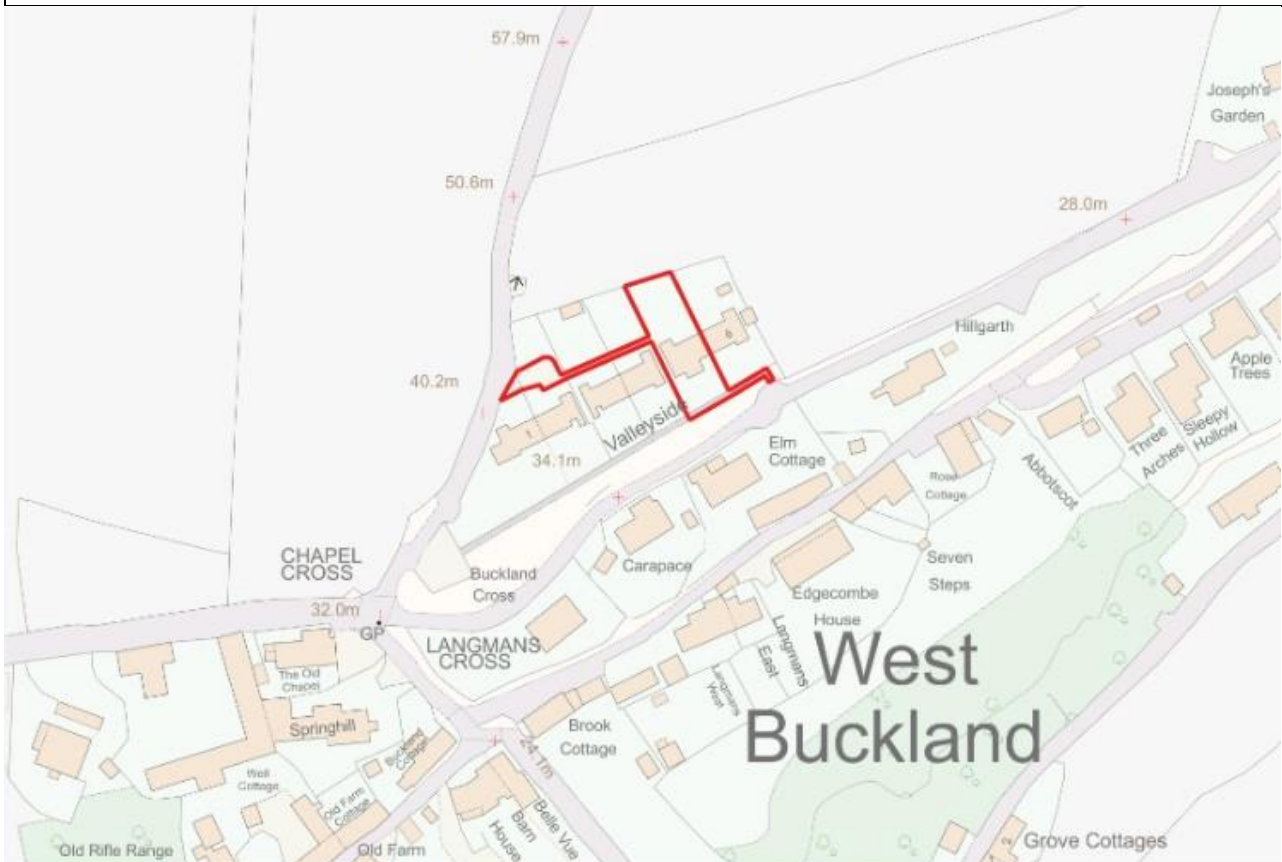


COMMITTEE REPORT

Case Officer:	Richard Geary		
Parish:	Thurlestone	Ward:	Salcombe & Thurlestone
Application No:	1498/24/HHO		
Applicant:	Mrs Eve Ashton-Monterio 5 Valleyside West Buckland Kingsbridge TQ7 3AE	Agent:	Mr Hugo Davies 4 Easterways Broadhempston Totnes TQ9 6SY
Site Address:	5 Valleyside West Buckland TQ7 3AE		
Development:	Householder application for replacement conservatory, loft conversion, rear extension to create office, utility and erect new porch		



Reason for referral to Committee

Called by Cllr Long for the following reason:

I would like this application to come before the DM Committee to review and consider the application related to JLP and Neighbourhood Plan policies related to design and locality impact, and the contemporary design options proposed which appear to conflict with the strong views of the Parish Council related to the interpretation of the Neighbourhood Plan, recognising that policies can pull in either direction.

