

PLANNING APPLICATION REPORT

Case Officer: Jacqueline Houslander

Parish: Bigbury **Ward:** Charterlands

Application No: 2828/20/FUL

Agent/Applicant:

Mr David Glassock - David Glassock
Architecture
38 New Meadow
Ivybridge
Devon
PL21 9PT

Applicant:

Mr and Mrs Johnathon and Jen Marshall
Barby Lodge, Cleveland Drive
Bigbury On Sea
TQ7 4AY

Site Address: Barby Lodge, Cleveland Drive, Bigbury On Sea, TQ7 4AY

Development: READVERTISEMENT (Revised plans received) Application for replacement dwelling



Recommendation: Approval

Conditions (list not in full)

1. Time limit
2. Accord with plans
3. Samples of materials
4. Unexpected contamination
5. Removal of PD rights to extend

6. Window's on west elevation to be obscure glazed unless otherwise agreed.
7. Landscaping to be in accordance with plans and implemented in first planting season.
8. Garage to be used for parking of cars and domestic storage only
9. No additional rooflights unless agreed by LPA.
10. Adherence to ecology report
11. Soakaway or attenuation tank position to be agreed prior to commencement of development.

Key issues for consideration: Visual impact; design; impact on neighbours; impact on AONB

Site Description: The application site is located at the corner of Cleveland Drive and Parker Road in Bigbury on Sea. The site is currently occupied by a bungalow with some under build on a rectangular plot. The current dwelling sits across the site, with its front elevation (as are most in this area) facing south west towards the sea.

Bigbury on Sea is within the area designated as South Devon Area of Outstanding Natural Beauty and Heritage coast.

The Proposal: To replace the current 3 bed bungalow with a 4 bedroom dwelling, plus snug. The proposal has undergone a number of design iterations as there have been objections raised to the proposal. The final submitted design is detailed below.

A replacement dwelling, which provides for a undercroft garage and entrance hall/boot room with a small shower /WC and plant room. A ground floor which provides an open plan kitchen, living and dining area, a master bedroom, a study, bathroom and separate WC. A first floor in the roof slope providing 3 bedrooms, an office, a family bathroom a further WV and a further lounge area at the eastern end of the building.

Around the east and south of the proposed dwelling is an area of extensive decking, which extends across the front and down the eastern side up to the rear boundary, together with a rectangular area of grass at the rear. In the front of the proposed decking is an area of garden which will provide the drive to allow for cars to enter from one side (off Cleveland Drive) and exit onto Parker Road.

Stone boundary walls are proposed along the front boundary with planting on top to align with the existing hedgerows on the site. Along the eastern edge of the site, the grass verge which is existing will be retained, behind which is proposed a rendered wall (as existing) and laurel hedging. A pedestrian gate to the rear of the house from Parker Road is also proposed (as existing).

The existing boundary to the north east will be retained as it is. Currently Barby Lodge and Durley Dene are joined by their respective garages. The proposal removes the garage and places it under the house. The new boundary with Durley Dene is proposed as a rendered wall.

Consultations:

- County Highways Authority: No comments
- Environmental Health Section: No comments received.

- Landscape: No objection in principle subject to a landscape condition being in place and details of external construction materials and surface materials being agreed.
- Trees: No objection
- Town/Parish Council: Bigbury Parish Council initially objected to the proposal on the grounds of overdevelopment; increase in ridge height; repositioning of the house towards the rear of the site; impact on property's known as Durley Dene and The Willows; overshadowing; reduction in garden space; contrary to Bigbury Neighbourhood Plan BP7(ii), BP&(iii) BP&9Vi).

The 3rd set of revised plans were submitted and the Parish Comment were:

BPC considers that the latest slight revisions to the positioning of the new dwelling and lowering of the ridge height are not sufficient to overcome the objections that BPC has already made that the proposal is an overdevelopment of the site and that the massing and dominance of the new dwelling will cause serious loss of amenities to the occupiers of Durley Dene and The Willows.

After the 4th revision, the PC stated:

It is noted that the only amendment to the plans is in relation to the change of materials from brick to white render, which is itself welcomed. However, the objection of the Parish Council still remains with respect to all other matters.

1. Over development – The comparisons with regard to the site areas and footprints of Barby Lodge and Durley Dene are noted but the main difference between these two properties is in relation to the size, height, massing and overall floorspace. Durley Dene is a three bedroom bungalow on one level only with an external floor area of 140m². Barby Lodge would be a four bedroom house on three levels with an external floor area of 379m², over 3 times the existing floor area of 120m².

The new premises also cover a much larger area of the plot extending closer to the east and west boundaries and positioned 4.5m further back on the plot resulting in the loss of approximately half of the rear garden. The space at the front of the premises is a hard surface used primarily for the parking of cars and is not part of the garden area irrespective of the use of grass grid to give it a green appearance although not always successful particularly when part of this would be under cover from the terrace above.

