

Committee Report
PLANNING APPLICATION REPORT – Householder Developments

Case Officer: Nicola Glanville

Parish: Tavistock

Application No: 2560/20/HHO

Agent (if applicable):

Mr Jeremy Maddock - Architect'l Practice
23 Fore Street
Bere Alston
Devon
PL20 7AA

Applicant:

Mr & Mrs Bridgewater
6 Tiddy Brook Road
Whitchurch
PL19 9BZ

Site Address: 6 Tiddy Brook Road, Whitchurch, PL19 9BZ

Development: READVERTISEMENT (Revised plans received) Householder application for proposed single storey rear extension, convert single attached garage, installation of rooflights and dormer



Reason Item is being put before Committee:

Mr Bridgewater is an elected West Devon Borough Council Councillor and given the objections received and to ensure transparency the Head of Planning has called the application to Committee.

Recommendation:
Conditional Approval

Conditions

1. Standard time limit
2. Adherence to plans
3. Materials to match
4. 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. And, if any other drainage scheme than that approved as part of this permission is proposed then a mitigating drainage alternative shall be agreed with the Local Planning Authority.
5. To be used ancillary to main house only
6. Existing treatment room shall cease to be used as such upon first use of new treatment room as approved

Key issues for consideration: Whether an existing 'Sports Therapy' business use operating from the site is ancillary to the residential use. Design, Materials, Amenity and Highways implications.

Site Description:

No 6 Tiddy Brook Road is a two storey detached dwellinghouse, situated in a corner plot at the end of a residential cul-de-sac serving 4 residential properties. Tiddy Brook Road is accessed from Churchill Road, off Whitchurch Road, Tavistock. The site is not Listed or within the setting of Listed Buildings and it is not within a designated protected area.

Proposal:

The proposal is for the conversion of the existing garage (leaving two off-road parking spaces) to a treatment room and the erection of a single storey extension to the NE side and rear of the existing dwelling to provide additional domestic accommodation on the ground floor, including a new dining room and utility. The existing treatment room reverting to domestic use as a children's play room.

The side/rear extension measures 4.4m in width x 8.6m in length and projects from the rear building line by approximately 3m. A 1.2m gap would be left between the proposed extension and the boundary shared with the adjoining neighbour

At first floor level, bedroom 4 to the front of the dwellinghouse would be extended out over the garage with the addition of a dormer window.

Consultations:

- County Highways Authority - No objection
- Environmental Health Section - No comments

- Town Council - Initially supported, but now object to revised plans on the following grounds:
 - re-advertised proposal now relates to a business the purpose of which is to attract visitors/customers from outside the premises;
 - this will create a need for additional parking, which a home office would not have done;
 - the negative impact on neighbours
- Drainage Specialist - No objection, subject to conditions.

PUBLIC CONSULTATIONS

Representations:

Representations from Residents

Comments have been received from residents of Nos: 1 & 2, Tiddy Brook Road, and from residents of 17 and 19 Churchill Road (which is connected to Tiddy Brook Road by a paved pedestrian walkway between Nos 15 & 17 Churchill Road) and cover the following points:

- The proposal will result in an increase in visitors and on-street parking – the Cul-de-sac serves 4 dwellings in a narrow road with limited parking provision
- The submitted plans are not accurate or transparent
- The application form is not fully completed
- The property is currently used as commercial massage therapists business.
- The stated existing office is currently in use as a massage room.
- The proposed toilet & shower room was previously installed and in use prior to any planning application.
- The proposed new office is to be another massage room. The dining room for a beauty therapy & exercise area and not for domestic purposes.
- The utility room, to be used as a small reception area for all three massage rooms.
- These treatments are currently being advertised on their web-site along with the therapists that will be carrying out these treatments. www.tavistockmassage.co.uk
Tavistock sports injury & massage
- If the proposed dining area is to be used as a treatment room – a large proportion of the dwelling would be a business use.
- The existing business is currently causing many problems within a small residential estate: Insufficient parking area for their existing use, this is prior to any proposed additional use, causing highway safety issues with this additional generation of traffic. Increased traffic, speeding, noise and restriction of access to our properties due to clients vehicles causing an obstruction.
- Increased noise and pollution from vehicles.
- Loss of important vehicle turning areas.
- Large vehicles having to reverse the whole length of the road, unable to turn around in the designated road turning areas.
- Permanent blocking off with parked cars of the adjacent public walkway to Churchill Road - this public walkway is also a designated emergency vehicle access.

