

PLANNING APPLICATION REPORT

Case Officer: Rosalie Metcalfe
West

Parish: Tavistock **Ward:** Tavistock South

Application No: 1074/19/FUL

Agent/Applicant:

Mr Jeremy Maddock
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PL20 7AA

Applicant:

Mr T Faircloth
Lower Hill Farm
Nr Tavistock
PL19 8RR

Site Address: 83 Plymouth Road, Tavistock, PL19 8BZ

Development: Form new dwelling by subdivision of existing dwelling

Reason item is being put before Committee: This application has been brought before the Committee at the request of the Head of Development Management Practice on the base that a previous application for the same site and description was refused at previous Development Management Committee and it is considered that DM Committee should determine whether the proposed changes in this application overcome the previous reasons for refusal.



Recommendation: Conditional Approval

Conditions:

1. Time limit
2. Accord with plans
3. PD rights removed
4. Parking to be implemented and retained
5. Car parking/access drainage details
6. Zone of Influence mitigation

Key issues for consideration:

- Principle of development
 - Neighbour Amenity
 - Previous appeal and planning decisions
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Site Description:

The application site consists of a recently constructed extension attached to the southern elevation of 83 Plymouth Road. The extension occupies part of the existing garden belonging to the host dwelling.

The close consists of 6 dwellings accessed via a communal drive/road that connects to the A386 (Plymouth Road) to the west. The close is configured in a horseshoe arrangement with the nearest property to the application site within the close being 85 Plymouth Road to the west. To the east and close to the site's garden boundary is the building located on Grenville drive housing flats 1A – 1D.

The site is located to the east of the Tavistock Conservation Area (CA) but is set amongst the more modern developments on the opposite side of the road to the CA and does not contribute to its historic character or make a positive contribution to its immediate setting.

The Proposal:

The proposed development is to subdivide the current dwelling by using the extension as an independent dwelling.

The revised plans as submitted also now show the subdivision of the existing curtilage to show separate small garden areas for the existing property and that as proposed.

Parking provision is also indicated to the front of the proposed dwelling showing space for one vehicle for the proposed dwelling.

A previous application (2243/18/FUL) for the same proposal was refused at committee on 26/03/2019 for the following stated reason:

1. *The new dwelling by reason of the inadequacy of the parking and turning area and insufficient area and quality of outdoor amenity space for the size of the dwellings*

would result in a cramped and undesirable form of development that would not provide for the needs of the occupants and harm the locality contrary to Local Plan Policy H28, Core Strategy policies SP1 and SP20 and policies DEV1, DEV8 and DEV10 of the emerging South West Devon Joint Local Plan.

This application is stating to be addressing those issues in full.

Consultations:

- County Highways Authority - No highways impacts
- Natural England – No objection subject to inclusion of pre-occupation contribution.
- Drainage - No objection

Based on the information provided we would support the current proposal.

Observations and comments:

This is an application for internal subdivision of an existing dwelling located partially within Flood zone 2, with no external changes proposed and SWW have confirmed they would be happy to accept foul discharge to their system therefore we would have no objection to this aspect of the development.

However new car parking facility and access has been proposed but its drainage details have not been provided, so this information will be required by condition.

Suggested conditions:

Notwithstanding the submitted information, no development shall be commenced until:

Drainage details of the car park and access have been submitted to and approved in writing by the Local Planning Authority (LPA). If it is proposed to be permeable then it should be designed in accordance with CIRIA C753. Full design details and sectional drawing showing the specification and make up will be required.

The drainage scheme shall be installed in strict accordance with the approved plans, 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.

- Tavistock Town Council - Object – “we do not believe this is materially better than the previous applications which were objected to, also there is now even less parking availability and no vehicle turning area.”

Representations:

- None

Relevant Planning History

Application Ref	Address	Proposal	Decision	Decision Date
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2243/18/FUL	83 Plymouth Road, Tavistock	READVERTISEMENT (Revised Plans) Form new dwelling by subdivision of existing dwelling.	Refusal	26/ 3/2019
1032/18/NMM	83 Plymouth Road, Tavistock, Devon	Non-material amendment following householder consent 3493/17/HHO (Householder application for two storey side extension) for additional door	Conditional Approval	21/ 5/2018
3493/17/HHO	83 Plymouth Road, Tavistock	Householder application for two storey side extension to dwelling.	Conditional Approval	11/12/2017
2461/16/FUL	83 Plymouth Road, Tavistock	Erection of dwelling	Refusal	22/11/2016 Appealed – Ref: APP/Q1153/W/17/31690 48, Dismissed on 29/06/2017
0874/16/HHO	83 Plymouth Road, Tavistock, Devon	Householder application for a two storey extension to existing dwelling	Conditional Approval	25/ 5/2016

ANALYSIS

Principle of Development/Sustainability:

The proposed development relates to an existing extension and the host dwelling. The application site is located within the main town of Tavistock and is close to a range of services including public transport and shopping facilities. The site is located within an existing residential close.

