

## PLANNING APPLICATION REPORT

**Case Officer:** Bryony Hanlon

**Parish:** Kingsbridge **Ward:** Kingsbridge

**Application No:** 2253/19/HHO

**Agent:**

Mr Joe Owen  
Derry Owen Architects  
The Warehouse  
Prince Of Wales Road,  
Kingsbridge  
TQ7 1DY

**Applicant:**

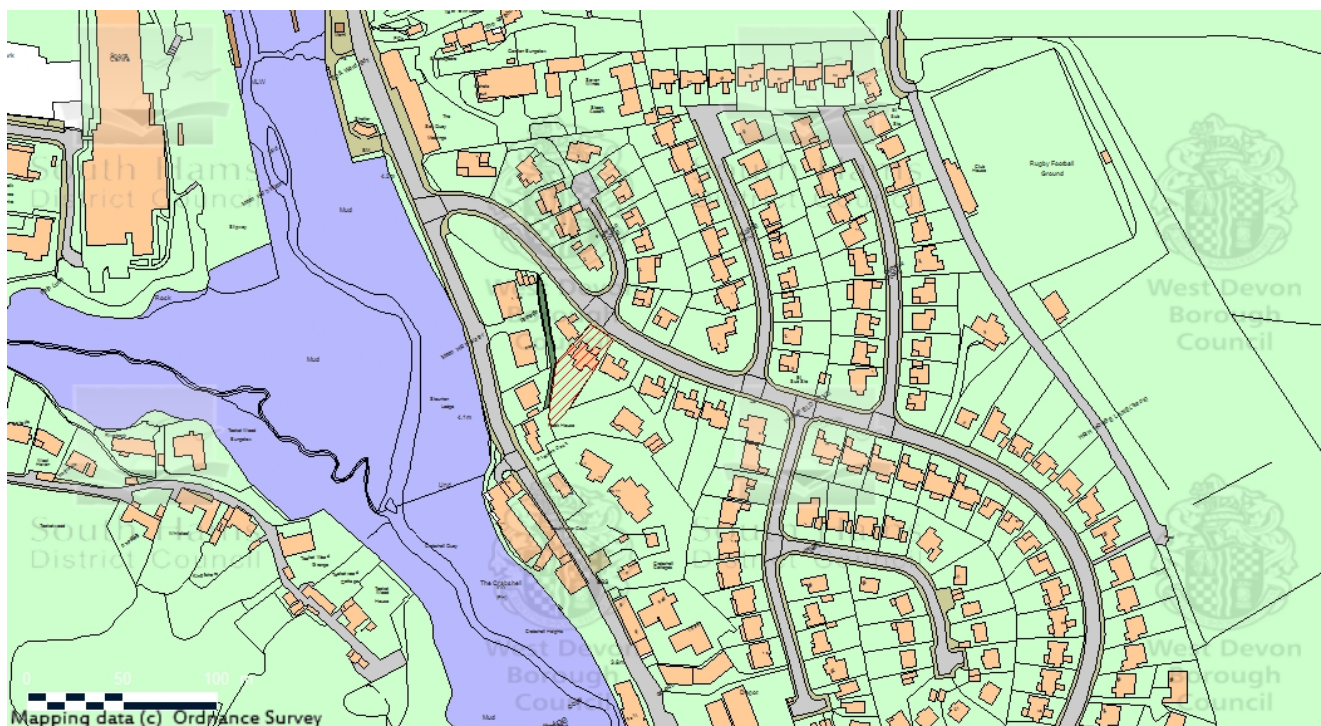
L Christopher  
3 Highfield Drive  
Kingsbridge  
TQ7 1JW

**Site Address:** 3 Highfield Drive, Kingsbridge, TQ7 1JW

**Development:** (Revised plans) Householder application for proposed first floor side extension.

**Reason item is being put before Committee:**

Cllr O'Callaghan has concerns with regards to overdevelopment, over dominance and potential overshadowing and loss of light.



**Recommendation:** Conditional approval

**Conditions**

Standard time limit  
Adherence to plans  
Materials samples  
Obscure glazing

**Key issues for consideration:**

Design, scale and massing, neighbour amenity.

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### Site Description:

The site is located within the residential area of Highfield Drive, within the built form of Kingsbridge. The site hosts a single, detached residential dwelling with off-road parking to the front of the dwelling and gardens to the rear. The main dwelling has been extended and altered during its lifetime. Due to the topography of the surrounding area, the dwelling appears as a bungalow when viewed from within Highfield Drive; a further storey of accommodation is evident below street level when viewed from the south west elevation (from within the rear garden).

The site is located within South Devon Area of Outstanding Natural Beauty.

### The Proposal:

The applicant seeks to construct a side extension at first floor level, above the existing studio on the north west elevation of the main dwelling. The proposal includes a Juliette balcony on the south west elevation of the extension. The applicant proposes the use of horizontal weatherboard cladding on the first floor extension only.

- County Highways Authority No highways implications
- Kingsbridge Town Council Objection

KTC: Recommend Refusal on the grounds that:

- the layout and density of the proposed extension represents over-development of the site, and
- the potential negative impact of further on-road car parking in the locale which already has known parking issues.

