

PLANNING APPLICATION REPORT

Case Officer: Chris Mitchell

Parish: Kingsbridge **Ward:** Kingsbridge

Application No: 0900/21/HHO

Agent/Applicant:

Mr Nigel Dalton - Nigel Dalton
Architectural Design
Unit 4h
South Hams Business Park
Churchstow, Kingsbridge
TQ7 1NY

Applicant:

Mr & Mrs White
12 Linhey Close
Kingsbridge
Devon
TQ7 1LL

Site Address: 12 Linhey Close, Kingsbridge, TQ7 1LL

Development: Householder application for proposed internal and external alterations



Reason item is being put before Committee

Applicant is an employee of the South Hams District Council.

Recommendation: Conditional Approval

Conditions

Standard time limit
Adherence to plans

Site Description:

The site is located to the south of the town the centre of Kingsbridge with access taken from Linhey Close. The property is a detached dwelling house built with rendered walls, UPVC windows and concrete roof tiles. The dwelling house is a split-level property with living areas at first floor and garage and three bedrooms below.

The Proposal:

The proposal is for the construction of sunken garden store with extended terrace area above, with steps down into the garden. The terrace is proposed to be built with composite decking, paved steps; the garden room would be faced with composite cladding and a frameless glass balustrade above.

At ground floor on the west elevation the existing patio doors and window shall be rearranged and finished with powder coated aluminium frame. The existing windows at first floor on the west elevation to the kitchen and living room shall be replaced with full height powder coated aluminium patio doors. The existing window at first floor shall be replaced with powder coated aluminium frame.

An additional window shall be installed on the south elevation to form an en-suite though this does not require planning permission as at ground level within the existing dwelling house.

The garage is proposed to be removed with a store area created at the front with retention of garage door and construction of a bathroom behind.

Consultations:

- County Highways Authority No highway implications
- Town Council Recommend refusal on the following grounds: overlooking and loss of privacy for neighbouring residential properties to the detriment of their amenity; over development of the site

PUBLIC CONSULTATIONS

Representations from Residents

None

Relevant Planning History

28/0715/72/4 – Erection of dwelling houses with garage beneath – Conditional Approval

Analysis

Principle of Development/Sustainability:

The proposed alterations and extensions to this dwelling house are acceptable in principle as the property is located within the town of Kingsbridge.

Design:

The proposed garden store with extended terrace area above does not result in any adverse visual harm upon the existing dwelling house or harm upon street scene as the works are on the rear elevation.

The installation of additional window on the southern elevation would be permitted development and does not require planning permission. The replacement of existing windows from living room and kitchen with patio doors and replacement of all windows and doors with powder coated aluminium are acceptable and does not harm the character of the property as on the rear elevation.

The proposed terrace extension by its design, scale and massing is not considered to be harmful upon the existing dwelling house or character of the local area and therefore is compliant with Local Plan Policies SPT1 (3v) Delivering sustainable development and DEV20 (2, 3, 4) (Place shaping and the quality of the built environment) and policy DEV20 (Place shaping and the quality of the built environment) of The Plymouth and South West Devon Supplementary Planning Document (SPD) July 2020 and National Planning Policy Framework.

Landscape:

The site is within the AONB and Heritage Coast policy area. The proposed ground floor extension with terrace above would not significantly increase the height or bulk of the development, or result in any additional lighting. Officers do not consider that the proposal would impact upon the wider AONB setting, or harm the special characteristics of the Heritage Coast, especially given the site location within a residential part of the town. The proposal is therefore acceptable in terms of DEV24 and DEV25 of the Joint Local Plan.

Neighbour Amenity:

The proposed extension to the existing terraced area would result in the existing patio area within the garden being increasing in height of 1m and reduced in its projection into the garden by some 2m. Whilst this is an increase in height, due to the existing terrace to the property that already overlooks the neighbouring property's garden and the existing patio area within the garden there is already an element of overlooking from this property. The proposed terrace with an increase in height has been located close to the main dwelling house and there is a sufficient distance to the neighbouring boundary of some 7m and as such the level of increased overlooking is minimal. Neighbouring properties already benefit from a raised terrace with glass balustrades and the boundary is part concrete boundary wall and shrubs. There have been no letters of representation received by neighbours to this proposal.

