

Public Document Pack



Please reply to: Darryl White
E-mail address: Darryl.White@swdevon.gov.uk

Dear Councillor

SOUTH HAMS DEVELOPMENT MANAGEMENT COMMITTEE - WEDNESDAY, 18TH JANUARY, 2023

I refer to the agenda for the above meeting and attach papers in connection with the following item(s).

| Agenda No | Item |
|------------------|-------------|
|------------------|-------------|

| | |
|----|---|
| d) | <u>2260/22/HHO</u> (Pages 1 - 22) |
|----|---|

Householder application for construction of two storey garden building with no internal link between floors, ground floor for use as a garden and water equipment store with changing facilities including shower & WC and first floor for use as home office with WC (Resubmission of 3983/21/HHO)

Paradise Point, Ravensbury Drive, Warfleet, Dartmouth, TQ6 9BZ

Yours sincerely

Darryl White
Democratic Services Manager

Encs

This page is intentionally left blank

PLANNING APPLICATION REPORT

Case Officer: Sarah Carroll
Dart

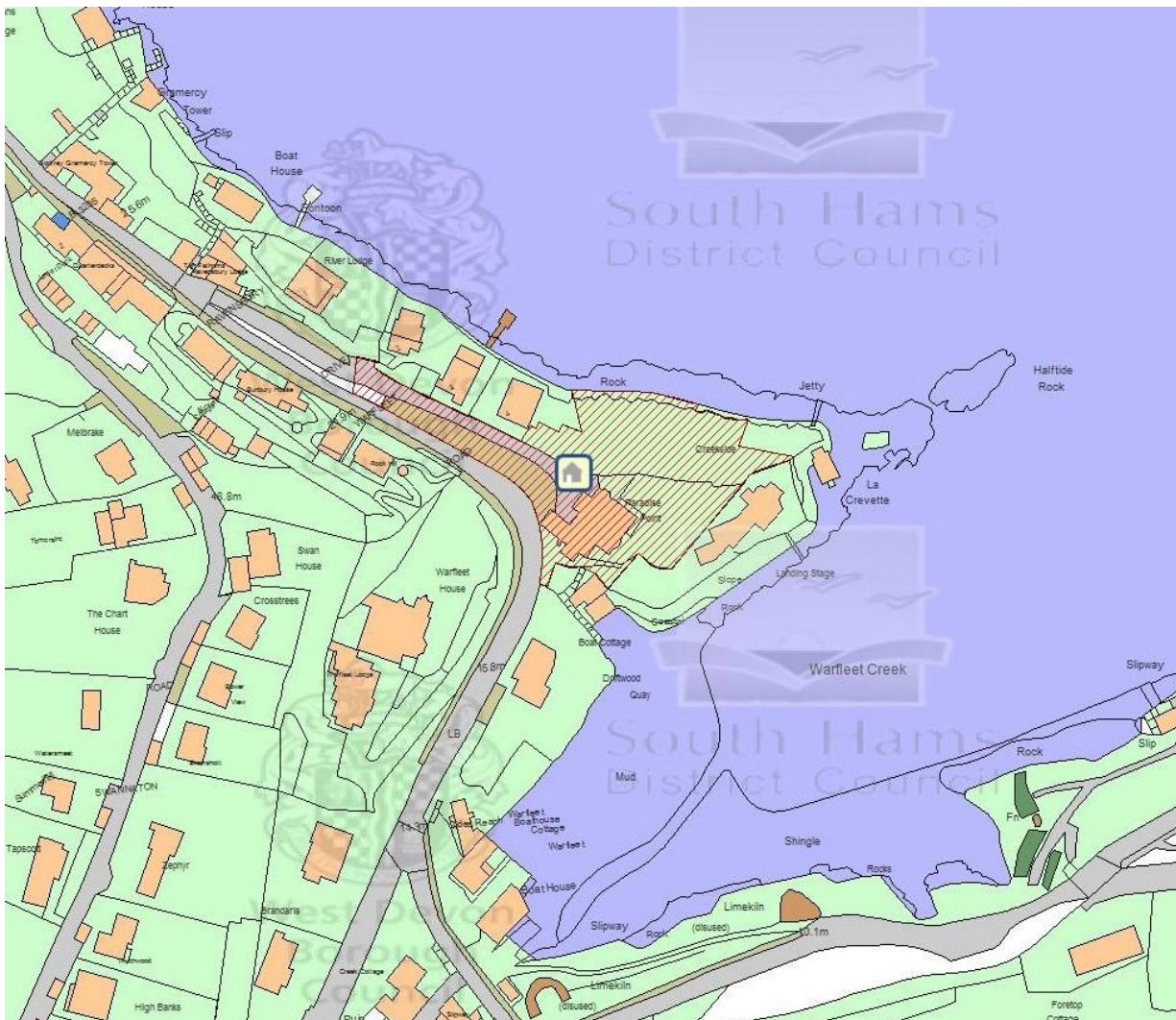
Parish: Dartmouth **Ward:** Dartmouth and East

Application No: 2260/22/HHO

Agent:
Mrs Nichola Burley - Heritage Vision Ltd
Whitehaven
Highcliffe
Seaton
EX12 2QA

Applicant:
Mr & Mrs C & J Jelf
Paradise Point
Ravensbury Drive
Warfleet
Dartmouth
TQ6 9BZ

Site Address: Paradise Point, Ravensbury Drive, Warfleet, Dartmouth, TQ6 9BZ



Development: Householder application for construction of two storey garden building with no internal link between floors, ground floor for use as a garden and water equipment store with changing facilities including shower & WC and first floor for use as home office with WC (Resubmission of 3983/21/HHO)