2. Light – The concern raised by the Parish Council was in relation to the overshadowing of the private rear patio of Durley Dene ie loss of sunlight. The diagram prepared by the Architects shows a 25 degree angle relating to loss of daylight, normally used in relation to rooms. This shows two angles one from the eaves and one from the ridge. This diagram is helpful in terms of indicating how much sunlight is likely to be lost from the patio area, which would be significant. However these are not shadow diagrams to demonstrate loss of sunlight in accordance with the BRE Sunlight and Daylight Standards.

The photograph taken from an elevated position at 12.45pm on 6th February 2021, nearly three weeks later than the photographs taken on 17th January 2021 from the rear patio of Durley Dene close to the bedroom window is consistent with the times shown on the photographs that were included in the Parish Council's response. It is clear from the photographs taken from the rear patio of Durley Dene that the proposed house extending

4.5m back at the height proposed would cause significant harm to the residential amenities of Durley Dene in relation to overshadowing of the rear patio area throughout the morning. The times shown on these photographs are correct.

We therefore completely disagree with the comments made with regard to shadowing in this Addendum Report.

3. Impact on The Willows – The proposed development will have an extremely harmful impact on The Willows due to the increase in height of the roof and the positioning of the proposed development which would be only 5.5m from the rear boundary. The proposed development will again be overly dominant and obtrusive and the windows at first floor level will cause overlooking to the private patio area and windows at the rear of the Willows. The closing of the gap between the new house and Durley Dene also impacts on the outlook and views from the house and private rear garden area.

The Parish Council do not agree with the statement in the Addendum Statement that there would be no loss of light, views or loss of amenity to The Willows.

4. Overlooking – The Parish Council disagree with the statement provided by the Architects that there would be no overlooking from the first floor bedroom window on to the patio and into the main bedroom window of Durley Dene. The proposed height for the obscure glazing is 1.7m (5ft 7ins). A person with a height of 1.8m (5ft 11ins) or more would be able to look through this window and being openable at the top this is also likely to result in overlooking. This window is directly in line with the private rear patio of Durley Dene and the full height main bedroom window, which is only 11.8m from this window.

A window in this location would also result in light shining directly on to the rear patio of Durley Dene and also result in light shining into the main bedroom window of Durley Dene. Obscure glazing to a height of 1.7m has very little impact on light levels. There would also be potential noise issues with this window being openable at the top.

In addition, the proposed house will seriously impact on the outlook from the main bedroom window of Durley Dene and the outlook from the rear patio area. It will also be extremely dominant and obtrusive when viewed from the house and the rear patio.

The applicants have also not addressed the problem of using borrowed light from the back of Durley Dene. If this application was granted planning permission the owners of Durley Dene would not be able to also extend back in a similar manner if they ever wished to demolish and rebuild their house as it would result in blocking light to the only window serving this first floor bedroom. This is completely unacceptable.

5. Plot size and amount of green garden area – The use of a grass grid or grasscrete to provide a green appearance to the proposed parking area at the front of Barby Lodge is not the same as having an area of soft landscaping and it is not that different from the gravelled surface in front of Durley Dene. Durley Dene has an attractive area of garden at the rear of the house. However, the comparative sizes of the houses also needs to be taken into account with the floorspace of the proposed house on the site of Barby Lodge being nearly three times as large as Durley Dene.

6. Street Scene – The Parish Council disagree that the proposed house will have the same appearance as a bungalow when viewed from the street. The full height of this proposed development will be clearly seen from the two vehicular accesses, one on Cleveland Drive and one on Parker Road as a two storey house with further accommodation in the roof space.

There is a significant downwards slope from west to east along Cleveland Drive from Warren Road (50m) to Parker Road (47m). Between the front of Durley Dene to the front of Barby Lodge there is a drop of approximately 1m in height. The drop in level between the existing roofs of 0.85m is therefore entirely appropriate and the increase in the ridge height of 0.7m is entirely inappropriate and contrary to Policy BP7(ii) and the Design Guidance set out in the Bigbury on Sea Village Study which states 'Reduce or retain the maximum height of roofs, including those of extensions, on new builds or alterations and extensions to existing properties to that of the original, unless the increase in height is consistent with neighbouring properties and/or does not impede on the views of surrounding properties'. The proposal does not retain the height of the existing property and is not consistent with the height of the adjoining property, Durley Dene. In addition, it does result in the loss of views of surrounding properties. The proposal is therefore contrary to the Bigbury Neighbourhood Plan.

For the reasons previously given the Bigbury Parish Council would strongly recommend that this application be refused.

- Drainage: Standing advice.

Representations:

Representations from Residents

Comments have been received and cover the following points:

Object: 43 letters received (some repeat emails after submission of amended plans).

