

PLANNING APPLICATION REPORT

Case Officer: Bryony Hanlon

Parish: Salcombe **Ward:** Salcombe and Thurlestone

Application No: 3253/22/FUL

Agent:

Mr Nigel Dalton
Nigel Dalton Architectural Design
Unit 4h
South Hams Business Park
Churchstow, Kingsbridge
TQ7 3QH

Applicant:

Mr & Mrs S King
River House
Bisham Road
Marlow
SL7 1RP

Site Address: Court House, 40 Buckley Street, Salcombe, TQ8 8DD



Reason for call-in: Cllr Long would like the Committee to consider the cumulative impact of the changes on the character and appearance of Salcombe Conservation Area.

Development: Revised access to upper roof terrace & replacement kitchen roof (resubmission of 2380/21/FUL)

Recommendation: Conditional approval

Conditions:

1. Time limit
2. Accord with plans
3. Privacy screens
4. Materials as per details
5. Adhere to ecological report

Key issues for consideration:

Design and heritage, neighbour amenity, impact on South Devon Area of Outstanding Natural Beauty.

Site Description:

The site is located within the centre of Salcombe and is accessed via Buckley Street to the north. The site hosts a link-detached two storey dwelling of traditional form and proportions. The dwelling has been extended and altered during its lifetime and benefits from a side extension with small roof terrace above.

The Proposal:

The applicant wishes to revise the access to the roof terrace by providing a set of external stairs up from the ground floor. The applicant wishes to install privacy screens at the base of the stairs to prevent overlooking. The applicant wishes to replace the roof and roof lights above the kitchen extension and install full height doors within the north east elevation of the host dwelling. The applicant also wishes to replace the balcony and railings on the south elevation of the host dwelling at ground floor level.

Consultations:

- County Highways Authority No highways implication

- Town Council Objection

Objection as although the size of the roof top terrace had been reduced from the previous application, it still extended too far back and would have an impact on the amenity to the neighbouring property. The roof terrace in question was very near to the bedroom window of 39 Buckley Street which would mean a loss of privacy and a loss of amenity due to the potential noise impact from the use of this terrace. The overall design of the application was not in keeping with the Conservation Area and would also impact on locally important view V14 as set out in Neighbourhood Plan policy ENV6.

Representations:**Representations from Residents**

Six letters of objection have been received and include the following points:

- The previous reason for refusal remains valid; "Objection condition 3 of approved application 41/2460/13/F states that the obscure glazed privacy panel and glass and steel balustrade as shown in those plans must be completed and thereafter maintained and retained in perpetuity. This condition was to minimise any impact on the neighbouring property. This application would override that condition which will mean a major loss of amenity to the neighbouring property. The roof terrace in question is adjacent to the bedroom window of 39 Buckley Street which would mean a loss of privacy and a loss of amenity due to the potential noise impact from the use of this terrace. The overall design of the application is not in keeping with the Conservation Area and will also impact on locally important view V14 as set out in Neighbourhood Plan".
- The proposal would alter the streetscape and be detrimental to the vista.
- The original proposal was approved subject to restrictions; the proposal would overlook these restrictions.
- Neighbours have been bothered by rowdy gatherings and excessive noise late into the night.
- The external staircase would make the terrace more attractive to the occupants and make the terrace more likely to be used.
- The proposal would facilitate the use of the terrace by larger parties, thus negatively impacting on other letting businesses in the area.
- Obtrusive lighting and sound equipment may be used in association with the terrace.
- The extra glass and chrome rails will be more noticeable.
- Neighbouring bedroom windows have a direct line of sight to the existing platform and occupants of this terrace would have a view over the railings into a neighbouring bedroom.
- The red line on the block plan has been drawn incorrectly; the whole right of way is owned by the lower end owner, with public right of way of use.

- It is not clear which set of drawings are being consulted upon.
- The bifold doors to the lower terrace will create another large socialising space with additional noise.
- Under the Human Rights Act 1998 we have a right to peaceful enjoyment of all our possessions which includes our home. This proposal would deny us this basic human right.