Recommendation: Refusal
Reasons for refusal

1. The proposed development is not considered to represent a subservient, incidental outbuilding, due to its scale, detached relationship from the host dwelling, and domestic features such as the terrace, separate access, and two-storey design. The application is therefore contrary to policies DEV10.4 and DEV20 of the Plymouth & South West Devon Joint Local Plan (2014- 2034), paragraph 130 of the National Planning Policy Framework (2021), and paragraphs 4.128, 4.129, 4.130 and 4.131 of the Plymouth & South West Devon Joint Local Plan Supplementary Planning Document (2020).
2. The scale, form and prominent location of the proposed development is considered to result in harm to the setting of the Listed Building without convincing justification or any public benefit, to outweigh this harm. The development is therefore contrary to DEV21 of the Plymouth & South West Devon Joint Local Plan (2014- 2034), policy DNP TE3 of the emerging Dartmouth Neighbourhood Plan, and paragraphs 200 and 202 of the National Planning Policy Framework (2021).
3. The proposed development represents an inappropriate and incongruous intrusion into the South Devon Area of Outstanding Natural Beauty, and would have adverse effects on the historic local townscape, distinctive character and scenic beauty of the area. It fails to conserve or enhance the landscape and scenic beauty of the South Devon AONB and is contrary to policies DEV23, DEV24 and DEV25 of the Plymouth & South West Devon Joint Local Plan (2014- 2034), policies DNP GE1, DNP GE2, and DNP GE5 of the emerging Dartmouth Neighbourhood Plan, and paragraphs 176 and 178 of the National Planning Policy Framework (2021).
4. The proposed development would neither preserve nor enhance the character or appearance of the Conservation Area due to its location, scale and form. The development is therefore contrary to DEV21 of the Plymouth & South West Devon Joint Local Plan (2014- 2034), policy DNP TE3 of the emerging Dartmouth Neighbourhood Plan, and paragraph 206 of the National Planning Policy Framework (2021).

Reason the application is being brought to Committee: *‘Given the high amount of approved planning for intense construction close to and affecting the setting of the listed building this application should be considered in the same context.’* Cllr. Hilary Bastone

Key issues for consideration:

Principle of development, design, landscape impact, neighbour amenity, impact to trees, consequences of development in the Flood Zone 2 and 3 and biodiversity risks as the site is in a Bat Special Area of Conservation and heritage impacts as the site lies in the Dartmouth Conservation Area and the residential curtilage of a Grade II Listed Building.

Site Description:

The site lies in a waterfront property accessed off Warfleet road, Dartmouth. The main dwelling is a Grade II Listed building with a large residential curtilage and has access to the harbour via a jetty. The Listed building is formerly known as Ravensbury and was built on the site of Paradise Fort, formally listed in 1972. *It occupies a prominent position and forms part of a group with other listed buildings around Warfleet Creek* (Historic England listing).

The amenity space for Paradise Point is located between the house and the River Dart where the land slopes down recurrently to the water's edge. There is a shared pathway from the Warfleet Road side through the site to provide access to a neighbouring property located on the far side of the application site. There is also a rail fence wrapped around what can be described as the properties garden area that separates the remaining curtilage where the waterfront building is proposed.

The site lies within the South Devon AONB, the Dartmouth Conservation Area, a Bat Special Area of Conservation and Plymouth & South West Devon Joint Local Plan (2014- 2034) Heritage Coast (to be precise the Heritage Coast map runs through the site but for the purposes of clarity, the Heritage Coast implications are being considered).

The Proposal:

The proposal is for a two storey outbuilding for use as a boat/water activity storage at lower level and also as a home office on the upper floor with a terrace overlooking the water. The proposal also involves a rearrangement of garden steps that leads to the new building and a levelling of a section of the lower garden to allow access to the boat store level from the entrance to the jetty. The building has a footprint of 61m² = 9.7m x 6.2m including the upper floor terrace and is situated in the corner of the garden at the water's edge.

(According to Officers measurements the building measures 41m² = 7.1m x 5.8m, however it doesn't correlate to the markings on the submitted plans. Officers sought clarification from the agent and received the above calculations during the previous application 3983/21/HHO.)

The shape of the proposal is a curved building designed to slot into the side of the stepped garden. The materials for the building are stone clad facing material, dark bronze metal fenestration, timber or composite decking and a green roof. The new steps and railway are proposed in a bronze metal rail and a stone step.

Consultations:

- **County Highways Authority:** No implications
- **Environmental Health Section:** No objection
- **Town/Parish Council:** Support
- **Trees:** No objection however, should the application be approved two conditions are recommended to ensure tree protection.

- **Drainage:** Object and requested further information regarding an FRA and surface water drainage details. **Objection removed** on receipt of both.
- **Landscape:** Objection- details in analysis
- **Harbour Authority:** No response
- **Marine Management Organisation:** Standing Advice
- **Heritage:** (Object) *There is little I can add to the comments I provided for the previous application ref: 3983/21/HHO and the clear advice given at pre-application. This is essentially the same proposal in terms of design and scale so I copy my previous comments below. From a quick measurement check it appears that the removal of internal stairs has reduced the internal office area by only 2m² so it remains the size of a 2 person apartment. There is still little clarity with regard to elevational appearance, although a single clean elevation is provided for the north elevation. As the proposal will neither preserve nor enhance the setting of the listed building or the character or appearance of the conservation area and there is (less than substantial) harm identified without public benefit, it is contrary to DEV21 as well as NPPF 200, 202 and 206.*
- **Ecology:** (No objection)

Having looked at the application online, proposed vs existing design and the photos provided, I would agree with the submitted Wildlife Trigger Table that a PEA is not required for this application.

Whilst the site does lie within the Sustainance Zone associated with South Hams SAC, I do not believe any suitable Great Horseshoe bat foraging habitat, pinch points or mitigation features would be impacted for this scheme and as long as no external lighting is permitted via a condition, I do not believe there to be any impacts on bats more widely.

The ecological considerations for this scheme would be nesting birds for any vegetation removal and then external lighting. But none of those would require a PEA to be completed and can be covered by the following conditions:

Condition: No external lighting shall be installed at any time at the application site without the written permission of the Local Planning Authority.

Condition: No vegetation clearance shall take place during the bird nesting season (01 March to 31 August, inclusive) unless the developer has been advised by a suitably qualified ecologist that the clearance will not disturb nesting birds and a record of this kept.

I assume the applicant has had their drainage strategy approved by the relevant bodies? I note that the proposed is to join the existing sewer network.