- Impact on neighbours, and street scape. Contrary to BP7 vi
- Goes against policies in the Neighbourhood Plan;
- A site visit by planning officers would be useful.
- Height, depth and mass still a concern and contrary to BP7 i,ii and vi. In the Neighbourhood Plan
- Overdevelopment and negative impact on residential amenity
- Replacing a single storey bungalow with a 3 storey property. Three storey property is contrary to BP7ii
- It will be 746mm above its immediate neighbour.
- The introduction of an additional access will increase the visibility of the 3 storey dwelling and placing it on a corner poses a safety risk.
- The increase in size will negatively impact neighbours in terms of privacy; overbearing; loss of light
- The current property occupies an elevated position on a prominent corner site is in an area of Cleveland Drive where it is exclusively single storey(9 in total) in immediate proximity to one another.
- Moving the property back 5 metres will result in the loss of over half of the back garden. All of the bulk will be at the rear adversely affecting the two neighbouring properties
- It will appear to be a single storey property from Cleveland Drive, the bulk and mass will be visible from Parker Road, and will be incongruous within the street scene contrary to BP7 I, ii & vi
- Windows on the second floor at the rear will affect privacy to rear

- Impact on views of the sea.
- The plant room and air source heat pump could have implications in terms of noise
- The new entrance onto Parker road is close to a crossroads contrary to BP7 viii.
- Barby lodge is a bungalow being replaced by a 3 storey dwelling and is over large in relation to Durley Dene and Willows
- The design is for outdoor living on raised and open decking further increasing the impact on neighbours – noise, light, smells
- The dwelling will dominate the junction of Cleveland Drive and Parker road
- Reduction of light to Durley Dene rear garden
- The height and overall scale is out of proportion with neighbouring properties
- The proposal is contrary to policy BP7 and Appendix 9 of the NP. It is also in conflict with policies DEV1; DEV10, DEV20, and DEV25 of the JLP.
- Completely unacceptable in an AONB

Support: 5

- The design is in keeping with neighbouring properties
- The dual entrance on both Cleveland Drive and Parker road is practical for modern living.
- The fact that the house is set back from the road will give Durley Dene occupiers greater views of Bantham.
- The house will be more dominant at the back to Durley Dene's garden but this is not a significant issue.
- No objection to the revised plans, although proposed window on the western elevation revert back to the previous version to avoid overlooking.
- The style of the houses is good and fits well with the contemporary homes built over the last few years
- The space has been well thought out with good consideration given to the Neighbourhood Plan
- Maintaining the front line and utilising the back makes good sense.

Relevant Planning History

None

ANALYSIS

Principle of Development/Sustainability:

The proposal must initially be considered against the fundamental approach to development contained in the Plymouth and South West Devon Joint Local Plan, which promotes sustainable development. Policies SPT1 and SPT2 provide guidance both on the principle and detail of sustainable development and TTV1 provides the hierarchy for growth in the Thriving Towns and Villages Policy Area.

Bigbury is not identified in the Plan as a Sustainable Village because of its location within the South Devon AONB. Para. 5.165 in the Plan acknowledges that “*great weight should be given to conserving the landscape and scenic beauty in such settlements. Neighbourhood Plans can however bring forward positive allocations to meet local housing need.*” However proposals must be considered against policy DEV25. This consideration will be provided in the landscape section below.

Bigbury Neighbourhood Plan is a Made Plan and so therefore is a formal part of the Development Plan.

The site is within the settlement boundary allocated in the Neighbourhood Plan.

The proposal is in compliance with BP2 , which allows for *“Replacement of existing dwellings, providing these are not shown in the Plan as statutory or local heritage assets, will generally be supported providing the proposed development accords with the Policy BP7 – General design principles for new development and other relevant Policies of the Plan.”*

Policy BP4, relates to principal residency, but the policy specifically excludes one for one replacements which is the case here.

Design:

NP policy BP7 General Design Principles for new development, sets out the Neighbourhood Plan requirements for design of new development. Policy DEV20 in the Joint Local Plan also contains design requirements.

Policy BP7 seeks development to be locally distinctive, and to reflect the character of the area, but also accepts innovative contemporary design provided it does not have a harmful impact on the overall appearance and character of the area.

Part ii of the policy seeks to ensure that height scale and density of development should reflect the existing grain, height density and pattern of development in the area. And natural materials are preferable. Part iii relates to the front building line which should be maintained and part iv seeks to protect the verges in front of properties. Part v also seeks to protect front boundary walls and hedges.

Part iv looks to protect neighbour amenity and part vii seeks to restrict light pollution. Part viii seeks a safe access to the site; and adequate off road parking; and parts ix, x and xi seek to ensure appropriate infrastructure is provided, natural features and heritage assets are protected.

In terms of local character, there is an eclectic mix of properties in this part of Bigbury, some of which have been extended in recent years. The property behind the site is over two storeys and the adjoining bungalow (which would be separated from the property as a result of this development) is modest in scale and height. Further to the north there is a large two storey dwelling in a very large plot. In front of the site there is a wider larger bungalow.

In the area generally there are a predominance of bungalows, or single storey properties; properties with rooms in the roof and some two storey properties. Along Ringmore road there is also a recent 3 storey development of apartments. In the area immediately around the site, there is a predominance of bungalows. The properties in the area are all detached and set in their own plots. Materials, age and dwelling types in the area do vary quite considerably, although there is a predominance of render finishes on many of the properties as existing.