Site Description:

5, Valleyside is an existing two-storey, semi detached residential property within a row of six houses arranged in groups of two. Number 5 is the western of the two houses located at the eastern end of the street and is situated in an elevated position and is accessed by steps from a pedestrian pathway to the front. The property has sloping gardens to the front and rear.

Proposal:

The proposal seeks to extend and alter the existing dwelling, adding a single-storey rear extension, removing an existing conservatory and replacing with a sunroom, adding a porch and internal alterations including a loft conversion with roof lights.

Recommendation: Conditional Approval

Conditions:

Time limit
Accord with plans
Drainage
Adherence to ecology
Solar PV

Consultations:

Thurlestone Parish Council: Objection

Councillors are concerned about overdevelopment on this plot which potentially affects residential amenity to both neighbours at No 4 & No 6 (44% increase in floor area). Moving the front door to the side will bring the noisy and most used area of the house to face the side of No 4, the front door being the only way in and out apart from the glazed doors in the sun-room which are not presented as an entrance/exit. The back extension is overbearing to No 6 due to its width (almost the entire width of the house and plot) with the additional height of its pitched roof which increases its bulk vastly. This coupled with the height of the utility room roof both on the north elevation, the naturally darker side of the houses, means further light will be blocked to No 6 (contrary to our Neighbourhood Plan NP TP1.1 Residential Amenity).

Although the area of glazing has reduced slightly due to the conservatory being reduced in size and its roof glazing changed to roof lights, this proposal adds a further 8 roof lights; 6 in the house roof, 1 in the new kitchen area and 1 in the back higher

extension (the number 8 does not include the 2 roof lights that will remain in the sun-room roof) resulting in emitted light being moved from the vertical walls to the horizontal or angled roof areas and spread over a much larger area (i.e. the whole house) which is far more invasive in the night sky. Not something that conditions will alleviate. (Contrary to NP TP1.4 Dark Skies).

This proposal changes the symmetry of the 3 pairs of semi-detached properties, changing the orientation of this property in relation to the others. The other houses in the row have front doors on the front of the house, not on the side, and extensions with flat roofs. Overdevelopment as it would stretch the building widthways to almost entirely fill the width of the plot. Contrary to NP TP1.2 Design which states ...'proposals should be locally distinctive, reflecting local style, scale and character?'. It is mentioned in the Design and Access Statement that the approved extension at No 2 sets a "Precedent". However the extension to No 2 is single storey with a flat roof, and therefore much lower than the pitched one being proposed at the back of No 5, and is much narrower only spanning half the rear of the house. It is always stressed by the Planning Dept that nothing sets a precedent, and each application must be considered as presented. This proposal is a major development on a semi-detached house.

DCC Highways: No implications

South West Water: No objection

Having reviewed the applicant's current information as to proposed surface water disposal for its development, please note that method proposed to discharge into the ground (infiltration) is acceptable and meets with the Run-off Destination Hierarchy.

It is suggested that the applicant to contacts South West Water to discuss whether the proposals will be affected by the presence of their apparatus and the best way of dealing with any issues as they may need permission from South West Water to proceed.

Representations from Residents:

None received.

Relevant Planning History:

Application Number: 4159/23/HHO

Proposal: Householder application for replacement conservatory, loft conversion, rear extension to create play room./office/utility, and erect new porch