Representations:

Two letters of objection have been received in relation to the application with the following comments:

- adverse effect on an AONB,
- does not enhance the Conservation Area,
- loss of green space,
- unsympathetic design,
- intrusive aspect on the waterline,
- construction would detract rather than enhance the Conservation Area,
- contrary to DEV 21, DEV24, DEV25,
- due to scale, form and prominent location of the proposed development it would harm the setting of the Listed Building without convincing justification or any public benefit,
- inappropriate and incongruous intrusion into the South Devon Area of Outstanding Natural Beauty,
- adverse effects upon the historic local townscape, distinctive character and scenic beauty of the area,
- fails to conserve or enhance the landscape and scenic beauty of the AONB,
- Due to the location, scale and form of the proposed outbuilding, it is considered that it will neither preserve nor enhance the character or appearance of the Conservation Area.

Relevant Planning History

3983/21/HHO - 07/03/2022 **Refusal** Householder application for construction of outbuilding for incidental use as home office and garden/water activity storage and associated landscaping.

1914/21/PR2 - 13/ 9/2021 **Partial Support** Pre Application Enquiry for - Proposed home office, boat and garden store for incidental use to Paradise Point.

| | | |
|---------------|----------------------|--|
| 15/2245/02/F | Conditional Approval | Retrospective application for construction of reinforced concrete ground beam covered by stone wall, to retain cliff |
| 3971/16/HHO | Conditional Approval | Householder application for detached garage with associated landscaping |
| 3972/16/LBC | Conditional Approval | Listed building consent for detached garage with associated landscaping |
| 15/1824/15/TW | Refusal | T1. Oak. Fell |
| 3063/17/HHO | Conditional Approval | Householder application for a new decorative cast iron porch with a single glazed roof to the north west entrance elevation. |
| 3064/17/LBC | Conditional Approval | Listed building consent for a new decorative cast iron porch with a single toughened glazed roof to the North West entrance elevation. |
| 1084/16/TPO | Tree Works Allowed | T1- Holm oak (Quercus ilex)- Dismantle and fell |
| 15/2340/04/LB | Conditional Approval | Listed Building Consent for restoration and minor internal alterations |

| | | |
|--------------|----------------------|--|
| 15/0513/07/F | Conditional Approval | Proposed replacement of existing access steps over rocks with a rigid landing stage |
| 15/0108/07/F | Conditional Approval | Erection of two new masonry gate posts/pillars and associated works |
| 15/1248/07/F | Conditional Approval | Amendment to approval 15/0108/07/F for two new masonry gate posts / pillars and associated works |

ANALYSIS

1.0. Principle of development

- 1.1. The site is an established residential property on the edge of Dartmouth town, and the principle of residential development is therefore acceptable.
- 1.2. The JLP Supplementary Planning Document (SPD, adopted July 2020) provides guidance on the acceptability of residential annexes and outbuildings, stating that they should be; '*accessed via the main dwelling or its garden and not by means of an independent access, be reliant on facilities and floor space provided by the main dwelling such that it cannot be occupied completely independently, and be an extension to the existing dwelling, or an outbuilding sited within its garden*' (amongst other things, full list in paragraph 4.130 of the SPD).
- 1.3. In order to help the Council determine the acceptability of an outbuilding of this type, the SPD gives guidance on the features and elements of the proposal to consider: (Although this guidance references annexes, and the proposed building would be an incidental outbuilding, the criteria is also considered relevant in the general assessment of the appropriateness of domestic outbuildings such as that proposed, and is therefore helpful this regard.)

'The LPAs will normally expect an annex to':

Be an extension to the existing dwelling, or an outbuilding sited within its garden - the positioning of the outbuilding is within the curtilage of the main dwelling of Paradise Point, but located within the extended residential curtilage in a completely separate area of the site. There is no justification provided for the building to be located in such detached, yet visually prominent position.

Be functionally related to the main dwelling – the use of the building as stated on the plans (as a home office and storage) would be related to the main dwelling, and the application states that there is no office within the existing dwelling, although for property of this magnitude it is unlikely there is no opportunity within the dwelling to cater for a home office. Officers are not convinced of the need for a home office to be located on the waterfront, so far away from the main dwelling.

Be used only in conjunction with the main dwelling – the building is proposed to be used as a home office, shower room, storage, etc, all of which are uses which would be incidental the main dwelling.

Be in the same ownership as the main dwelling - the whole site is owned by the applicant, however the access path would have a shared ownership or right of way.

Be accessed via the main dwelling or its garden and not by means of an independent access - the proposed building could benefit from its own access, separated from the main dwelling. There would be no need to access the main dwelling in order to use the additional building.

Be reliant on facilities and floor space provided by the main dwelling such that it cannot be occupied completely independently- the plans include a shower room, areas for storage, a terrace, a large office, and a large storage room. Once constructed, the building could potentially be severed from the main dwelling to form a separate unit due to its size and location with little adaptation, and internal works which would not require further planning permission in themselves. It is fair to say that the waterside location of the proposed building would increase its desirability as a unit of accommodation, increasing these risks.

Share a garden or other outdoor amenity space with the main dwelling, with no boundary demarcation or sub division of the land between the main dwelling and the outbuilding- the proposed building is a reasonable distance from the main dwelling, in an area of the garden that could be easily separated. There is also an iron fence separating the main house and garden to the stepped garden where the proposal building is located.

Be designed in such a way as to easily allow the outbuilding to be used as an integral part of the main dwelling at a later date- the proposed building is detached from the main dwelling by quite a considerable distance, and is sited in a separate area of garden. Officers do not therefore consider that the building can be used as an integral part of the host dwelling.

- 1.4. The size of the proposed building is also concerning, the internal floor space would exceed the minimum requirements of the Nationally Designated Space Standards for a new dwelling.
- 1.5. It is important to note that Officers acknowledge that the proposed is not for a new dwelling, but for an incidental outbuilding, and the use as such can be conditioned, should planning permission be granted for the proposed development. The proposal is not being assessed as a new dwelling, or an independent unit of accommodation. However, Officers are also mindful that the building is a substantial size, and internal alterations following construction would not necessarily require planning permission. The implications of this can be avoided by positioning residential outbuildings in close proximity to the main house, or ensuring a design and/or location with a functional spatial relationship with the host dwelling.
- 1.6. The cumulative impact of the size, the detached relationship with the main dwelling, and the potential for separation of the site leads Officers to conclude that the proposal does not meet the criteria for an annex/outbuilding as outlined in policy DEV10 of the JLP and associated SPD guidance, and does not result in a proposal which appears incidental to the main dwelling.