Given the above, the application site is considered to be in a sustainable location.

A previous application (2243/18/FUL) for the same proposal was refused at committee on 26/03/2019 due to inadequate parking and turning and insufficient amenity space.

This application proposes one parking space for the new dwelling and a larger amenity area.

Prior to this, as is noted in the “planning history” section of this report the site has been subject of a previous appeal decision in relation to the erection of dwelling.

This decision and the issues raised in the Inspector’s report setting out their assessment is a material planning matter that must be considered in that it relates to this current proposal.

It should be noted that appeal was in relation to a proposed detached dwelling to be located within the southern garden area belonging to 83 Plymouth Road as opposed to the current scheme where the dwelling would be created through the sub-division of the dwelling to utilise the extension as a dwelling.

The Inspector’s report confirms that they reviewed the following issues;

1. The character and appearance of the area; and
2. The living conditions of the future occupiers of the proposed dwelling in respect of outlook and available garden space and the existing occupiers of 83 Plymouth Road in respect of available garden space.

In dismissing the appeal the Inspector offered the following conclusions;

Paragraph 5 – *“Due to its detached nature, the dwelling would have an appreciably more significant effect than the existing side extensions and the one that has been granted planning permission at this site...Other new housing has been accommodated in the area, such as No. 89a. However that dwelling is located at the end of a terrace and the context is not directly comparable and it does not justify the appeal scheme.”*

The current scheme is not for a detached dwelling and would instead use the approved extension as a dwelling.

Paragraph 7 – *“A two storey block of flats is located to the rear of the site; it is sited so that it sits across almost the entire width of the appeal site and a good portion of the width of No. 83. The side elevation of this building is set only very modestly away from the common boundary. The rear of the appeal dwelling would be located very close to the boundary, the outlook from the rear living room windows and two of the bedrooms would be dominated by the side wall of the flats. This would create harmfully oppressive living conditions for the future occupiers of the dwelling.”*

The current proposal would utilise the existing extension where the amenity impacts have already been previously assessed as being acceptable in terms of relationship with other development (inclusive of the flats). No new windows or doors are proposed to increase

overlooking from that as assessed in relation to the approved extension. The extension is set further back from the common boundary with the flats and therefore the issue in relation to the proposed dwelling's outlook has, in officer view, been overcome.

Paragraph 8 – *“The living room would also have a side window. Currently there is a low boundary between the site and the side garden at No. 85. To ensure that garden was not unacceptably overlooked from the proposed side living room window it would be necessary to secure a higher boundary treatment through a condition. Consequently the outlook from this side window would be dominated by the boundary.”*

As is noted the current proposal is for the dwelling to occupy the existing extension whereby the window facing onto this garden area has already been assessed as being acceptable. Equally it is located further away from the side garden referred to and a higher boundary treatment would not therefore impact upon the outlook through dominance and therefore a suitable boundary treatment could be achieved without detriment.

Paragraph 9 – *“The outside space to the rear and side of the dwelling would be extremely limited and would amount to little more than a narrow yard area dominated by the boundaries and the side wall of the flats. The front of the site would be largely taken up by parking and vehicle manoeuvring space. Even if only a single space was provided, the usable outside garden would still be limited, and this area would not be private.”*

The revised plans submitted as part of the current proposal indicates more garden space being provided than both the previous application and the appeal scheme. This has been achieved through the moving of parking provision, the re-siting of the dwelling from a detached position to being attached to No. 83, and the subdivision of the plot via a squared off fence-line. The plans also show the existing conservatory and shed belonging to No. 83 as being removed to provide more outside space to the existing property. It is considered necessary and reasonable to condition the removal of these in order to ensure sufficient amenity space.

Whilst the garden areas would be reduced from that as currently serving No. 83 as a single dwelling, there would be adequate garden areas provided to serve both the existing and proposed property.

In addition the revised plans also show a 1.8m fence to be installed above the existing concrete block wall that bounds the adjacent side garden area belonging to No. 85. This would provide a degree of privacy to prevent undue overlooking into this garden, although it is again noted that the existing extension has already been assessed as acceptable. Further revised plans show a boarded fence of 1.8m in height between the garden areas of no.83 and the proposed dwelling which would ensure a degree of privacy to both amenity areas.

In light of the above, it is case officer opinion that the current proposal does not result in the same issues as were cited in the dismissal of the appeal nor the previous application and that there are key differences that overcome the issues identified in the inspector's assessment and the committee decision that led them to conclude the previous scheme was unacceptable.