- The Public footpath and pavements are also blocked by clients causing problems for the disabled and mothers with buggies.
- Increase in parked traffic in both Tiddy Brook Road and Churchill Road and an increase in pedestrian foot fall using the walkway connecting the two roads, causing a loss of amenity to local residents.

Further comments received following re-advertisement of revised plans and expiry of the 21 day public re-consultation period:

From 1 Tiddy Brook Road:

- Previous objections still stand. In addition, it is refuted that the applicant normally works Monday, Tuesday and Thursdays, with occasional evening and on weekend mornings. This is not what is advertised on the applicant's Facebook site which states 0800 till 2000 and weekends 0800 till 1400.

Supporting Information from the agent:

'I have read the objections that have been made against our client's application and my client watched the Youtube recording of the meeting of Tavistock Town Council's Development Management & Licencing Committee of 16th December 2020 and related to me the debate and the outcomes...I will try to respond to the points raised by local residents and Town Councillors and, hopefully, in the course of this, can show that this is a modest proposal that will have negligible impact on neighbours.

1. Various concerns have been expressed about the size of our client's practice and her ambitions to expand. Our client only has one treatment room and one treatment table. The existing treatment room is cramped (8.75 sq/m) and it is proposed that this room will become a playroom for the family's two young children whilst the garage is converted to form a new, slightly less cramped treatment room (12.66 sq/m). There is no proposal to make use of the dining area as a treatment area or the utility room as a reception area as has been incorrectly claimed by objectors. Mrs Bridgewater has instructed me to say that she would accept a condition to limit the capacity to one treatment table – perhaps by identifying the area by colour on the floor plan?

2. Concerns have been expressed about multiple patients waiting and parking in nearby residential streets. In response, our client never does more than one treatment at a time, and she spaces appointments (which last between 60 and 90 minutes) so that no-one is waiting for the previous treatment to finish. This is for several reasons:

a. Treatment times need flexibility to accommodate unanticipated immediate needs of each patient. Given the very small number of patients involved, there is simply no need for appointments to overlap and good professional practice reasons for them not to.

b. It would be exceedingly bad business to keep patients waiting in the street (there is no waiting area on the premises).

c. As a professional practitioner, it is vital to maintain high standards of hygiene and, with only a single treatment table, time needs to be allowed between appointments to enable cleaning and room preparation. The importance of this has, of course, been highlighted by the COVID-19 pandemic experience of 2020.

Consequently, there is never more than the patient's one vehicle at the premises at any one time. Our client is happy to add an additional parking space in the front garden for her clients

should this still be an issue. Widening the drive would enable 3 off road parking spaces, but would also mean loss of foliage.

3. It is incorrectly asserted by objectors that several therapists work at the premises. This is simply not true. Only our client works at the premises. She does work with other therapists and professional colleagues at other locations, namely local hotels and residential care homes, which is what her website is intended to portray, but only she works at Tiddy Brook Road.

4. It has also been incorrectly asserted that there is a high level of use of the premises. We have explained in previous correspondence that the use of the premises is extremely low and entirely compatible with a residential area. Our client typically sees 10 patients in an average week. Some weeks are quieter and some weeks may be slightly more busy. The normal days of operation are Monday, Tuesday and Thursday, with occasional evening treatments on Monday or Wednesday evenings. On very rare occasions patients can be seen for treatments over a weekend.

5. It has been incorrectly asserted that our client has breached planning law by commencing works. The case officer will see from her site visit that no physical works requiring planning permission have been carried out. The Planning Portal explains that one does not necessarily need planning permission to work from home. The key test is whether the overall character of the dwelling will change as a result of the business. It poses 4 questions and, in the light of the above information, our responses are as follows:

- Will your home no longer be used mainly as a private residence?
This will continue to be the primary residence of the client and her family. Less than 13 sq/m will be used for our client's practice.*
- Will your business result in a marked rise in traffic or people calling?
As set out above, the answer is categorically 'No'.*
- Will your business involve any activities unusual in a residential area?
Again, the answer is "No". Sports Injury Therapists often work from domestic premises.*
- Will your business disturb your neighbours at unreasonable hours or create other forms of nuisance such as noise or smells?
Our client's patients arrive and leave at 'normal' hours and in a civilised manner. The use itself creates no noise, or smell and, from an external view, one would not know that the use existed. Indeed, the nearest neighbour is content with the proposal.*

In summary, as the case officer has intimated in earlier correspondence, it is debatable whether the reconfiguration resulting in a single room for a sports therapy table requires planning permission at all. The proposed extensions at the property are solely for family use. Since treatment appointments are infrequent (typically no more than ten in a week) and do not overlap, vehicular intrusion is negligible – at the same level as would be experienced by the occasional visit of friends and family. Having said that, the authority has determined that permission is required and we hope that this letter has provided sufficient assurance that this is an appropriate use of the premises.'