- 1.7. Officers consider the levelling of the land at the beginning of the jetty towards the new proposed building acceptable in principle, however a thorough landscaping plan, including hard and soft landscaping, would need to accompany any approval.
- 1.8. The rearrangement of the garden stair leading to the lower level garden area and proposed building is also considered acceptable in principle. A condition would be applied to any approval of the stairs to ensure the material used is appropriate and fitting in the context of the Grade II Listed Building.

2.0. Design

- 2.1. Officers have no in-principle objection to the design of the building, or the proposed materials palette- the main dwelling is a Grade II Listed Building with a large garden, and an iron railing that wraps around the garden area.
- 2.2. Policy DNP TE2 of the neighbourhood plan supports locally distinctive design and use of local materials. Policy DEV20 of the JLP requires development to have regard to the local pattern of development in terms of materials (amongst other things).
- 2.3. The outbuilding is proposed in the walled garden area in a stone clad with a bronze metal fenestration. Officers note the material choices and the shape of the building were intended to benefit the building, and the steps, and sit comfortably within its setting.
- 2.4. Whilst the materials are considered to be acceptable, the scale of the building and domestic features proposed, are inappropriate for a building which is proposed as an incidental addition to the site. These features include the two-storey design, the glass balustrading, the first-floor terrace overlooking the river, the extensive glazing, and the updated access steps from the main house level to the proposed building and levelling down towards the jetty entrance gives the building the appearance of a self-contained separate unit rather than an incidental outbuilding.
- 2.5. The site is in a prominent location of the waterfront, and would be visible from the river, from the embankment and public spaces within Dartmouth, and from Kingswear. Despite the fact that the proposal is for an incidental outbuilding, the size and form of the building would create the appearance of a separate unit, or another dwelling from these views, particularly given the detached relationship with the host dwelling and the aforementioned domestic features included.
- 2.6. The design of the development, in terms of its use of materials, is considered acceptable, although the scale of the building and particular features raise concerns, as discussed in the remainder of the report.

3.0. Landscape Impact

- 3.1. The site is within a sensitive landscape position, located in the South Devon Area of Outstanding Natural Beauty, the Dartmouth Conservation Area, and the Heritage Coast policy area.
- 3.2. Policy DNP GE1 of the Dartmouth neighbourhood plan requires development to consider the impact on the AONB and the Heritage Coast (and Undeveloped Coast where appropriate). Policies DEV24 and DEV25 of the JLP seeks to preserve the Heritage Coast and AONB respectively, and paragraph 176 of the NPPF gives great weight to the preservation of these protected landscapes.
- 3.3. The proposal has been reviewed by the Council's Landscape Officer, who provided the following response:

'This response is based upon an examination of the planning file and submitted plans. In addition reference has been made to GIS maps and aerial photographs, and a site visit to the locality on 02 February 2022.'

In considering this application and assessing potential impacts of the development proposal against nationally protected landscapes, in addition to the Development Plan, the following legislation, policies and guidance have been considered:

- *Section 85 of the Countryside and Rights of Way (CRoW) Act;*
- *Sections 12 and 15 of the NPPF in particular paragraphs; 130, and 174, 176 & 177;*
- *The National Planning Practice Guidance (NPPG) particularly Section 8-036 to 8-043 on Landscape; and*
- *The South Devon AONB Management Plan and its Annexes.*

In respect of the principle policy tests in the NPPF, this application is not considered to constitute "major development" in the context of paragraph 177, due to the small-scale nature of the proposals. As set out below, there are considered to be detrimental effects on the landscape and environment of the AONB that should be given great weight in this planning balance.

This is a resubmission of 3983/21/HHO, with minor, internal modifications to the proposed building. The landscape consultation response is unchanged and an objection is raised.

Reference has been made to the following:

- *Design and Access Statement, Geoff Sellick Architectural + Interior Design*
- *Site Photographs, 17-224-PL-01*
- *Site Location Plan + Block Plan, 17-224-PL-02*
- *Existing Site Plan, 17-224-PL-03*
- *Proposed Site Plan, 17-224-PL-04*
- *Proposed Plan – Lower Level, 17-224-PL-05 A*
- *Proposed Plan – Upper Level, 17-224-PL-06 B*
- *Proposed Plan – Roof, 17-224-PL-07*
- *Proposed North and East Elevations, 17-224-PL-08*
- *Proposed East Elevation, (contextual), 17-224-PL-09*
- *Proposed North Elevation (contextual), 17-224-PL-10*
- *Contextual East Elevation (waterfront), 17-224-PL-11*
- *Existing + Proposed Garden Steps, 17-224-PL-12*
- *Landscape and Visual Appraisal, Greenerth Landscape*

The site is located within the settlement boundary of Dartmouth town; within the Dartmouth Conservation Area, and within the South Hams Area of Outstanding Natural Beauty (AONB). Paradise Point is partially within the South Devon Heritage Coast, and the boundary of the JLP Undeveloped Coast follows the Mean High Water line at this location. Dartmouth's residential riverside is characterised by large, detached dwellings set within well vegetated gardens, on sloping land rising above River Dart. The small, prominent headland at Paradise Point was the location of Paradise Fort, which was part of the town's defences along the river, and the main house that occupies the headland, now known as Paradise Point, is one of the most notable private dwellings in Dartmouth.

The plot holds a key waterside location, being clearly visible from the water, from Kingswear and from the meandering riverside routes around Warfleet Creek, with highly sensitive recreational users being the principle viewers. The property of Paradise Point is accessed by a private road, Ravensbury Drive, which adjoins Warfleet Road. The application boundary appears to cover the whole plot of Paradise Point, which has an extensive and well vegetated, sloping garden with mature trees, and with direct access to a private jetty and to the river on the northern boundary. The whole garden area is covered by Tree Preservation Orders, and the SHDC Tree Officer's comments are noted.