Decision: Withdrawn to overcome impacts on neighbour

Decision Date: 13/03/2024

Application Number: 2814/15/HHO

Proposal: Householder application for conservatory to front of property

Decision: Conditional Approval

Decision Date: 26/01/2016

NB this conservatory would be removed as part of this proposal

ANALYSIS

1. Principle of Development:

- 1.1 Number 5, Valleyside is an existing residential dwellinghouse located within the small settlement of Buckland approximately 5.5km west of the town of Kingsbridge. Buckland is within Tier 4 of the settlement hierarchy described in the Plymouth and South West Devon Joint Local Plan (JLP) Policy TTV1. Tier 4 includes smaller villages, hamlets, and the countryside, and the provisions of JLP Policy TTV29 (residential extensions and replacement dwellings in the countryside) should therefore be considered in relation to this proposal.
- 1.2 Criterion 5 of Policy TTV29 deals with extensions in the countryside and states that they will be permitted provided: “The extension is appropriate in scale and design in the context of the setting of the host dwelling.” Further guidance is set out in paragraph 11.85 of the JLP Supplementary Planning Document (SPD), which states “when applying this policy, an extension may be considered ‘appropriate’ if it does not seek to increase the internal floorspace (on its own or in combination with all subsequent extensions) of the original house by more than 50 per cent”. The proposal alters existing extensions to the front, side and rear of the host dwelling and converts the loft space to habitable floorspace. The total additional floorspace is approximately 35% and is therefore considered appropriate in principle against JLP Policy TTV29.
- 1.3 The property is located within the South Devon National Landscape and the Undeveloped Coast where the principle of extending and altering residential properties is acceptable subject to its impact upon the surrounding protected landscape.
- 1.4 The Thurlestone Parish Neighbourhood Plan (TPNP) Policy TP7.2 deals with extensions to existing dwellings. It states that~:

Proposals for extensions to existing dwellings (including annexes to facilitate homeworking), which do not have the benefit of permitted development rights, will be supported provided the proposal meets the requirements of Policy TP1 and the following criteria:

i. is subordinate in scale and form to the existing dwelling; and
ii. in the case of annexes, the use of the annexe remains ancillary to the original dwelling and cannot be occupied by an independent household.
- 1.5 The proposal seeks to extend the existing dwellinghouse to make better use of the available internal space and allow for an office to be created to support homeworking. Officers consider the extension to be subordinate in scale – being single storey – and form to the host dwelling and do not consider it to be capable of being occupied independently. The proposal is deemed to accord with the aims of TPNP Policy TP7.2.

2.0 Design and landscape:

- 2.1 JLP Policy DEV20 requires development to meet good standards of design and contribute positively to both townscape and landscape and Policy DEV23 seeks

development that will conserve and enhance landscape, townscape and seascape character and scenic and visual quality, avoiding significant and adverse landscape or visual impacts. Proposals must have proper regard to the pattern of local development and wider surroundings in terms of (amongst other things), style, local distinctiveness, visual impact, scale, materials, historic value, and character.

- 2.2 TPNP Policy TP1.2 states that “Proposals should be locally distinctive, reflecting the style, scale and character proportionate and appropriate to the coastal and rural location of the parish within the South Devon AONB. The use of natural building materials will be encouraged”.
- 2.3 The proposal seeks to remodel and extend the ground floor of the property with a rear extension, side entrance porch and creation of habitable loft space by installing 6 modestly sized rooflights. It also replaces an existing conservatory on the principal elevation with a smaller sun room. The proposal adds a modest 18sqm to the external footprint of the existing built form and minimises its visual impact by largely extending at the rear of the property.
- 2.4 Officers note the addition of a pitched roof to the rear extension and a reverse pitched section over the proposed utility room and consider that these additions are an acceptable compromise to maximise the use of natural light and ventilation to the proposed extension while maintaining light to the rear of number 6 Valleyside to the east (see Neighbourhood Amenity). The proposal is considered to be clearly subservient to the host dwelling in terms of its scale and massing and its design – although contemporary – does not diminish the host dwelling. Officers consider the design to be an uplift in quality and welcome the removal of the existing conservatory and the use of natural slate to the replacement sunroom roof.
- 2.5 Officers have noted the concern of the Parish Council with regard to changing the orientation of the property but have noted that the existing main entrance to the property is to the side elevation and that the proposed porch is an open sided structure that simply covers the entrance doorway, which remains on the side elevation. Officers do not consider this to be a detrimental addition to the side elevation and, due to its open character, do not consider that it reorientates the property or significantly increases its mass.
- 2.6 Consideration has been given to the level of glazing included within the proposal, which is an uplift over the existing especially within the existing roof. After visiting the site, officers note that rooflights are an existing feature of the terrace and consider that their use in the proposal is not incongruous. On balance, officers believe the proposed extension and alterations will complement the host dwelling and be of an appropriate scale and appearance. As a result, the proposal is not in conflict with DEV20 and DEV23 of the JLP and TPNP Policy TP1.2.