Design/Landscaping:

The appearance of the dwelling is unchanged – the approved extension is identical to the proposed house having a slate roof, rendered walls and uPVC windows/doors.

The amenity areas will be a combination of absorbent finishes where parking/drive/paths and will be lawn elsewhere. The existing tall block built boundary wall is to remain unchanged at the rear (east) and the wall to the south is to be raised by topping off with trellis. The new rear shared boundary wall shown on the proposed plans will be similar, consisting of a block built dwarf wall topped off with boarded fencing. The front boundary will be marked up with masonry setts, laid into the ground.

It is considered that the proposed landscaping is sufficient and suitable for a suburban residential dwelling.

Neighbour Amenity:

It is noted that the current scheme would utilise the approved, existing extension as a separate dwelling. The approved extension is not being altered beyond what has already been approved under application 3493/17/HHO and the subsequent non-material amendment (1032/18/NMM) for an additional door.

There will be new parking to the front of the proposed dwelling, but it was noted that space already exists to facilitate this. In addition the use of the garden area will not perceptibly change however in the interests of amenity boarded fencing is proposed between neighbouring properties.

The existing and proposed floor plans show that there is no proposed alteration to the room layouts and therefore the overlooking from the windows serving these rooms to surrounding neighbouring properties will not alter and have therefore also been assessed as being acceptable as they would have been assessed under application 3493/17/HHO.

With the creation of a separate garden areas it could be considered that there will be overlooking issues created affecting the garden of the existing property (83A) however this is currently under the applicants ownership and there would be a degree of 'buyer beware' consideration to any future occupants therefore it is the case officers opinion that this is not sufficient grounds to refuse the application.

Overall, the limited impact upon neighbouring resident's amenity is considered acceptable.

Highways/Access:

The Devon County Highways Officer has not objected to this current scheme.

It is also noted that in dismissing the previous appeal the Inspector stated the following;

Paragraph 17 – “Due to the distance from the Conservation Area and the listed cottages the development would not result in harm to the setting of either. Adequate access and parking could be provided and there would be no significant effects on biodiversity or the living conditions of other neighbouring residents.”

Evidently and despite dismissing the previous appeal, the Inspector did not feel that a new dwelling would lead to harmful highways impacts or harm to the heritage assets nearby.

Other Matters:

The Parish Council have objected as there is less parking and no turning area provided however there is no policy or guidance to advise that any minimum parking standards are required. A parking space is provided for the proposed dwelling and with regard to a turning circle it is understood that the access land within this cul de sac is utilised by all the properties as a turning circle when required.

It should be noted that the requested condition in relation to drainage has been worded as being required prior to development commencing. Obviously in this instance the development already exists as the extension is already in situ. The condition would therefore need to be modified so as to require the details prior to the occupancy of the dwelling or the setting out and use of the car parking areas, whichever is the sooner. This would ensure that the requested drainage details are received for approval by the LPA.

Finally, it is also noted that further extension to the proposed dwelling or buildings within its curtilage would have the potential to erode the amenities enjoyed by existing neighbouring residents and lower the amount of outdoor space available to future occupiers. Any planning approval would need to include a condition removing permitted development rights accordingly so as to ensure such development could not take place without the approval of the LPA.

Planning Balance:

The current scheme differs to the previous planning application submitted in that it has increased the amenity areas to allow both properties to have fairly equal amenity.

There is the same amount of parking provided in that two cars are able to park outside both properties.

The internal configuration of the dwelling would not alter from that as exists in the current extension and so any overlooking would remain the same given the occupancy levels of the rooms would not alter.

The curtilage arrangements and boundary treatments seek to overcome previous issues in terms of privacy and amount of space afforded to the new dwelling and No. 83. These provisions, whilst not overly generous, are considered to be adequate and certainly improve upon those as proposed under the previous scheme.

In light of the above, the development will not lead to a loss of amenity that would warrant refusal. The dwelling as proposed utilises the extension, which is an approved design in terms of materials, room layout and location. The development will not result in harm either by way of highways impacts or to the setting of the nearby heritage assets, a matter as has already been confirmed in a previous appeal decision.

Overall the site is located in a sustainable location and has overcome the issues that resulted in the refusal of the detached dwelling as was proposed under application 2461/16/FUL and 2243/18/FUL

The development is therefore considered to be acceptable in planning terms being both compliant with the Joint Local Plan policies and not resulting in such harm to the amenities of the site or surrounding area that would warrant refusal of the scheme. The application is therefore recommended for 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

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 development plan for Plymouth City Council, South Hams District Council and West Devon Borough Council (other than parts South Hams and West Devon within Dartmoor National Park) comprises the Plymouth & South West Devon Joint Local Plan 2014 - 2034.