In this case the existing bungalow on the site is of a modest scale and is attached via the garages to the adjacent and similar style bungalow to the east. The design of the development proposed is larger than the existing property, which has been raised as a serious concern by a number of residents, the NP committee and the Parish Council. The applicant has suggested that he is keen to provide a larger dwelling for his family whilst also trying to respect the design of the properties around it.

The ridge height has increased by approximately 1.3m. The footprint of the dwelling has also increased by 15 square metres. The architect has increased the overall amount of accommodation by utilising the space underneath and the roof space, without increasing the footprint significantly. The slope on the site has been utilised to create a garage space underneath the dwelling and the bungalow finished floor level above has been retained with

an increase in the roof height albeit there are bedrooms in the roof space. The glazing design proposed is a more contemporary approach and proposes a number of floor to ceiling windows and doors. Roof lights have also been added to the roof slope.

In terms of the increase in size of the property, there is no planning policy in either the JLP or the NP which prevents this occurring. The issue is around the more detailed aspects of the increase in size. In terms of footprint the proposed dwelling is approximately 0.5metres deeper and 2 metres wider, and adds a forward facing extension. The plans however also indicate an area of decking around the dwelling which makes the apparent size of the replacement much larger. Decking is a form of amenity space in the same way as a lawn or planted areas or hard surfacing. The existing property already has a hard landscaped rear area which is walled and extends up to the boundary with the neighbouring property's Willows and Durley Dene.

In terms of the use of the ground area on the site the proposal is not excessive. The proposed dwelling is higher than the existing dwelling by 1.3 metres and higher than Durley dene by 0.5 metres. The NP Plan policy BP7(ii) "*The height, scale and density of development should reflect the existing grain, height, density and pattern of development in the surrounding area. The materials used for the external elevations should preferably be natural materials and be consistent with those used for other buildings in the locality.*"

In this case, the proposed replacement dwelling is higher than the building it is replacing but only 500 mm higher than the adjacent dwelling – which is the only other dwelling along this part of Cleveland Drive which is on the same building line as the proposal site. In considering the height in isolation, what harm is caused by this relatively minor increase in overall height in relation to the adjacent property? It is considered that a .55 increase on a neighbouring property would not be sufficient to indicate that the application proposal is out of character and should thus be refused.

Clearly it is not appropriate to take just the height into account, as the scale of the development is also relevant. The applicant is seeking to increase the overall size of his property by utilising the levels change on the site to incorporate an undercroft area for parking and utility space. This leaves the ground floor of the proposed dwelling at the same height as it is currently and aligns with the ground floor level of Durley Dene. The ground floor also runs in line with the adjacent property, with the eaves line just slightly higher than Durley Dene and the roof space is where the increase in height occurs (1.3 metres in total).

The use of the undercroft area allows for the site to accommodate garage space under the existing footprint, whilst maintaining the ground floor level in line with the adjacent property.

In terms of materials the proposal indicates the use of a slate roof; white render for the walls; stone facing to the front wall of the undercroft area; timber garage doors; grey aluminium windows with timber sliding louvre sections to provide internal shade and externally to break up the amount of glazing. Steel columns are proposed to hold up the brise soleil on the front terrace.

Whilst the use of slate is a good quality natural material, there is little of it in the immediate area, which is generally concrete or manmade tiles. It is officers view that the use of natural slate is preferable to the use of concrete tiles on the roof, so whilst it is not commonplace locally, it is a quality and robust material, which is still considered to be appropriate and in accordance with the Neighbourhood Plan BP7 (*The materials used for the external elevations should preferably be natural materials and be consistent with those used for other buildings*

in the locality, providing these do not detract from the appearance and character of the surroundings).

The original proposal indicated the use of brick slip for the elevations, however this has now been revised to a render finish, which is more in keeping with properties in the surrounding area.

Appendix 9 of the NP is a useful description of the historical development of Bigbury on Sea and makes many references to the area within which the application site is located. There is concern expressed in the Appendix about the fact that *“Many plots are now being redeveloped in a way which seeks to maximise the value of the site with little consideration being given to the amenity of the existing residents.”* And in referencing the layout of this part of Bigbury on Sea it states *“The development was designed in a grid form layout with careful attention being given to the location, height and spacing between properties to ensure that at each level the occupiers of all properties would have the advantage of good views of the beach, sea and coastline. The local community consider that the ethos behind this existing planned development should be protected and any new development should fully respect this important concept.”*

In considering this part of the Neighbourhood Plan, the applicant has attempted to preserve the footprint of the existing development and has rather made use of the slope upon which it is located to provide additional accommodation within the footprint. This has involved an increase in height of 1.3 metres, but the property behind has only one window which faces south and it is not a primary window. The primary windows for the Willows face east and west, where there are equally good views of the coastline and sea. The existing property partially blocks views from the Willows. Officers consider that the applicant has respected the height, location and spacing concept in the development proposed.