3.0 South Devon National Landscape:

- 3.1 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”.
- 3.2 TPNP Policy TP1.5 seeks to “conserve and enhance the natural beauty of the South Devon AONB” and TP1.4 seeks to “limit the impact of light pollution from

artificial light on local amenity, on intrinsically dark landscapes and the natural environment, in accordance with the Institute of Lighting Professionals Environmental Zone E1”.

- 3.3 Although a modest net increase in glazing is proposed, its effect is offset by the reduction of glazing by removing the existing conservatory and replacing it with a sunroom with significantly less glazing to its roof and the addition of louvres to the vertical plane of glazing proposed.
- 3.4 Officers note the addition of 8 roof lights and the concern expressed by the Parish Council as to the impact of these rooflights on the inherent dark skies of the National Landscape. However, officers consider that the principle of rooflights within the existing terrace is already established and that the rooflights are modestly sized and unlikely to have a significant impact on dark skies. Officers have considered the guidance provided by the Institute of Lighting Professionals in relation to Environmental Zone 1 and have found that it relates largely to external forms of lighting and not light spill from internal sources. That notwithstanding, officers are mindful of the concerns expressed by the Parish Council but consider that the location of the proposal within a residential terrace and the existing rooflights within that terrace mean it would be unreasonable to refuse permission on the grounds of detriment to dark skies.
- 3.5 On balance, the design is deemed to conserve the natural beauty of the National Landscape and therefore accords with JLP Policy DEV25 and TPNP Policy TP1.

4.0 Undeveloped Coast:

- 4.1 The proposal is within the Undeveloped and Heritage Coast and it is therefore appropriate to consider policy DEV24 of the Joint Local Plan which seeks to protect against “development which would have a detrimental effect on the undeveloped and unspoilt character, appearance or tranquillity of the Undeveloped Coast”.
- 4.2 Officers consider that, whilst the proposal would be visible from the undeveloped coast, the development proposed is of high quality and largely set at ground floor level to minimise the overall impact of the development. Whilst the glazing does materially increase as a result of the proposals, the removal of the conservatory reduces the impact of the increase.
- 4.3 On balance, the proposals are considered to enhance the visual appearance of the existing dwelling through the use of a well-coordinated design, removing the existing conservatory and the use of high-quality materials. The resulting impact upon the surrounding protected area is neutral as a result and proportional to existing property and plot size. The proposal is therefore considered to accord with JLP Policy DEV24.

5.0 Neighbour Amenity:

- 5.1 TPNP Policy TP1.1 and JLP Policy DEV1 consider neighbour amenity and seek to protect (amongst other things) “daylight, sunlight, outlook, privacy and... ..noise”. Both policies measure the effect of development “against the level of amenity generally accepted within the locality”.

5.2 Officers are mindful of the concerns raised by the Parish Council with regards to the potential loss of light from Number 6 Valleyside and the wider potential impact of the proposal on the amenity of Number 6. Officers are, however, aware that discussions have taken place between the applicant and their neighbour – resulting in the withdrawal of a previous planning application – and that the resubmitted proposal has been carefully designed to minimise the impact on Number 6. The applicant has provided a Sunlight Study to demonstrate the minimal impact on light to Number 6 and has recessed the rear extension and angled its pitched roof to diminish any potential overbearance. Officers have considered the level of amenity generally in the area and consider there to be minimal reductions as a result of the proposal. The proposal is deemed to conform to JLP Policy DEV1 and TPNP Policy TP1.1.

6.0 Drainage:

6.1 The proposal is sited within Flood Zone 1 (which has a low probability of flooding from rivers and the sea) and is outside of any Critical Drainage Area. The application demonstrates sustainable drainage by soakaway in accordance with the drainage hierarchies set out in the Plymouth and Devon Local Flood Risk Management Strategies. This is in accordance with Policy DEV35 of the Joint Local Plan and a condition has been attached to secure the drainage strategy on this basis.

7.0 Ecology:

7.1 JLP Policy DEV26 states that development should support the protection, conservation, enhancement and restoration of biodiversity and geodiversity across the Plan Area. The application includes a Preliminary Ecological Assessment (Bat and Nesting Bird Survey) that found no evidence of bat roosts or bird nesting but does recommend the provision of Bat Boxes and Bird Nesting Boxes on the north and west elevations to provide biodiversity enhancement. This is supported by Officers with the details to be secured by condition.