Following adoption of the Plymouth & South West Devon Joint Local Plan by all three of the component authorities, monitoring will be undertaken at a whole plan level. At the whole plan level, the combined authorities have a Housing Delivery Test percentage of 166%. This requires a 5% buffer to be 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 6.5 years at the point of adoption.

Adopted policy names and numbers may have changed since the publication of the Main Modifications version of the JLP.

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

SPT3 Provision for new homes

SPT10 Balanced transport strategy for growth and healthy and sustainable communities

SPT11 Strategic approach to the Historic environment

TTV1 Prioritising growth through a hierarchy of sustainable settlements

TTV2 Delivering sustainable development in the Thriving Towns and Villages Policy Area

TTV3 Strategic infrastructure measures for the Main Towns

TTV20 Spatial priorities for development in Tavistock.

TTV17 Plymouth Road, Tavistock

DEV1 Protecting health and amenity

DEV2 Air, water, soil, noise, land and light

DEV8 Meeting local housing need in the Thriving Towns and Villages Policy Area

DEV10 Delivering high quality housing

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
DEV30 Meeting the community infrastructure needs of new homes
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 in Planning Practice Guidance (PPG).

Neighbourhood Plan

The Tavistock Neighbourhood plan area was approved by delegated authority on 27 September 2017 and follows the parish boundary of Tavistock. The plan has not progressed to the next formal stage in the process.

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.

Proposed 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 the following drawing and documents:
 - Site Location Plan, scale 1:1250@A4. Supplied by Stanfords, 01 December 2016. Received by the Local Planning Authority on 03/04/2019.
 - Block Plan, scale 1:200 at A3, Drawing Number 410/09 dated July 2018. Received by the Local Planning Authority on 03/04/2019
 - Proposed Elevations, scale 1:100 at A3, Drawing Number 410/07 Rev A, dated 26/03/2019. Received by the Local Planning Authority on 03/04/2019
 - Proposed Floor Plans, scale 1:100 at A3, Drawing Number 410/06 Rev A, dated 26/03/2019. Received by the Local Planning Authority on 03/04/2019
 - Design & Access Statement, by Elford Maddock Architectural Practice, dated 27/03/2019. Received by the Local Planning Authority on 03/04/2019

- Proposed Site Plan, scale 1:100 at A3, Drawing Number 410/08 Rev F, dated 03/07/2019. Received by the Local Planning Authority on 03/07/2019

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. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development Order), 2015 (and any Order revoking and re enacting this Order), no development of the types described in the following Classes of Schedule 2 shall be undertaken without the express consent in writing of the Local Planning Authority other than those expressly authorised by this permission:

- (a) Part 1, Class A (extensions and alterations)
- (b) Part 1, Class B (roof addition)
- (c) Part 1, Class D (porch)
- (d) Part 1, Class E (a) swimming pools and buildings incidental to the enjoyment of the dwellinghouse
- (e) Part 1, Class G (chimney, flue or soil and vent pipe)
- (f) Part 2, Class A (means of enclosure)

Reason: To protect the appearance of the area to ensure adequate space about the buildings hereby approved and in the interests of amenity

4. The dwelling hereby approved shall not be occupied until the parking areas relating to it and shown on the submitted drawings have been properly consolidated, surfaced, laid out and constructed. The parking areas shall be kept permanently available for the parking and manoeuvring of motor vehicles in connection with the development hereby permitted.

Reason: To ensure that adequate and satisfactory provision is made for the parking of vehicles clear of all carriageways in the interests of road safety and amenity.

5. Notwithstanding the submitted information, and prior to the occupation of the dwelling:

1. Drainage details of the car park and access shall have been submitted to and approved in writing by the Local Planning Authority (LPA). If it is proposed to be permeable then it should be designed in accordance with CIRIA C753. Full design details and sectional drawing showing the specification and make up will be required.

2. The drainage scheme shall be installed in strict accordance with the approved plans, 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.

6. Designated Site Mitigation:

Prior to first occupation of any residential unit, a scheme to secure mitigation of the additional recreational pressures upon the Tamar European Marine Site, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in full prior to first occupation.

Reason: The development lies in the Zone Of Influence of the Tamar European Marine Site (comprising the Plymouth Sound and Estuaries SAC and Tamar Estuaries Complex SPA)

where it is considered there would be a likely significant effect from this development, when taken in combination with other plans and projects, upon these European designated sites. To ensure that the proposal may proceed as sustainable development, there is a duty upon the Local Planning Authority to provide sufficient mitigation for any recreational impacts which might arise upon the European designated sites. In coming to this decision, the Council has had regard to Regulation 63 of the Conservation of Habitats and Species Regulations 2017 and the requirements of policies SPT12, SPT14, DEV25 and DEV26 of the adopted JLP.