Officers do not consider that the proposal harms the planned layout and form as described in Appendix 9 in the NP. The proposal does increase the amount of accommodation, but this has been achieved by making the best use of the slope on the site and incorporating space in the roof space. The front and side hedges will be retained (apart from the area where the exit is proposed). The front building line has been maintained; An access is provided; The grass verge which is common feature along these roads has also been preserved. The amount of space the proposed dwelling occupies on the site is in relative terms only marginally larger than the existing dwelling and is still smaller than Durley Denes' footprint.

Officers consider that the proposal meets policy BP7 and has respected the planned development form in this part of Bigbury on Sea as identified in Appendix 9 of the Neighbourhood Plan.

Landscape:

The site and surroundings lie within the South Devon AONB. Policy DEV25 in the JLP states that this designated landscape must be given great weight in the decision making process and landscape quality and scenic beauty should be conserved and enhanced by development. Policy BP18 in the NP also seeks to protect this valued landscape, also referring specifically to the need to conserve and enhance the natural landscape and scenic beauty of the AONB, as well as wildlife; cultural heritage, built heritage; avoiding light pollution; avoiding development which would cause undue noise or disturbance and retaining the winding paths and lanes in the area.

In this case, it is clear that the applicants want to create a bigger house, but it is also clear that they have attempted to produce the larger house in a way which does not impact significantly on the built form in the surrounding area and respects the building lines, ridge heights, boundary treatments, materials and footprints of surrounding houses. The proposal does introduce more areas of glazing than currently exist, which may have an impact in terms of more light spill. However the plot is located within an already developed area, set within other dwellings, which will both screen and reduce the impact on light pollution and form part of an area of built development which will already cause some degree of light pollution. By keeping the building low, the proposed building will not stand out from the rest of the dwellings in this area (of which there are a mixture of heights).

In terms of the proposal conserving and enhancing the natural landscape and scenic quality of the AONB, the site lies within the built up area of the village and the attempts to limit the increase in ridge height; the respect for existing building lines; the retention of the existing boundary treatments, the use of render, which is very common in the area, will all contribute towards conserving the existing character of the area. The natural qualities of the AONB are a short distance away and so the proposed replacement dwelling will not impact on the natural qualities of the wider AONB landscape, but neither will it stand out as something which is incongruous, because of the attempts to limit its impact as discussed above.

The policies also seek to ensure that the proposal enhances the AONB landscape. The proposal retains the grass verge around the site which is a common feature in this part of Bigbury and also proposes enhanced landscaping along the boundaries. A natural stone slip cladding along the lower ground frontage will ensure that this part of the building is recessive. The low boundary wall at the front of the site is also retained with planting above. These measures will ensure that the proposal will blend into and appear an intrinsic part of the area more quickly than if a totally different external finish and boundary treatment were proposed.

It is concluded therefore that the proposal does serve to conserve and enhance the landscape qualities of the AONB by retaining many of the features required in the NP which will allow the proposal to blend more quickly into its context. The proposal meets policy DEV25 of the JLP and Policy BP18 of the NP.

Neighbour Amenity:

Willows

The proposed dwelling is proposed to be located further back on the plot than the existing dwelling by approximately 4 metres, meaning that the bulk of the dwelling will now be 7 metres from the neighbouring dwelling to the north (Willows). The dwelling, Willows is located approximately 1.2 metres from the boundary with Barby Lodge.

In terms of loss of privacy to the Willows, there are 3 high level windows in the rear of the proposed dwelling with roof lights above. The room is not a main living area and the high level windows will reduce the ability to overlook the Willows. The proposed dwelling is also set down the hill from the Willows. There is an existing wall and fence along the rear boundary which is approximately 2.3 metres high. There is one window in the end elevation of Willows, however with the lower floor level of the proposed dwelling it is more likely that the Willows would overlook the proposed property rather than the other way around.

The proposed dwelling is closer to the Willows, however the side elevation of Willows faces towards the application site. There is one window in the side elevation which would not be considered to be a primary window. The difference in finished floor levels between the two properties means that the window in the side elevation currently looks at the roof of the

existing dwelling. The additional height will mean that any glimpses of the sea from the side window may be lost. In planning law there is no right to a view and so as such there would be no reasonable ground to refuse the application on the basis that a view from a side window would be blocked by the development.

Highfield

Concern has also been raised from the neighbour to the south east of the site in a property known as Highfield. Photographs have been supplied that indicate views of the existing dwelling from the garden of this property as well as inside the house. The height and mass of the proposed dwelling at Barby lodge will increase from the perspective of this neighbour. The dwelling will also be approximately 1 metre closer to Highfield. However the wall to wall distance between Highfield and the proposed dwelling would be just over 21 metres. There will also be a boundary wall along the eastern boundary of the proposed replacement dwelling and there is a boundary hedge along the boundary of Highfield.

From the photographs submitted, as existing there is a window in Barby Lodge which faces Highfield. With the proposed plan there are 2 large ground floor windows and a floor to ceiling first floor window proposed, with a Juliette glazed balcony facing Highfield. The ground floor windows are obscured by the boundary planting along the application site and along the boundary of Highfield.