Relevant Planning History – No recent relevant Planning History

Design	YES OR NO
Would the proposal maintain the character and qualities of the area in which it is proposed?	YES
Would the proposal appear in-keeping with the appearance of the existing dwelling, street and area?	YES
Would the materials, details and features match the existing dwelling and be consistent with the general use of materials in the area?	YES
Would the proposal leave adequate garden area and green space to prevent the proposal appearing as an overdevelopment of the site?	YES
Is the parking and turning provision on site acceptable?	YES
Would the proposal generally appear to be secondary or subservient to the main building?	YES

Amenity	YES OR NO
Is the proposal acceptable with regard to any significant overlooking/loss of privacy issues?	YES
Has the proposal been designed to respect the amenities of neighbouring properties avoiding unreasonable loss of light or an overbearing impact?	YES
Is the proposal acceptable with regard to any significant change or intensification of use?	YES

Heritage	YES OR NO
If sited within a Conservation Area, would the proposal preserve or enhance the character and appearance of the Conservation Area?	N/A
If within the setting of, or a listed building, a) will the development preserve the character and special architectural or historic interest of the building? b) Will the development preserve the setting of the building?	N/A
(WD only) If sited within the World Heritage Site will the development effect the outstanding universal value of the designated area?	N/A
Other Impacts	YES
Does the proposal comply with DCC Highways standing advice such that it does not adversely affect highway safety?	
Is the relationship with the PRow acceptable?	YES
Impact on protected trees a) Will this be acceptable b) Can impact to properly mitigated?	NONE
Has the proposal been designed to prevent the loss of any significant wildlife habitats or proposes appropriate mitigation where this has been demonstrated to be unavoidable?	YES

If the proposal within the AONB. Is the impact acceptable upon the special qualities of the AONB?	N/A
Are the drainage details acceptable?	YES
If sited within a Flood Zone 2 or 3 or Critical Drainage Area is the application accompanied by an acceptable Flood Risk Assessment?	YES

The following **analysis** is given where the answer to any of the preceding questions is **no** or there are comments from any party or consultee.

Analysis:

Revised plans have been received and re-advertised. The consultation period ended 25 December 2020 and have been incorporated into this assessment.

Principal of Development/Sustainability:

The application has received objections from local residents with regards to the existing use of part of the premises as a Sports Therapy business which is operated by Mrs Bridgewater from her home. The concerns raised by neighbours are that the level of use of the existing business has escalated to a level that is no longer small scale or acceptable within a residential area and this has led to problems that affect Residential and Public Amenity and Highway Safety.

In order to assess whether this Householder application is appropriate to the type of development and use proposed and to answer the fundamental question: "Does the use for business purposes change the overall character of the property's use as a dwellinghouse?", the Officer has sought further clarification from the applicants' agent on these matters, including revised drawings which clearly and correctly label both the existing and proposed use of the internal building layout and a statement as to the number and frequency of visitors/clients associated with the existing business being run from home.

Referring to amendments made to the drawings received and in response to the objections received from local residents, the agent has explained further that:

'The office is now more correctly labelled as the 'treatment room'. It is the only room in the house that is dedicated to sports therapy use, all other rooms are for family use. Once the new treatment room is converted (pending consent) the old treatment room will become a play room for the applicant's very young children. The ground floor shower room is existing and has been functioning since before the application was submitted – the fittings are now drawn correctly on all the floor plans (survey and proposed). Criticism has been made by the objectors including incorrectly, that the utility room would be a reception room – for this reason a new separate external entrance door has now been added to the side of the treatment room, permitting direct access for those visiting for therapy....

The incorrect assertion by objectors that the new utility room is intended to become a reception room is baseless and untrue. It is also incorrectly claimed by objectors that the new dining room will be a 'beauty therapy and exercise area' and that there will be a total of three rooms in operation – again, this is entirely baseless and incorrect....