The lower Dart estuary and its landscape features and scenic quality make a significant contribution to the nationally protected landscape of the South Devon Area of Outstanding Natural Beauty.

Along Warfleet Road, the overall density of built form reduces southwards towards Warfleet Creek. The historic and townscape importance of this area is significant, and the appearance of the river frontage in the area around Paradise Point is an important feature of the AONB and Heritage Coast. The green gaps, formed by the gardens of substantial houses, are notable features between blocks of built form along the estuary shoreline. There is significant pressure for further built development along this stretch of the river, and recent development and larger replacement dwellings have reduced the green spaces

and garden areas visible along the river frontage, all of which has cumulative effects on landscape character and appearance.

The proposals are for the construction of a new, two storey building, organic in shape, with a green roof, natural stone elevations and recessive materials and colours for window frames, doors and balustrading. The building is designed for the dual purpose of proving a home office on the upper level, and a garden store and storage for boating equipment on the lower level. The proposals also include improvements to the stepped access between different levels of the garden. The amendment to the previously submitted proposal, which was refused, is the removal of the internal staircase from the garden building so that the ground floor store and shower are separate from the upper floor office, so removing the potential for the building to be used as a dwelling (one of the reasons for refusal).

Landscape and Visual Appraisal:

The application is accompanied by an LVA, and the report is based on the principles of the Guidelines for Landscape and Visual Impact Assessment, third edition (GLVIA3), by the Landscape Institute and the Institute of Environmental Management and Assessment, 2013, which is the accepted guidance for Landscape and Visual Assessment work.

The LVA acknowledges the high sensitivity of the AONB and I concur with the judgement that the site and immediate landscape are of High Landscape Value. The baseline studies in the LVA are broadly appropriate, and acknowledge that further development in waterfront locations such as this may have adverse effects on landscape character and visual amenity. There is no disagreement with the conclusion in 6.1 that ‘...the site would generally be considered of high susceptibility to change given its scenic qualities and largely unspoilt character.’ However, my opinion differs where report takes the view that the development proposals are ‘...congruent with and appropriate to the setting of similar shoreline development to be found in the vicinity of the site’.

The land-based viewpoints selected are broadly appropriate, but water-based users of the estuary are key visual receptors and no viewpoints from the river have been considered, so the LVA fails to assess the effects of the development proposals from water level. However, viewpoints from the Kingswear side of the estuary emphasise that this is a highly visible site for a large number of receptors.

The LVA recognises that this proposal for a small development in an undeveloped, open garden location would represent an additional cumulative effect, but assesses the overall effects to be Negligible Adverse on completion and Neutral, at post 15 years.

I do not agree with all of the findings of the report, and find that the LVA has underplayed the level of effects that the development will have on landscape character and visual amenity. This proposal is for more than a simple boat house sitting just above high water level. Although much thought has clearly gone into the design and detailing of the building and surrounding garden features, the proposal seeks to introduce a substantial, two storey structure into

well vegetated, established garden, which will adversely affect the low density character of development in this part of the settlement.

I concur with the comments of my Heritage colleague in relation to the previous application: that without considerable planting this will be a development that causes visual harm. However, the provision of screening is not good reason to allow harmful development. Screening mitigates adverse effects – it does not remove them or provide enhancement.

Summary:

There is no convincing need for development on the scale proposed. Smaller scale storage for boating equipment might be acceptable, and the improvements proposed to the steps and access to the jetty could be appropriately assimilated into the garden without long term adverse effects. However, the upper storey home office space does not require a waterside location, and might reasonably be sited elsewhere on the property in a less sensitive location. The proposed mitigation is not sufficient to avoid or minimise the harm that the proposals would cause to the character and appearance of the headland.

The proposed development represents an inappropriate and incongruous intrusion into the South Devon Area of Outstanding Natural Beauty, and will have adverse effects upon the historic local townscape, distinctive character and scenic beauty of the area. It fails to conserve or enhance the landscape and scenic beauty of the South Devon AONB and is contrary to policies DEV23 (Landscape Character), DEV24 Undeveloped Coast and Heritage Coast and DEV25 (Nationally protected landscapes).

Recommendation: Objection

For the reasons outlined above, Landscape Officers do not consider the proposals to meet the tests of adopted Development Plan policies nor the SD AONB Management Plan, and annexes, and are therefore unable to support the application on landscape grounds. For the reasons outlined above, Landscape Officers do not consider the proposals to meet the tests of adopted Development Plan policies nor the SD AONB Management Plan, and annexes, and are therefore unable to support the application on landscape grounds.

- 3.4. The garden acts as a podium for the striking tone of the heritage building above. The introduction of a large two-storey building, and first-floor amenity area such as the terrace proposed on the waterfront would change the character of the organic nature of the garden and interrupt the natural flora and fauna with engineered, man-made features like unnatural lights, noise and furniture.
- 3.5. The proposed building is considered to be excessive in terms of scale and proportions given the proposed use, and would fail to preserve the landscape character of the site, or the protected landscapes of the AONB and Heritage Coast.

4.0. Heritage

- 4.1. The host dwelling, Paradise Point, is a grade II listed building, and the site is within the Conservation Area. Policy DNP TE3 of the neighbourhood plan, policy DEV21 of the JLP, and paragraphs 199- 202 of the NPPF require development to identify the impact of proposals on designated heritage assets, and seeks to conserve and enhance the setting of the historic environment.
- 4.2. The Councils Heritage Officer has previously considered the proposed development as part of two previous pre-applications (2337/20/PR2 and 1914/21/PR2). The advice given during both pre-applications was to remove the upper floor, scale the boat store back in size and Officer Support could be provided. This advice has not been reflected in the current proposal, although there were several elements of the proposal discussed and altered, resulting in 'partial support' for both pre-applications.
- 4.3. The comments for the Pre-application 1914/21/PR2 are as follows;

Proposed uses

As per previous comments we can appreciate the wish to have a well-designed 'boat house' of an appropriate size and that could be supported. Clearly the height of the site above mean high water level is significant and unlike other such structures on the waterfront of the Dart where a boat would be launched and recovered via a slipway. You acknowledged that the storage of a RIB would not be possible without a derrick or hoist. The revised plan shows a pair of kayaks instead, which would also be tricky to get from the water to the store, but this is not an over-riding concern as the wish to store paraphernalia related to various watercraft activities is recognised.