The applicant submitted a series of photos which indicated where the first floor window would be located, further away from Highfield and if the planting along the boundary of Highfield remains as existing, then views from that window would be partially obscured. The SPD requires 21 metres window to window and the proposal meets that requirement. As such, it is concluded that there would be less impact on Highfield than is currently the case with the end elevation window that exists.

Durley Dene.

The proposed dwelling is sited on the plot, such that it is closer to Durley Dene (western neighbour). The bulk of the proposed dwelling is thus closer to this property by approximately 900 mm. The proposed development would result in the bulk and massing of the dwelling being approximately 0.95m closer to the boundary with Durley Dene. The position of the proposed dwelling set further back on the site (by approximately 4.3 metres) affects the relationship with Durley Dene. There are 3 windows proposed in the west elevation, all of which will have obscure glazed windows in them, so as to prevent any concerns with regard to overlooking of the rear garden of Durley Dene. The windows on the north elevation of the proposed dwelling could have oblique views into the rear garden of Durley Dene, however the ground floor windows will be obscured by the boundary wall between the two properties and the half roof light windows will be at a high level and serve an office, which is not primary living space. It is therefore considered that there will be no overlooking issues with Durley Dene.

The occupiers of Durley Dene, in their letter of representation provided photos from the rear garden showing the position of the sun at different times of the day in March/early April and suggested that the increased height of the proposal dwelling would lead to a loss of light into their rear garden.

The applicant has produced some calculations in his addendum to the Design and Access Statement which indicates that

- *“The drawings indicating the 25 degrees and 45 degree path lines clearly showed that they are set some distance away from Durley Dene and therefore do not impact on any*

glazing of Durley Dene, particularly the bedroom windows. (Which currently look on to a flat roof garage and store)

- From mid January to mid December there is no significant overshadowing on the garden from 10am onwards when the only shadowing is cast by/from Durley Dene itself.
- Up to 10am through out the spring, summer and autumn months (due sun path and orientation) there is very little casting of shadows and very little there after that time.
- Durley Dene will still enjoy the mid day and afternoon sun through ought the year as it currently does.
- It is important to note that Durley Dene has mature vegetation grown along the boundary line, which appears is if it would be higher than the proposed eves line of Barby Lodge.
- This exercise has been undertaken in accordance with "Site Layout Planning for Daylight and Sunlight – A Guide to Good Practice, 2nd Edition" which is typically adopted by local authorities."

Having reviewed the photographs submitted and considered the proposal against the SPD, it is considered whilst there may be some loss of light for small parts of the day in the winter months, they would not be significantly worse than currently exists

Highways/Access:

Access to the plot remains as existing, with an additional opening proposed onto Parker Road, so as to allow for an in and out flow for vehicles. The Highway Authority have not made any comments on this and it is considered that the area does not suffer from any passing traffic and only those that reside in the properties in this part of Bigbury use the roads and as such the use of the additional egress point for the one family that will occupy the property, is acceptable from a highway safety perspective.

Drainage:

The proposal for drainage is to retain the link to the foul sewer and South West Water have confirmed that this is acceptable to them. They have also confirmed that an attenuated surface water discharge is acceptable if soakaways are not acceptable. The proposal indicates that surface water will be disposed of in the existing main sewer, which is as existing. Policy DEV35 in the JLP requires that drainage solutions should provide sustainable urban drainage systems, such as soakaways or attenuation, or other more natural forms of surface water management on site. The site lies in Flood Zone 1 where the likelihood of flooding is of lowest risk. As a detailed scheme for the disposal of surface water run off has not been provided, I will add a condition to the consent for a soakaway or attenuation tank proposal for surface water drainage to be submitted prior to the commencement of development. It is considered that it is needed prior to commencement because drainage will be one of the first aspects to be considered when undertaking ground works on a site.

Ecology: An ecology report was submitted in support of the application, which identifies that **"The proposed demolition of the bungalow will not disturb or harm bats; will not disturb, obstruct or destroy any areas used by bats for roosting; will not affect the distribution or abundance of local populations; will not impact on any potential foraging habitat; and will not have an adverse impact on any commuting activity. No further survey work or mitigation is necessary."**

Neither were there any signs of bird nests or bird nesting activity. No reptiles were found at the time of the survey, however there was some habitat which would be suitable for slow worms and whilst none were found, the report suggests a precautionary approach at the commencement of development.

Two bat boxes are recommended to help achieve net gain in biodiversity. It is proposed to place a condition on the consent to ensure adherence to the ecology report and its recommendations.

Climate Change: The proposal has identified a number of ways in which carbon reduction measures can be incorporated within the scheme,

The roof is proposed as slate, but will also incorporate PV slates.

Air source Heat pump and water recycling

Use of Nudura which is an insulated concrete formwork for construction, which has very little waste products.

Policy DEV32 seeks to ensure that any new development reduces its carbon footprint. It is considered that the measures proposed would help reduce the developments carbon footprint in accordance with the policy.

