, before any decision is taken.
- Hopefully the plans could be adapted to make it less intrusive.
- As layman, we have requested the planning officer to inform us of the proposed accurate height of the flat sedum roof adjacent to the side window of no 10 which is the area to have most impact on no. 12.

## **Relevant Planning History:**

Previously prior approval was sought (3349/21/PHH) for larger home extension, however this was declined as the proposal did not meet the necessary requirements.

## **Analysis**

### 1.0 Principle

- 1.1 There is no objection in principle to the extension of this property within the built up area of Marlden. As a rear extension to provide a kitchen diner it is not considered that there are any implications for access and parking which would be unchanged. Accordingly the proposal falls to be determined on the basis of its impacts in terms of design and detailing, neighbour amenity, drainage and ecology.

## 2.0 Design and Detailing

- 2.1 Policy DEV20 of the Plymouth and South West Devon Joint Local Plan (JLP) requires development to meet good standards of design. Proposals must have proper regard to the pattern of local development and wider surroundings in terms of (amongst other things), style, local distinctiveness, scale, materials, historic value, and character. DEV23 requires development to conserve and enhance the townscape by maintaining a local area's distinctive sense of place and reinforcing local distinctiveness.
- 2.2 The wider built form consists of bungalows which have been significantly extended over their lifetimes, although remain very much single storey, modest properties which sit in close proximity to their neighbours. In this respect the single storey form and mass of the proposed extension is considered appropriate to the locality
- 2.3 Extensions to the rear of a property are usually less visible and therefore less impactful on the wider public realm than front or side extension. Paragraph 13.6 and 13.7 of the JLP Supplementary Planning Document (SPD) require that extensions and alterations "should relate well to the main dwelling and character of the area ... they should generally follow the same architectural style and use the same materials as the original dwelling" (paragraph 13.6). Whilst extensions that differ or contrast with the host are sometimes supported, "where materials or designs contrast there should still be a harmonious relationship with the main body of the property being extended" (paragraph 13.7).
- 2.4 It is considered that the proposed rear and side extension relate well to the host building in terms of material finish and scale. The flat roof minimises the visual impact of the development from the public realm and ensures the extension remains subservient to the host dwelling.
- 2.5 Overall the development as proposed is considered to meet the requirements of DEV20 and DEV23 of the JLP and guidance contained within the SPD.

## 3.0. Neighbour Amenity:

- 3.1 Policy DEV1 requires that all proposals safeguard the health and amenity of local communities. To this end, new development should provide for satisfactory daylight, sunlight, outlook, privacy and protection from noise disturbance for both new and existing residents.
- 3.2 Comments from the immediate neighbours are noted by Officers, and a visit was made to the adjacent property to ensure any impact was fully considered.
- 3.3 The neighbouring dwelling at number 12 has had a lean-to utility room added to the side of the kitchen at some point in its history and this has reduced of the light afforded to the kitchen as its only windows are now into the utility room. It has also

had the effect of moving the wall of the dwelling onto the boundary line and bringing it closer to the application site.

- 3.4 At c.3m in height on the boundary with the path the proposed extension would be 800mm higher than the existing side extension. As it would be dug into the rising ground, at it's rear, its height would be comparable to the existing fence panel. Given the separation across the footpath and the height of the existing extension and fence panels, it is not considered that the proposal would be significantly more impactful on the neighbouring dwelling than the present situation.
- 3.5 Furthermore, it is noted that the affected part would be a utility room where light levels are not normally considered to be critical and are often minimal reflecting their level of use. It is unfortunate that the neighbour's kitchen now relies on 'borrowed' light from the utility room however than is an existing situation, beyond the control of the applicant, which would not be unacceptably worsened by the proposal.
- 3.6 At 3m in height the extension will not be overbearing on either the host property or the neighbours and is well below the ridgeline of the parent property (approx. 1m lower). The proposed porch is not considered to have any implications for the living conditions of the neighbours. On this basis it is not considered that the proposal will have an undue impact on neighbour amenity and therefore meets the provisions of DEV1 of the JLP.

#### 4.0 Drainage:

- 4.1 DEV35 states that, where development is necessary LPAs will "ensure that it is safe without increasing flood risk and pollution elsewhere" and that development should incorporate sustainable water management measures to minimise surface water run off (DEV35.4).
- 4.2 The site does not fall within a Critical Drainage Area or Flood Zone 2/3. The applicant plans to discharge additional surface water run off to the combined sewer due to their not being enough space within the boundary to install a new soakaway. South West Water have written to agree to this method of disposal on 22 April 2024 and, on this basis, the proposal is considered to accord with the provisions of DEV35 and is acceptable.

#### 5.0 Ecology:

- 5.1 DEV26 of the JLP requires that all developments should support the protection, conservation, enhancement and restoration of biodiversity and geodiversity across the Plan Area, and that enhancements for wildlife within the built environment will be sought where appropriate from all scales of development.
- 5.2 A preliminary Ecological Survey submitted by the applicant notes there being no evidence of protected species within the present building/roof. The Report goes on to suggest ecological enhancement measures including 1 no. bat box/roosting tube and 1 no. integrated nesting opportunity. With the requirements of the Report attached by way of condition to this approval, the proposal is deemed to meet the provisions of DEV26.

## 6.0 Conclusion

- 6.1 Notwithstanding the neighbour's concerns it is not considered that the proposal would have any undue impact on residential amenity. There would be no adverse implications for visual amenity, ecology, drainage or highways safety and as such the proposal is recommended for conditional approval.

***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

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

DEV26 Protecting and enhancing biodiversity and geological conservation

DEV28 Trees, woodlands and hedgerows

DEV29 Specific provisions relating to transport

DEV32 Delivering low carbon development

DEV35 Managing flood risk and Water Quality Impacts

### **Neighbourhood Plan:**

Marldon does not currently have an adopted or in progress Neighbourhood Development Plan and as such there are no relevant policies to take into account when considering this proposal.

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:

**Plymouth and South West Devon Joint Local Plan Supplementary Planning Document (2020)**  
**Plymouth and South West Devon Climate Emergency Planning Statement (2022)**

**Conditions**

1. The development hereby permitted shall begin not later than three years from the date of this decision.

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):

PC.06.21.01 The location plan received on 15 February 2024

PC.01.24.04 Existing & Proposed Block Plan received on 15 February 2024

PC.01.24.03 Rev:A Proposed plans received on 22 February 2024

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.

3. The development hereby approved shall be constructed in accordance with the recommendations set within the Preliminary Ecology Assessment by Wills Ecology dated 3 September 2023 and the development shall not be occupied until such time as the biodiversity enhancements set out in the Assessment have been installed. Thereafter such enhancement measures shall be retained for the life of the development.

Reason: To safeguard the interests of protected species and biodiversity net gain in accordance with policy DEV26 of the Joint Local Plan.

**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.