The objection received by the Kingsbridge Town Council in that the proposed terrace extension would result in overlooking to the neighbouring properties gardens and would be

overdevelopment of the site is noted. As detailed above the increase in height of the existing patio area and the fact that the existing terrace and patio already overlooks the neighbouring property's gardens, officers do not consider that the proposed increased terrace area would result in significant overlooking to warrant refusing the application.

The proposed extension of the terrace area into the garden is not considered to result in overdevelopment of the site as there is more than sufficient amenity space to the dwelling house.

For these reasons, Officers consider the proposed garden room and raised terrace area would not result in detrimental harm upon the amenity of neighbouring properties and is compliant with Local Plan Policy SPT1 Delivering sustainable development, DEV20 (2, 3, 4) (Place shaping and the quality of the built environment) and policies DEV1 Protecting health and amenity, DEV2 Air, water, soil, noise, land and light and DEV20 (Place shaping and the quality of the built environment) of The Plymouth and South West Devon Supplementary Planning Document (SPD) July 2020 and National Planning Policy Framework.

Highways/Access:

The proposal would result in the loss of garage to the property, though there is sufficient room on the driveway for the parking of two vehicles off street and therefore the proposal will not result in an increased risk to highways safety once occupied and is acceptable with regard to the provisions of DEV29.

Drainage

Any surface water from the terrace will drain into existing drains on the site and within the garden.

Conclusion

Consequently this proposed development is acceptable and complies with Local Plan Policies SPT1 (3v) Delivering sustainable development and DEV20 (2, 3, 4) (Place shaping and the quality of the built environment) and policies DEV1 Protecting health and amenity, DEV2 Air, water, soil, noise, land and light and DEV20 (Place shaping and the quality of the built environment) of The Plymouth and South West Devon Supplementary Planning Document (SPD) July 2020 and National Planning Policy Framework.

This application has been considered in accordance with Section 38 of the Planning & Compulsory Purchase Act 2004.

Planning Policy

Relevant policy framework

Section 70 of the 1990 Town and Country Planning Act requires that regard be had to the development plan, any local finance and any other material considerations. Section 38(6) of the 2004 Planning and Compensation Act requires that applications are to be determined in accordance with the development plan unless material considerations indicate otherwise. For the purposes of decision making, as of March 26th 2019, the Plymouth & South West Devon Joint Local Plan 2014 - 2034 is now part of the development plan for Plymouth City Council, South Hams District Council and West Devon Borough Council (other than parts of South Hams and West Devon within Dartmoor National Park).

The relevant development plan policies are set out below:

The Plymouth & South West Devon Joint Local Plan was adopted by South Hams District Council on March 21st 2019 and West Devon Borough Council on March 26th 2019.

SPT1 Delivering sustainable development
SPT2 Sustainable linked neighbourhoods and sustainable rural communities
DEV1 Protecting health and amenity
DEV2 Air, water, soil, noise, land and light
DEV20 Place shaping and the quality of the built environment
DEV21 Development affecting the historic 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

Kingsbridge, West Alvington, Churchstow Neighbourhood Plan

The application is located within the parish of Kingsbridge a joint Neighbourhood Plan is currently at Reg 14 and being prepared for the parish. The Plan has not yet reached a stage where it can be considered material consideration to the decision making process.

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 Plymouth and South West Devon Supplementary Planning Document (SPD) July 2020 was adopted by Plymouth City Council on 22 June 2020, West Devon Borough Council on 9 June 2020 and South Hams District Council on 16 July 2020.

South Devon AONB Management Plan (2019-2024)

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, 1082.20.08 (Proposed Block Plan) and 1082.20.04 (Proposed Site Plan) received by the Local Planning Authority on 12th April 2021 and drawings numbers 1082.20.05 Rev A (Proposed Ground Floor Plans), 1082.20.06 Rev

A (Proposed Plans) and 1082.20.07 Rev A (Proposed Elevations) received by the Local Planning Authority on 7th May 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.