Relevant Planning History

Planning Application Reference	Proposal	Site Address	Decision
41/0385/81/4: COU	Conversion of stores to holiday flat	Level 1 Court House Buckley Street Salcombe	Conditional approval: 07 Apr 81
41/1466/83/4: COU	Reconversion to two cottages	Court House Buckley Street Salcombe.	Conditional approval: 08 Nov 83
41/1934/94/3: FUL	Continuation of use without complying with condition (c) of permission 9/41/0385/81/4 (use for 12 months of the year)	Basement Flat Level 1 Court House Buckley Street Salcombe.	Conditional approval: 07 Feb 95
41/1288/00/F: FUL	Construction of new oriel windows	The Court House 41 Buckley Street Salcombe TQ8 8DD	Conditional approval: 21 Sep 00
41/2386/03/F: FUL	Replacement windows and balustrade	Court House Buckley Street Salcombe Devon TQ8 8DD	Conditional approval: 23 Jan 04
41/0773/06/F: FUL	Replace door with window and 2 no windows with French doors	Flat 2 The Court House 40 Buckley Street Salcombe Devon TQ8 8DD	Conditional approval: 06 Jun 06
41/1945/13/F: FUL	Householder application for conversion of existing garage to living accommodation and reconstruction of existing roof terrace including new internal access staircase.	Court House Buckley Street Salcombe TQ8 8DD	Withdrawn: 15 Oct 13
41/2460/13/F: FUL	Conversion of existing garage to living accommodation and reconstruction of existing roof terrace including new internal access staircase (resubmission of application 41/1945/13/F)	Court House Buckley Street Salcombe TQ8 8DD	Conditional approval: 07 Jan 14
2380/21/FUL	Extension of upper roof terrace with modified window and door formation and replacement of existing balcony	Court House, 40 Buckley Street, Salcombe, Devon, TQ8 8DD	Withdrawn
1803/22/PR1	Pre Application Enquiry For - Extension of upper roof terrace with modified window and door formation and replacement of existing balcony.	Court House, 40 Buckley Street, Salcombe, Devon, TQ8 8DD	Pre-application: (Officer support) 30 Aug 22

ANALYSIS

Principle of Development/Sustainability

The site is located within the built form of Salcombe and hosts a residential dwelling; the principle of alterations within this context is therefore established, subject to compliance with the other protective designations relevant to this highly sensitive location.

One commenter has queried which plans are the subject of the application. Officers would confirm that the pre-application enquiry documents were published on the planning file and labelled as such, alongside the existing and proposed drawings, also labelled as such. Officers consider that on this basis, the details of the scheme have been clearly advertised.

Design and Heritage

The proposed changes to the terrace are considered minor in terms of their scale and visual impact, although it is noted that there have been a number of objections on this basis. The terrace itself is not changing as part of the development and will not extend any further as per the Town Council's concerns, it is only the new stairs that are being added. Officers do not consider that the proposal will appear unduly visually prominent with view V14 of policy SALC ENV6. The proposal continues the existing design themes and materials palette; the potential to use frameless glass balustrading rather than the chrome finish was discussed during the pre-application process. However, as the existing balustrading is in good repair it was not considered cost effective to replace it at this time. On this basis, whilst noting the objections, officers do not consider that the extent of chrome balustrading added through the proposal would result in such significantly harmful visual impact when viewed from within the public realm so as to warrant a refusal solely on this basis. Officers consider the other changes to fenestration and replacement balcony and associated metal balustrading are acceptable. Officers are mindful of the duty noted at Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area in exercising planning functions. On balance, the proposal is considered to have a neutral impact on the Conservation Area when considered in the context of the changes made to date. Similarly, Officers are mindful of the duty noted at Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses in exercising planning functions. The site falls within the setting of a number of Grade II Listed Buildings; nos. 80 and 81 Fore Street and nos. 4-8 Buckley Court. Officers consider that the proposed changes are minor and that these will not be unduly visually prominent or incongruous within the setting of the Listed Buildings. As such, the proposal is considered to accord with the provisions of DEV20, DEV21, DEV23, SALC ENV6 and SALC B1.

South Devon AONB

Policy DEV25 requires that proposals "conserve and enhance the natural beauty of the protected landscape with particular reference to their special qualities and distinctive characteristics or valued attributes". The proposal meets the first policy test, in that the design and palette of materials have a neutral impact on the AONB itself, as the proposal is located well within the built form of Salcombe and changes to character and appearance of the residential area will be localised only, thereby conserving the natural beauty of the AONB. While it does not offer enhancement, given the small scale of the proposal and having regard to the current condition of the site, including the presence of an existing residential dwelling, the proposal is considered acceptable with regard to the provisions of DEV25 and ENV1.

Neighbour Amenity

Objectors have commented that the new doors from the main dwelling out to the ground floor amenity space will result in increased noise and disturbance. Officers do not consider that this would result in a significant detrimental impact on neighbour amenity; the proposal would not introduce a new vantage point for overlooking nor would it increase the available external amenity space for the occupants and therefore, noise levels are unlikely to change significantly.

Objectors have raised concerns that the terrace is in close proximity to a neighbouring bedroom window and that it will be possible to look into this window from the terrace. Officers would note that

this view is currently available from the terrace. The terrace is not being extended closer to this window and on this basis, the levels of intervisibility and overlooking will not be significantly worse when compared to the current situation.

It is noted that the applicant has included obscure glazed privacy screens at the bottom of the new external stairs in order to prevent any overlooking from a new vantage point when descending from the terrace. Officers consider it necessary to secure the screens by condition, in order to safeguard the residential privacy and amenity of adjoining occupiers.