The existing treatment room is cramped at 8.75 sq/m, whilst the new room will measure 12.66 sq/m.

Sports therapy treatment will be limited exclusively to the new treatment room alone, however, visitors are permitted to use the adjacent WC and wash their hands which seems only reasonable whenever the unplanned need arises. This does not give the WC a business use and it is not tax deductible and does not require planning consent.

With reference to working hours, Kirstie Bridgewater confirms that this varies and is typically 8 – 12 sessions spread over the week. Some weeks are more quiet and some weeks may be slightly more busy ... but the work is very physically demanding, Mrs Bridgewater avoids taking on too many sessions (due to a personal health condition) ... Each session normally lasts either 0.5 hour or 1 hour, although longer 1.5 hours therapy sessions are available where longer treatment is required. Only one patient can be seen for treatment at a time and Kirstie works completely on her own. The normal days of operation are Monday, Tuesday and Thursday, with occasional evening treatments on Monday or Wednesday evenings (some patients are unable to visit during work hours). On some occasions patients can be seen for treatment early on a weekend morning, but only if no other time suits them... Mrs Bridgewater works alone from just one room at home, and only treats one person at a time, however, if she is doing an event somewhere else, she will on occasionally work with other professionals ... but this is never the case within her own home. ...Her business name includes the word 'Centre' which is just the name ... it is a marketing approach and is considered professional.'

On receipt of this additional information, a Legal Opinion has been sought from the Council's Legal Specialist who has commented as follows:

"The fundamental question is: "Does the use for business purposes change the overall character of the property's use as a dwellinghouse?" The proposed relocation of the treatment room to the garage and the shared use of the new utility room physically do not alter that character. What will do so, is if there is a marked increase in traffic, the number of visitors, levels of disturbance, hours etc. However, if the level of use remains as existing, then the use is clearly ancillary. If it grows to the point when the use ceases to be ancillary then that is the point at which enforcement action can be considered."

In view of the additional information received and the considered Legal opinion given, it is concluded that the existing business operating from the dwellinghouse is ancillary to that primary domestic/residential use. Therefore, the application received is considered and assessed on that basis as a Householder application in line with applicable policies: SPT1 Delivering sustainable development, TTV29 Residential extensions and replacement dwellings in the countryside, DEV1 Protecting health and amenity, DEV15 Supporting the rural economy and DEV20 Place shaping and the quality of the built environment. And, the Supplementary Planning Document (June 2020). In order to ensure only one treatment room operates, a condition will ensure that when the new room comes into use the existing treatment room use ceases.

Design:

The houses on this estate all differ slightly in appearance, having been added to in varying ways over time. This existing dwelling house is of a typical design found on modern housing estates and the proposed new dormer window to the first floor extension to the front and flat roofed single storey extension to the side/rear is considered appropriate and in-keeping with

the surrounding area in terms of both its design and materials, which match the existing dwelling. A similar dormer has also been added to a neighbour's property. The garage conversion and the addition of a large front window replacing the existing garage door, which is a mirror image of the existing one to the proposed Play Room is also considered to be in-keeping with the existing dwelling and therefore acceptable.

Light is provided to the dining room by double opening doors on the NW and SW elevations and from a large roof lantern. Similarly the utility has a roof light providing adequate light.

At first floor level, bedroom 4 to the front of the dwellinghouse is to be extended out over the garage with the addition of a dormer window, providing more usable family space in place of what is currently a small bedroom.

Neighbour Amenity:

The proposed single storey extension to the NE side and rear of the dwellinghouse is to accommodate a domestic utility room and dining room. No windows face onto the closest immediate neighbour to the NE of the site. Having visited the site, the Officer is satisfied that the proximity, size and scale of the single storey extension would have no detrimental impact on any adjoining neighbours amenity (either to the side or rear of the site) in terms of over-dominance, loss of light or privacy.

Outdoor Amenity Space:

The Joint Local Plan's Supplementary Planning Document (adopted July 2020) (SPD) states in accordance with DEV10.5 that:

'sufficient external amenity space or private gardens should be provided for with new dwellings (including conversions of existing properties into flats), this should be useable space and clearly identifiable as part of the planning application and includes all front, rear and side useable areas (but excludes car parking)'

The guidance states that the remaining garden area on completion of the development needs to be more than 100m² for this detached dwellinghouse. The remaining rear garden area alone will measure more than 170m² on completion of the development, which complies with the SPD as being considered acceptable outdoor amenity space for this type of housing.