Objections, Parish Council concerns and Neighbourhood Plan group concerns.

Many of the concerns raised by objectors to the proposal, the Parish Council and the Neighbourhood Plan group have been discussed in the report, particularly with regard to the JLP and the NP policies. However this section deals with those concerns in turn.

1. Size and massing of the replacement dwelling:

Whilst this has been addressed in the report, officers have considered the proposal as a replacement bungalow with rooms in the roof and an undercroft parking/boot room. It is not in the strictest sense of the word a 3 storey dwelling, which would be much higher and completely out of keeping with the surrounding development.

The massing will increase, however it has been designed so as to be blocked from view (front elevation undercroft garage will be screened by the existing wall and hedgerow at the front of the site). The ridge height increase has been kept to a minimum and the resulting dwelling will only be 500mm above the ridge height of Durley Dene.

The impact of the dwelling on the corner of the junction of Cleveland Drive and Parker road will be less than currently because it has moved back from the junction in a northerly direction.

Officers do not consider that the replacement dwelling will be out of proportion by virtue of the fact that the ridge height has increased by a minimal amount; the footprint is only marginally larger. It is just that the architect has utilised the sloping nature of the site to accommodate garaging and has incorporated rooms in the roof in order to reduce the impact of the increase in size of the accommodation. In relation to the accommodation provided the mass and scale and bulk has been kept to an absolute minimum.

2. Size in relation to neighbouring dwellings

The footprint is only 15 square metres larger than the existing dwelling. An extension to a dwelling could create as much if not more than that size. The accommodation is larger but the footprint is only marginally larger.

3. Noise, odour impact

The design does include a lot of decking, which does give the impression that the proposal is larger than it actually is. However the use of decking in garden areas is not a policy concern.

Use of garden areas for play, socialising and so on could occur in any of the gardens in this area and is not made worse by the use of decking instead of grass.

With regard to the plant/equipment proposed for the lower floor, the room will house the The plant room will be to accommodate the heat pump which would be no different to a gas central heating boiler. The fact that it is to be housed in the lower ground floor at the rear will also ensure that any noise would be stifled by the retaining walls.

4. The proposal is in gross violation of the NP

Officers have considered the proposal in detail against the NP and the JLP and consider that the proposal meets the NP and JLP policies.

5. Overdevelopment of the plot

The garden area around the proposed dwelling meets the SPD guidance for garden/amenity space for a detached dwelling. It is therefore not considered to be an over developed plot.

6. The NP seeks to not raise ridge heights.

The NP policy, in relation to ridge heights states following:

“Reduce or retain the maximum height of roofs including those of extensions on new build or alterations and extensions to existing properties to that of the original, unless the increase in roof height is consistent with that of neighbouring properties and/or does not impede on the views of surrounding properties.”

The proposal is consistent with the general roof heights in the area. There is not one consistent ridge height along Cleveland Drive. The proposal changes the roof height such that it is 500mm above Durley Dene. Currently Durley Dene ridge height is 870mm higher than Barby Lodge. These figures do not however indicate significant increases in ridge height and in line with the NP policy BP7.

7. Reduction of light to Durley Dene rear garden

This issue has been considered in the text above.

8. Views from the property to the rear Willows will be lost and replaced with the walls of the dwelling.

As stated, above the views will only be impacted from a side window which does not have a complete view of the sea now, because of the existing Barby Lodge. The orientation of Willows is not towards the sea, but east and west, which have the windows into the primary living spaces.

Conclusion:

Whilst the Parish Council and Neighbourhood Plan group state that the proposal is not in accordance with the NP, officers have assessed the proposal against the specific policies in the NP and the JLP and consider that the architect has tried to create a larger dwelling for a growing family whilst keeping the ridge height to a minimum, keeping the footprint increase to a minimum and securing features which prevent the proposed dwelling from overlooking neighbours. As with all development plans and policies there will be differences of interpretation of policies. In this case it is officer's view that the Neighbourhood Plan and policies in the JLP have been met on the whole and therefore the application is recommended for 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).

On 26 March 2019 of the Plymouth & South West Devon Joint Local Plan was adopted by all three of the component authorities. Following adoption, the three authorities jointly notified the Ministry of Housing, Communities and Local Government (MHCLG) of their choice to monitor at the whole plan level. This is for the purposes of the Housing Delivery Test (HDT) and the 5 Year Housing Land Supply assessment. A letter from MHCLG to the Authorities was received on 13 May 2019. This confirmed the Plymouth, South Hams and West Devon's revised joint Housing Delivery Test Measurement as 163% and that the consequences are "None". It confirmed that the revised HDT measurement will take effect upon receipt of the letter, as will any consequences that will apply as a result of the measurement. It also confirmed that that the letter supersedes the HDT measurements for each of the 3 local authority areas (Plymouth City, South Hams District and West Devon Borough) which Government published on 19 February 2019. On 13th February 2020 MHCLG published the HDT 2019 measurement. This confirmed the Plymouth, South Hams and West Devon's joint HDT measurement as 139% and the consequences are "None".