The location of a home office in this location remains unjustified. The desire to have ancillary accommodation is understandable but the site location means a two storey structure is difficult to justify. The stated use could be accommodated elsewhere quite comfortably. As we discussed the second iteration showed a large conference table for 10 persons and two generous workstations which made us question whether the intention was to provide for business premises which would, of course, need a full planning application.

Scale

The size of the proposal is significant. By my calculation (using the Adobe tool) the areas based on external measurement are as follows:-

As proposed in pre-app ref: 2337/20/PR2 – Boat store – 94m² – FF (office) 88m² – Balconies - #1 (south) 10m², #2 (east) 16m²

Initial revised scheme – Boat store 88m² – FF (office) 88m² – Balcony 10m²

Latest revised scheme – Boat store 55m² – FF (office) 55m² – Balcony 8m²

To contextualise this it is worth comparing to the Nationally Described Space Standards for housing which says, for example, a 1 storey 2 person dwelling should have 50m² plus storage. So the proposed home office alone is effectively the size of a small apartment / flat.

You will understand that during the pandemic a great many people have been working from home effectively from dining room tables, spare bedrooms or adapted garden sheds etc. With that in mind and considering the prominence and sensitivity of this site, the scale of development is considered excessive for the stated use. It is suggested that the store may also be used for garden purposes, but there is no justification for that use in this part of the gardens at Paradise Point – it can be accommodated much more discreetly elsewhere.

Design

If the proposal were simply for a single storey 'boat store' with WC and shower of c50m2 that could be supported by officers. The contemporary design shows promise and would, I am sure, be well executed in quality materials. A smaller structure clearly identifiable as serving purposes related to water based activity could add an incidental and wholly legible new feature to the setting of the listed building. The additional thought that has been given to integration within the well-designed and beautifully maintained gardens is welcomed.

I would suggest that if an application is made the elevation drawings should be presented 'clean' without the shading as this confuses the eye. Artist impressions and context sketches are welcome in adding richness to any planning proposal, but not for the main scale drawings. The considerations of DEV32 with regard to low carbon construction and use should be considered at the design stage and as stated previously an indicative Construction Management Plan should be provided.

Conclusion

The LVA is a thorough piece of work which must be praised. It does, however, conclude with the statement that the design approach, '...would minimise impacts on landscape and visual receptors. It is assessed that despite adverse landscape and visual effects for the construction phase of the proposed boathouse, sympathetic design and choice of materials would considerably reduce any unacceptable long-term landscape and visual effects, at completion and post 15 years.' (My emphasis).

That implicit acknowledgment of harm cannot be disregarded with regard to the designated landscape and must carry amplified weight in regard to the setting of the listed building.

Our officer advice remains, therefore, that a two storey development in this sensitive location within the AONB and within the curtilage of a fine listed building cannot be supported. The conclusion of 'partial support' remains.

As ever I must say that this is officer opinion which is offered without prejudice of any decision which may be reached in future.

- 4.4. The comments for the Pre-application 2337/20/PR2 are as follows;

Paradise Point is a fantastic listed building in a unique location. Any development within its setting or curtilage will have an effect, as is evidenced by the newer buildings adjacent to it. The garden setting of the listed building

remains intact though and the site of the proposed development is very much within that. It was notable how the site of the proposed building was very prominent in views of Paradise Point from Bayards Cove, Kingswear and the water. Any building will become a notable addition so the potential for harm is considerable.

Having said that it is also clear that boathouses are a notable feature of the waterfront and many of them are structures that add to the architectural interest and richness of Dartmouth. In the absence of such a facility it is understandable why your clients would want a boat store building adjacent to their jetty/ landing stage. The larger and more evident the building the greater the potential harm. For this reason I would discourage a two storey structure. As I understand it the need for your clients is to have a building in which to keep boating paraphernalia and it is not envisaged that actual boats or tenders would be stored there. I suggest the scale be limited to that which is proven to meet those needs.

Whilst a home office may be desirable there is no need for such provision in this location – the house is substantial in itself. As well as the implications of an additional floor, such a use would need to be fully serviced and as habitable space would take on a different appearance to a simple boat store, by day and potentially after dark.

In terms of design there is no simple right or wrong, it is a matter of quality not of style. That said a more conventional slate roofed building may present less of a challenge in the eyes of the local community, so the more unusual the design the more detail is needed to make a convincing case. I see no reason to object in principle to a modern structure of a curvaceous form constructed in stone. We looked at the garage block built by your clients as evidence of the intended appearance and discussed the possible use of a living roof. The small sized local stone finish is appropriate, although the recessed and ragged pointing could be seen as somewhat esoteric. There could be benefits to a flat roof in that bulk and mass is reduced and a living roof would sit well when looked down upon from the gardens.

We discussed positioning of the building and the proposed site makes sense. We agreed it would be sensible to do some investigation of ground conditions, both to establish structural options and to see if the building could be lowered to be closer to the level of the landing stage steps – this would be beneficial visually and in use.

Summary

I see no reason to object in principle to a boat store building from a heritage perspective but have concerns over the possibility of a two storey structure. The primary Joint Local Plan policy considerations are the setting of the listed building (DEV21) and the AONB (DEV25). The need to 'conserve and enhance' the AONB must be borne in mind.

Any Householder Planning application should provide all the information required in our Validation Checklist (<https://southhams.gov.uk/article/4045/Planning-Validation-Checklists-Local-List->). In addition you should undertake a site appraisal that incorporates the

needs of a Heritage Impact Assessment (for the LB setting) and also a Landscape Visual Impact Assessment to demonstrate effect in terms of the AONB. An indicative landscape design would be useful – your clients have clearly lavished great attention to the gardens already so demonstration of how a building will be integrated into the site ought not be difficult.