### Representations:

Two letters of objection have been received and cover the following points;

- Plans as drawn are incorrect. The extension appears on the plans to be within the boundary of 3 Highfield Drive. It actually straddles the boundary of 1/3 Highfield Drive as it is proposed to be built on a party wall. Therefore any fascias, soffits will exceed the boundary.
- As the land at 1 Highfield Drive is 1.5 metres lower, the existing wall is already overpowering without adding a further 4 metres to accommodate the proposed extension.
- Overdominance:
  - This development with double doors will allow overlooking of the garden of 1A Highfield Drive and will be dominant above the Party Wall.
  - Overshadowing and loss of light:
  - It will cast a shadow over 1A garden in the morning.
- Other:
  - Will they be erecting scaffolding to build the gable wall.
  - The roof overhang (NW elevation) appears to overhang the boundary to 1A.
  - Are fully double glazed double doors and a Juliette balcony necessary for a dressing room. Perhaps an obscure window would be suitable should the application be recommended for approval.
  - The building noise and intrusion will spoil the enjoyment of the outside space of 1A which directly adjoins the proposed development.

Three letters of support have been received and cover the following points;

- The application is supported as the properties on this side of the road face due south and get full sunshine and light all day. The design will not compromise the neighbouring property. It is crucial to keep updating properties for the benefit of families living here. Designs are sympathetic in keeping with the neighbourhood.
- Good for the value of properties on Highfield drive and the surrounding area.

### Relevant Planning History

None recorded.

## **ANALYSIS**

### Principle of Development/Sustainability

The site is located within the built form of Salcombe and hosts an existing residential dwelling; the principle of development is therefore established.

### Design and Materials

Objections have been received on the grounds that the proposal represents overdevelopment of the site. The applicant seeks to extend and reorder existing living space; the new development is limited to first floor level above an existing extension and remains subservient to the host dwelling. On this basis, the proposal is considered acceptable.

The applicant has proposed the use of cladding within the scheme. Cladding is not part of the local vernacular in Kingsbridge and where its use is proposed, each case will be considered on its own merits. In this instance, the area to be clad is comparatively small relative to the whole building and having regard to the general architectural quality of the surrounding area, it is not considered that the use of cladding is so significantly harmful as to warrant refusal. It is considered appropriate to secure the details of the cladding by condition, in the interests of visual amenity.

### Neighbour Amenity

Concerns have been raised that the Juliette balcony on the south west elevation will overlook the rear garden of the neighbouring property, no. 1 Highfield Drive. Due to the topography, density, siting and orientation of dwellings in the area surrounding the application site, there is a high degree of mutual overlooking between neighbours. It is not considered that the overlooking from the proposal will result in a significant increase in overlooking and as such, the proposal is considered acceptable on this basis.

Officers were concerned that the proposed first floor window to the new bathroom may give rise to overlooking of the neighbouring property, no. 1 Highfield Drive. In this instance, Officers requested an obscure glazed, top hung window to be secured by condition, in the interests of the residential amenity of adjacent occupiers. This is also reflected on the revised plans submitted by the applicant.

Concerns have also been raised regarding loss of light to no. 1 Highfield Drive as a result of shadowing by the proposal. While it is acknowledged that there is likely to be a small amount of shadowing when the sun is due south at certain times of year and for limited periods during the day, given the topography, density, siting and heights of existing buildings surrounding the application site, it is not considered that shadowing impacts are so significantly harmful as to warrant a refusal on this basis.

Comments have also been received that any building work will result in noise and intrusion for the residents at no. 1 Highfield Drive. While such impacts are likely to be temporary and limited to the area immediately surrounding the site, separate legislation exists to protect these residents from statutory nuisance. As such, the proposal is not considered to result in a significant detrimental impact on neighbour amenity or privacy or amenity and is considered acceptable on this basis.

### Highways

The Town Council are concerned that the proposal will exacerbate pressure on car parking availability in Highfield Drive. The proposal does not seek to create additional bedrooms nor does it result in the loss of a garage or parking provision within the curtilage of the application site. While the LPA does not currently have adopted parking standards, having regard to Devon County Council's Highways Standing Advice, it is not considered that the proposal will result in an increased risk to highways safety.

### 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 it conserves the natural beauty of the

AONB through the use of complementary materials within the scheme. 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.

#### Boundary Issues

Concerns have been raised that the original proposal overhang the boundary of the neighbouring property, no. 1 Highfield Drive. Revised plans have been received that indicate the proposed first floor extension has been pulled back from the boundary, which is considered to resolve this issue. Queries with regards to the potential impacts of scaffolding during the construction phase are considered to be beyond the scope of the report; similarly, party wall issues are not a material planning consideration.

#### Conclusion

On balance, the proposal is considered acceptable and it is 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**

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 26 March 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 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  
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  
DEV28 Trees, woodlands and hedgerows  
DEV29 Specific provisions relating to transport  
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 within the Planning Practice Guidance (PPG). Additionally, the following planning documents are also material considerations in the determination of the application: South Devon AONB Management Plan (2019-2024).

### **Neighbourhood Plan**

A Neighbourhood Plan is currently under preparation for the Parishes of Kingsbridge, West Alvington and Churchstow but it has not yet reached a stage where it can be considered material to the decision making 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.

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 - 2442.SLP*

*Block Plan - 2442.SBP*

*Received by the Local Planning Authority on 18 July 2019*

*Plans and Elevations – As Proposed 2442.02 A*

*Received by the Local Planning Authority on 28 August 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. Prior to their installation details / samples of facing materials to be used in the construction of the proposed development shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with those samples as approved.*

*Reason: In the interests of visual amenity.*

*4. The window within the north east elevation serving the first floor bathroom as shown on drawing 2442.02A shall be obscure glazed and top hung and permanently retained as such, unless otherwise agreed in writing with the Local Planning Authority.*

*Reason: In the interests of the residential amenities of the adjoining occupiers.*