Highways/Access:

Two existing off-street car parking spaces will remain available for use at the front of the property following the garage conversion. As the applicant has stated that only one client at a time visits the house for treatment, this level of parking provision is considered reasonable and adequate to cater for both the residential and ancillary home business needs of the site.

Furthermore, the Cul-de-sac has a wide road, with ample space for considerate road-side parking. The Officer visited the site on two separate occasions and experienced no difficulties in parking or evidence to suggest problems and issues with parking or excessive traffic levels that would have a negative impact on Highway Safety.

Drainage:

The proposal has no negative drainage implications. The Drainage Specialist is satisfied that adequate full drainage details have been provided to demonstrate that a workable drainage scheme can be accommodated on site and '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' recommends that if permission is granted a condition is imposed ensuring that: '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. And, if any other drainage scheme than that approved as part of this permission is proposed then a mitigating drainage alternative shall be agreed with the Local Planning Authority.'

Ecology:

The proposal is for a single storey extension that does not affect the main roof space. The existing rear porch roof (to be removed) is of flat roof construction using roofing felt finishes over timber structures and the adjoining pitched roof over the main property & attached garage is finished with modern close-fitting concrete tiles, detailed with modern uPVC fascias & soffits. Given the modern construction method for the roofs, its location in the centre of town and that no historic record of the presence of bats or nesting birds has been identified in the Ecology Statement, the proposal is considered to have no impact on endangered species.

One tree is to be removed from the rear garden in order for the development to proceed. This small tree is a non-native species and is not considered to provide any significant landscape or enhancement value.

Conclusion:

On balance, for the reasons given above, this Householder proposal is considered acceptable and is recommended for Conditional Approval, subject to the conditions listed.

It should be noted however that, if the level of business use grows to the point when the use ceases to be ancillary then that is the point at which enforcement action may be considered.

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
TTV29 Residential extensions and replacement dwellings in the countryside
DEV1 Protecting health and amenity
DEV15 Supporting the rural economy
DEV20 Place shaping and the quality of the built environment
DEV26 Protecting and enhancing biodiversity and geological conservation
DEV28 Trees, woodlands and hedgerows

There is no Tavistock Neighbourhood plan at a stage due any material weight

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: the Supplementary Planning Document (June 2020).

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 in Full:

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: 522.09 Rev A - Proposed Floor Plans; 522.07 Rev A - Proposed Elevations; 522.06 Rev A - Proposed Site Plan; 522.02 Rev A - Survey Floor Plans; and, 522.01 Rev A - Survey Site Plan received by the Local Planning Authority on 12 November 2020; and, 522/08 - Proposed Elevations and 522/10 - Proposed Roof Plan received by the Local Planning Authority on 18 September 2020.

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 construction of the external surfaces of the development hereby permitted shall match those of the existing building, unless amendments have been agreed in writing with the Local Planning Authority.

Reason: In the interests of visual amenity.

4. The drainage scheme shall be installed in strict accordance with the approved plans prior to first occupation of the approved extension, maintained and retained in accordance with the agreed details for the life of the development. And, if any other drainage scheme than that approved as part of this permission is proposed then a mitigating drainage alternative shall be agreed with the Local Planning Authority.

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.

5. The extension and converted garage building hereby permitted shall not be occupied other than for purposes ancillary to the residential use of the dwelling known as 6 Tiddy Brook Road, Whitchurch, PL19 9BZ.

Reason: The establishment of an additional independent unit of accommodation would give rise to an over intensive use of the site and have a poor spatial relationship with the main dwelling.

INFORMATIVE

To be considered as "ancillary" accommodation, the extension/building can only be occupied by a person with a degree of dependence upon the occupiers of the main dwelling such as an aged or disabled relative or a dependent child. If the accommodation is occupied by persons economically independent or unrelated to those occupiers, then this use would not be considered to be ancillary, but as an independent unit of accommodation, for which a separate planning consent would be required.

6. The existing treatment room as shown on the submitted revised existing ground floor plan, shall cease to be used as such upon first use of new treatment room as approved on plan 522.09 Rev A - Proposed Floor Plans.

Reason: To ensure the level of business use remains ancillary and subordinate to the principal use of the site as a residential dwellinghouse.