You may wish to prepare a Construction Management Plan as part of any submission and maybe contact the Environment Agency with a draft to establish what concerns (if any) they have.

- 4.5. NPPF Paragraph 195 says, ‘Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise.’
The Councils Heritage Officer has made an assessment on this application that the proposed building in its form, scale and position would impact the Grade II Listed Building and the character of the Conservation Area and would neither conserve nor enhance the heritage qualities of the site.
- 4.6. The development plan policies relevant to the heritage aspects of this proposal are JLP Policy DEV21 ‘Development affecting the Historic environment’ and Policy TE3 of the Dartmouth Neighbourhood Plan. Both policies seek to ensure that development proposals conserve or enhance the historic environment and contribute to local distinctiveness. Together the policies act as a reminder that heritage assets and their settings are irreplaceable and contribute significantly to the local character and distinctiveness of an area.
- 4.7. This is reflected in the Council’s general duties under sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. These require the Council when determining planning applications to pay special attention to the desirability of:
- preserving a listed building or its setting or any features of special architectural or historic interest which it possesses affected by development (section 66(1)) or
 - preserving or enhancing the character or appearance of a conservation area affected by the development of buildings or other land in that area (section 72(1)).
- 4.8. The courts have held that if harm is found to a listed building or to a conservation area, the decision-maker is required to treat that finding as a consideration to which it must give "considerable importance and weight" when carrying out the balancing exercise. It is not open to the decision-maker merely to give the harm such weight as he or she thinks fit, in the exercise of their planning judgment. The correct approach to be adopted can also be found in the Chapter 16 of the National Planning Policy Framework (“NPPF”). Therefore, if a decision-maker works through the relevant paragraphs of the NPPF, he or she will comply with their general duties under the Planning (Listed Buildings and Conservation Areas) Act 1990. The relevant paragraphs are Paragraphs 194-208.

- 4.9. Paradise Point is a grade II listed building and the site is within the Dartmouth Conservation Area. Both are 'designated heritage assets'. Effect on the setting of Paradise Point:-

In considering the effect of the proposed development on Paradise Point officers have applied Historic England guidance in 'The Setting of Heritage Assets Historic Environment - Good Practice Advice in Planning Note 3 (Second Edition)'. The first 4 of the 5 steps in the guidance have been followed and can be summarised as follows:

Step 1 – 'Identify which heritage assets and their settings are affected':

Although a number of more distant heritage assets could be seen as slightly affected by the development proposal the heritage asset most evidently affected is Paradise Point. (The site is within the Conservation Area so 'setting' does not apply to that designation).

Step 2 – 'Assess the degree to which these settings and views make a contribution to the significance of the heritage asset(s) or allow significance to be appreciated':

Although modern development has encroached somewhat upon the historic setting of Paradise Point it is apparent that the survival of the gardens is integral to the special interest and character of the grade II listed building as part of its original design. It is a substantial 19th century dwelling within designed gardens that are 'of a piece' so the garden setting is of very high significance. The views of greatest significance are from the north in particular but also from the northwest and east. The proposed development would be a distinct and eye-catching feature for all of the many 1000's of users of the Dart all the way from the Lower Ferry to Dartmouth and Kingswear Castles. It would also be a very evident development when viewed from the successive vantage points along Beacon Road and Castle Road on the Kingswear side.

Step 3 – 'Assess the effects of the proposed development, whether beneficial or harmful, on the significance or on the ability to appreciate it':

Officers have held the consistent view that a substantial modern 2 storey development in an elevated location well above high water mark would intrude into the setting of Paradise Point to an unacceptable degree. It would not read as a subservient incidental 'boathouse' but as an overtly domestic outbuilding of a scale akin to a small dwelling that competes with and detracts from the designated heritage asset. Application of the NPPF and Planning Policy Guidance leads officers to conclude that the harm to the significance of the listed building by the proposed development within the setting is 'less than substantial', but that there is definite harm through the visual intrusion of an unusually large building within the garden. The fact that the design is overtly different and contemporary would not be an overriding concern were it not a 2 storey structure. As it is 2 storey the flat roof results in a very bulky appearance compared to a pitched roof over a single storey building of an equivalent footprint.

Step 4 – 'Explore ways to maximise enhancement and avoid or minimise harm':

The Historic England guidance says, 'Early assessment of setting may provide a basis for agreeing the scope and form of development, reducing the potential for disagreement and challenge later in the process.' This was provided in the

clearest possible terms. At pre-application stage officers acknowledged that the historic access point for the property to the waterfront on the Warfleet Creek side had been lost and in the later 20th century replaced by the jetty structure on the northern side. That being the case it was accepted that a sympathetically designed store for water activity equipment was justified. The option of a contemporary design was not ruled out. What was unsupportable was the addition of an office level to the structure as that could be readily accommodated in a much less harmful location. It is apparent that harm could be minimised by removal of the unnecessary upper floor.

4.10. Effect on Dartmouth Conservation Area:-

The Dartmouth Conservation Area is also 'a designated heritage asset' which has been designated because of its 'special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance.' Policy TE3 of the Neighbourhood Plan requires that in determining planning applications it is necessary to have regard to the Dartmouth Conservation Area Appraisal (DCAA) January 2013 including the four extensions to the area. The Policy states that proposals must, 'Respect and enhance the Dartmouth Conservation Area and make a positive contribution to the heritage assets and their setting.'

The application site sits within the Conservation Area extension number 4 to Character Area 6 for the purposes of the Policy. This area is characterised by high status houses, their gardens and retaining walls. Paradise Point is identified as of particular significance, (The best known is Paradise Point, formerly Ravensbury, built in 1855 and home of engineer and child prodigy George Parker Bidder). Paradise Point and its gardens mark the SE limit of the Conservation Area as extended. The modern property that replaced the glasshouses shown on the first edition OS map and the development on the water's edge are excluded from the Conservation Area. The DCAA states, 'The appearance of the river frontage from Bayards Cove to Paradise Point is an important feature of the AONB and Heritage Coast, and must be preserved or enhanced wherever possible with special attention given to new developments.' In the simplest terms any development proposal in this location is very unlikely to be able to preserve character or appearance. It follows that 'enhancement' is even more challenging. The form and scale of the proposed development makes it too much of a statement building when what is possibly acceptable would be a subtle, neatly designed and beautifully built ancillary structure. As proposed the development is unduly excessive in size such that it would be seen as a distraction to the house and garden that forms the heritage asset that is Paradise Point. As such it would fail to 'preserve or enhance the character or appearance' of the Conservation Area.