8.0 Climate Change/Carbon Reduction:

8.1 The proposal utilises the footings of existing structures to create more useable floorspace, which is inherently more sustainable and less carbon intensive than building new structures. The proposal also includes the installation of a solar panel system on the south facing roof of the existing property with no overshadowing, which will provide an efficient source of renewable energy to the property and will be secured by condition. Officers are satisfied that the proposal accords with JLP Policies DEV 32 and DEV 33.

9.0 Other matters:

9.1 Officers have noted the additional concern expressed by the Parish Council with regard to the overdevelopment of the plot. Officers have measured the plot and find that the footprint resultant from implementation of the proposal would cover less than a third of the substantial plot and officers do not consider this to be overdevelopment and to be appropriate to the local area and the size of the plot.

10 Conclusion:

10.1 On balance, the proposal is considered to be a sympathetic modern scheme of extension and alteration that makes more efficient use of the existing footprint of the host dwelling. The proposal is not considered to be detrimental to the character of the local area or the designated landscapes that surround it. Officers therefore 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

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
TTV29 Residential extensions and replacement dwellings in the countryside
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
DEV23 Landscape character
DEV24 Undeveloped coast and Heritage Coast
DEV25 Nationally protected landscapes
DEV26 Protecting and enhancing biodiversity and geological conservation
DEV32 Delivering low carbon development
DEV33 Renewable and low carbon energy (including heat)
DEV35 Managing flood risk and Water Quality Impacts

Thurlestone Parish Neighbourhood Plan

Following a successful referendum, the Thurlestone Parish Neighbourhood Plan was made (adopted) as part of the statutory development plan for the area by South Hams District Council on 19 July 2018. The most pertinent policies within the plan are:

POLICY TP1 – GENERAL DEVELOPMENT PRINCIPLES
POLICY TP7 – REPLACEMENT DWELLINGS AND EXTENSIONS
POLICY TP22 – THE NATURAL ENVIRONMENT
POLICY TP27 – SOLAR PANELS AND ARRAYS

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)
Plymouth and South West Devon Joint Local Plan Supplementary Planning Document (2020)

Plymouth and South West Devon Climate Emergency Planning Statement (2022)

Considerations under Human Rights Act 1998 and Equalities Act 2010

The provisions of the Human Rights Act 1998 and Equalities Act 2010 have been taken into account in reaching the recommendation contained in this report.

Conditions:

1. The development hereby permitted shall 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)

2.E.02 Rev:H "Proposed Elevations" received on 1 May 2024

2.LP.01 "Location Plan" received on 1 May 2024

2.P.02 Rev:G "Proposed floor plans" received on 1 May 2024

2.RP.02 Rev:C "Proposed roof plan" received on 1 May 2024

2.S.02 Rev:D "Proposed sections" received on 1 May 2024

2.S.03 Rev:C "Proposed 3D section views" received on 1 May 2024

2.SP.02 Rev:B "Proposed site plan" received on 1 May 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 drainage scheme shall be installed in strict accordance with the plans and details set out in the Storm Percolation Test and Soakaway Design produced by JMC Drainage Consultant in February 2024 and received by the LPA on 01 May 2024, maintained and retained in accordance with the agreed details for the life of the development.

Reason: To ensure surface water runoff does not increase to the detriment of the public highway or other local properties as a result of the development in accordance with policy DEV35 of the Plymouth and South West Devon Joint Local Plan.

4. The development hereby approved shall be carried out in accordance with the actions set out in the Preliminary Ecological Assessment (Bat and Nesting Bird Survey) by George Bemment Associates dated 17 November 2023 and any measures required under licence from Natural England. Prior to the commencement of use, the recommendations, mitigation, compensation, net gain and enhancement measures shall be fully implemented and thereafter retained for the life of the development.

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

5. The solar panels as shown on the approved plans shall be installed prior to the occupation of the extension hereby approved. The panels shall hereafter be retained and maintained for the life of the development.

Reason: To ensure that the development contributes to the carbon reduction targets within DEV32 of the Joint Local Plan and objectives within the Climate Emergency Planning Statement (November 2022).

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.