Therefore a 5% buffer is 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 6.1 years at end March 2020 (the 2020 Monitoring Point). This is set out in the Plymouth, South Hams & West Devon Local Planning Authorities' Housing Position Statement 2020 (published 22 December 2020).

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

TTV1 Prioritising growth through a hierarchy of sustainable settlements

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

TTV24 Site allocations in the Smaller Towns and Key Villages

TTV25 Development in the Sustainable Villages

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

DEV9 Meeting local housing need in the Plan Area

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
DEV29 Specific provisions relating to transport
DEV32 Delivering low carbon development
DEV35 Managing flood risk and Water Quality Impacts

Neighbourhood Plan: Bigbury Neighbourhood Plan is a made Plan. The following policies are of relevance to the consideration of this planning application:

Policy BP2 – Other housing development
Policy BP7 – General design principles for new development
Policy BP18 – Area of Outstanding Natural Beauty
Policy BP27 – Parking provision

Other material considerations include the policies of the National Planning Policy Framework (NPPF) including but not limited to paragraphs 2, 11, 170, 172, 127, and guidance in Planning Practice Guidance (PPG). Additionally, the following planning documents are also material considerations in the determination of the application:
The South Devon AONB Management Plan

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).

2.The development hereby approved shall in all respects accord strictly with drawing number(s)
DGA P01 Location Plan, received on 2/10/2020
DGA P12 Rev C Proposed elevations
DGA P11 Rev C Proposed elevations
DGA P12 Rev C Proposed elevations, received on 22/2/2021.
DGA P08 Rev B Proposed site plan
DGA P06 Rev B Proposed ground floor plan
DGA P09 Rev B Proposed entry level plan
DGA P07 Rev B Proposed first and roof plan, received by the Local Planning Authority on , 6/01/2021.

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.No development shall commence beyond slab level until a schedule of materials and finishes, and samples of the materials to be used in the construction of the external surfaces, including roofs, have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out only in accordance with the details

so approved.

Reason: To enable the Local Planning Authority to consider the details of the materials.

4.If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an investigation and risk assessment and, where necessary, a remediation strategy and verification plan detailing how this unsuspected contamination shall be dealt with.

Following completion of measures identified in the approved remediation strategy and verification plan and prior to occupation of any part of the permitted development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority.

Reason: No site investigation can completely characterise a site. This condition is required to ensure that any unexpected contamination that is uncovered during remediation or other site works is dealt with appropriately.

5.Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting this Order) no openings other than those authorised by this permission shall be at any time be inserted in the west elevation of the development hereby permitted, without the prior permission, in writing of the Local Planning Authority.

Reason: To protect the amenity of neighbours.

6.Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) or any Order revoking and re-enacting this Order, no development of the types described in Part 1 of the Schedule 2 shall be undertaken without the express consent in writing of the Local Planning Authority other than those expressly authorised by this permission.

Reason: To enable the Local Planning Authority to exercise control over development, which could materially harm the character and visual amenities of the development and locality in the interests of the character and appearance of the area.

7. Notwithstanding the plans approved under this consent all of the windows in the west elevation shall be constructed using obscure glazing and shall thereafter be retained as such unless otherwise agreed in writing with the Local Planning Authority.

Reason: To protect the privacy of the neighbours rear garden.

8.Prior to commencement above slab level a landscaping scheme for the site, to include boundary planting shall be submitted to and agreed by the Local Planning Authority. The landscaping shall be implemented in accordance with the agreed plans

The approved landscaping scheme shall be implemented in the next available planting scheme after completion of the development hereby approved and shall be maintained and replaced as necessary for a period of 5 years from the date of implementation.

9.The garage hereby approved shall be used for the parking of vehicles and domestic storage only and shall not be used for any other purpose without the express consent of the Local Planning Authority.

Reason: To prevent use of the garage for purposes which are unsuitable in a residential area.

10. Notwithstanding Part 1 Schedule 2 Class b and c of the Town and Country Planning General Permitted Development England Order 2015 (as amended), no additional roof lights shall be placed in the roof of the dwelling hereby approved, without the consent of the Local Planning Authority.

Reason: To prevent any additional openings which might have impact on the residential amenity of adjoining properties.

11. The recommendations, mitigation and enhancement measures of the Ecological Report, by Butler Ecology on 3rd September 2020, shall be fully implemented prior to the commencement of the use hereby approved and adhered to at all times. In the event that it is not possible to do so all work shall immediately cease and not recommence until such time as an alternative strategy has been agreed in writing with the local planning authority.

Reason: To safeguard the interests of protected species.

12. No development shall commence beyond the demolition of the existing building until the details of the surface water and foul water system to be installed is submitted to and approved by the Local Planning Authority. The foul and surface water drainage shall be submitted in accordance with the approved plans.

Reason: To ensure there is appropriate drainage installed on the site which meets policy DEV35 of the Plymouth and South West Devon Joint Local Plan.