4.11. Officers therefore conclude that the proposal therefore conflicts with policy DNP TE3 of the neighbourhood plan, policy DEV21 of the JLP, and paragraph 202 of the NPPF.

5.0. Neighbour Amenity

5.1. The siting of the proposed building does not raise any concerns with regard to neighbour amenity, subject to the use of the building in the manner proposed, rather than for any residential purposes, and no objections have been received.

6.0. Highways/Access

6.1. The proposal would not impact upon the existing highways arrangements provided the building is used as proposed.

7.0. Flood Zone

7.1. Officers consulted the Councils Drainage Department and the Environment Agency in regards the proposal. The Drainage Officer requested a copy of the Flood Risk Assessment (FRA) mentioned in the Drainage Plan and the Design and Access Statement.

7.2. Drainage Officers also requested further information regarding the surface water drainage plans and were satisfied the site could accommodate a sufficient soakaway as a result. The Drainage Officer has since removed their objection.

8.0. Biodiversity

8.1. The proposal is not thought to have a significant impact on protected species.

9.0. Tree Protection

9.1. The Councils Tree Officer is satisfied there are no impacts to the trees on site as a result of the development.

10.0. Other Matters

10.1. In relation to other developments in the immediate area, Officers have reviewed the history for the surrounding properties and consider it does not impact the proposal directly. There are different circumstances relating to the decisions made regarding the surrounding dwellings and, more importantly, there is a significant difference in that the proposal site is a Grade II Listed Building and sited in the Conservation Area on the waterfront in a highly visually and historically sensitive location. Each application must be considered on its own merits, bearing in mind its own specific site context, and little weight is therefore given to other developments nearby.

10.2. Officers requested clear plans of the proposal on more than one occasion and received drawing number 17-224-PL-10A on 07/02/2022 as part of the previous application 3983/21/HHO. This was not improved upon during the current application.

10.3. Although the harm to Paradise Point and the Conservation Area is considered to be less than substantial, harm would nevertheless be caused. As a result, in

carrying out the balancing exercise, considerable importance and weight has to be given to the finding of harm.

11.0. Summary

- 11.1. The proposed office and storage building is not of an appropriate size, position or design for an incidental outbuilding. It would have a negative impact on the local landscape character, including the AONB setting and the Heritage Coast
- 11.2. The proposed building would also fail to preserve or enhance the setting of the Grade II Listed Building and the character of the Conservation Area.
- 11.3. Whilst the principle of a small-scale incidental outbuilding within the curtilage of the main dwelling is likely to be acceptable, the scale and design of the building currently proposed is such that it would have the appearance of a separate unit of accommodation, rather than a subservient building, particularly due to the separation and detached relationship between the building and the main dwelling.
- 11.4. The proposal is considered to conflict with policy DEV10 in relation to annexes/outbuildings, as well as local and national policies relating to heritage and protected landscapes. The application is therefore recommended for refusal.

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. This application has been considered in accordance with Sections 16, 17, and 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

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).

On 26 March 2019 of the Plymouth & South West Devon Joint Local Plan was adopted by all three of the component authorities. Following adoption, the three authorities jointly notified the Ministry of Housing, Communities and Local Government (MHCLG)* of their choice to monitor the Housing Requirement at the whole plan level. This is for the purposes of the Housing Delivery Test (HDT) and the 5 Year Housing Land Supply assessment. A letter from MHCLG to the Authorities was received on 13 May 2019 confirming the change.

On 13th January 2021 MHCLG published the HDT 2020 measurement. This confirmed the Plymouth, South Hams and West Devon's joint HDT measurement as 144% and the consequences are "None".

Therefore a 5% buffer is applied for the purposes of calculating a 5 year land supply at a whole plan level. When applying the 5% buffer, the combined authorities can demonstrate a 5-year land supply of 5.8 years at end March 2021 (the 2021 Monitoring Point). This is set out in the Plymouth, South Hams & West Devon Local Planning Authorities' Housing Position Statement 2021 (published 12th November 2021).

[*now known as Department for Levelling Up, Housing and Communities]

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.

DEV1 Protecting health and amenity
DEV2 Air, water, soil, noise, land and light
DEV10 Delivering high quality housing
DEV20 Place shaping and the quality of the built environment
DEV21 Development affecting the historic environment
DEV23 Landscape character
DEV24 Undeveloped coast and Heritage Coast
DEV25 Nationally protected landscapes
DEV26 Protecting and enhancing biodiversity and geological conservation
DEV27 Green and play spaces
DEV28 Trees, woodlands and hedgerows
DEV32 Delivering low carbon development
DEV33 Renewable and low carbon energy (including heat)
DEV35 Managing flood risk and Water Quality Impacts
DEV36 Coastal Change Management Areas

Dartmouth Neighbourhood Plan

This plan has been through a successful referendum on 24th November, and is therefore given very significant weight in the decision-making process. As such, the proposal has been considered against the relevant neighbourhood plan policies:

Policy DNP GE1 Impact on the South Devon Area of Outstanding Natural Beauty (AONB) Undeveloped Coast and Heritage Coast
Policy DNP GE2 Safeguarding the biodiversity and Green Infrastructure throughout the Parish
Policy DNP GE5 Maintaining the character and the environmental quality of the river
Policy DNP GE10 Prevention of light pollution
Policy DNP TE2 Design Quality throughout the Parish
Policy DNP TE3 Safeguarding Designated and Non-Designated heritage assets and the conservation area of Dartmouth

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:

South Devon Area of Outstanding Natural Beauty Management Plan 2019-2024
Dartmouth Conservation Area Appraisal 2013
Plymouth and South West Devon Joint Local Plan 2014-2034 – Supplementary Planning Document

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.