A number of objections have raised concerns that the extension of the terrace and the revised access will make the terrace more attractive to the occupants and it will be more intensively used, with increased noise and disturbance. Objectors have also noted that there have been instances of noisy gatherings late into the night, to the detriment of residential amenity. Officers acknowledge the challenges associated with managing noise associated with terraces and balconies in town centre locations, however, the proposal would not seek to significantly increase the size of the terrace, nor would it provide additional bed spaces within the host dwelling which would increase occupancy levels. The applicant has been offered the opportunity to respond to these concerns but has declined to do so.

On balance, the proposal is not considered to result in a significant detrimental impact on neighbour amenity so as to warrant a refusal solely on this basis. In this context the proposal is considered to accord with the provisions of DEV1. However, Officers would note that the grant of planning permission does not exempt the occupants of the dwelling from compliance with other statutory controls, such as those relating to statutory noise nuisance.

Biodiversity

The applicant has provided a Preliminary Ecological Appraisal to confirm that there are no ecological constraints to development on the site. The Appraisal contains a number of precautionary recommendations in order to safeguard the interests of protected species, which are appropriate to secure through condition. On this basis, the proposal is considered to accord with the provisions of DEV26.

Highways/Access

The proposal does not seek to make alterations to access or parking arrangements and the Devon County Council Highways Engineer has confirmed that the application has no highways implications.

Other Matters

Objectors have raised concerns that the applicant does not own all of the land within the red line site boundary, as shown on the Block Plan. The applicant has confirmed that there was a drawing error and has retracted the red line accordingly. Officers have accepted this revision as it relates to a smaller area of land within the advertised red line and on this basis, no third party would be prejudiced by the change.

Conclusion

Whilst Officers are aware of the strength of feeling regarding the proposal, in the context of the existing use, the physical changes proposed are comparatively minor in the context of the host dwelling. On this basis, it is recommended that the application be granted conditional approval.

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

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.

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 21 March 2019 and West Devon Borough Council on 26 March 2019.

SPT1 Delivering sustainable development
SPT2 Sustainable linked neighbourhoods and sustainable rural communities
SPT9 Strategic principles for transport planning and strategy
SPT10 Balanced transport strategy for growth and healthy and sustainable communities
SPT11 Strategic approach to the Historic environment
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
DEV21 Development affecting the historic environment
DEV23 Landscape character
DEV25 Nationally protected landscapes
DEV26 Protecting and enhancing biodiversity and geological conservation
DEV29 Specific provisions relating to transport
DEV31 Waste management
DEV32 Delivering low carbon development
DEV35 Managing flood risk and Water Quality Impacts

Other material considerations include the policies of the National Planning Policy Framework (NPPF) and guidance within the 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, Salcombe Conservation Area Appraisal and Management Plan (2010), South Devon AONB Management Plan (2019-2024).

Neighbourhood Plan

The site falls within Salcombe neighbourhood planning area; following a successful referendum, the Salcombe Neighbourhood Plan was made at Executive Committee on 19 September 2019.

It now forms part of the Development Plan for South Hams District and is used when determining planning applications within the Salcombe Neighbourhood Area. It is noted that modifications to the Plan are currently being examined by an Independent Examiner, although these are unlikely to have any bearing on the proposed works.

The relevant policies are noted below:

SALC ENV1 Impact on the South Devon Area of Outstanding Natural Beauty

SALC ENV6 Locally Important Views

SALC B1 Design Quality and safeguarding Heritage Assets

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 to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.

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 numbers;

Site Location Plan 1058.21.09 revision B updated 07.12.2022

Proposed Block Plan 1058.21.11 rev A updated 7.12.2022

Proposed Floor Plans 1058.21.05 rev B updated 7.12.22

Received by the Local Planning Authority on 07 December 2022

Proposed Elevations 1058.21.06 rev B

Proposed Sections 1058.21.07 rev B

Received by the Local Planning Authority on 21 October 2022

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 materials to be used in the development shall accord with the details outlined in the Application Form and on the approved drawings.

Reason: To ensure that the development is in character with the existing building and its surroundings.

4. The 1.8m high obscure glazed privacy screens as detailed on drawing Proposed Elevations 1058.21.06 rev B and on the north east and south east elevations of the stairs leading up from the ground floor terrace hereby permitted shall be installed prior to the use of the stairs and shall thereafter be retained and maintained.

Reason: In order to safeguard the residential amenity and privacy of adjoining occupiers.

5. The recommendations, mitigation and enhancement measures of the Ecological Report, by Colin N. Wills dated 13 June 2021, shall be fully implemented prior to the commencement of the use hereby approved and adhered to at all times. In the event that it is not possible to do so all work shall immediately cease and not recommence until such time as an alternative strategy has been agreed in writing with the local planning authority.

Reason: To safeguard the interests of protected species.