

PLANNING APPLICATION REPORT

Case Officer: Bryony Hanlon

Parish: Thurlestone **Ward:** Salcombe and Thurlestone

Application No: 1218/21/HHO

Agent:

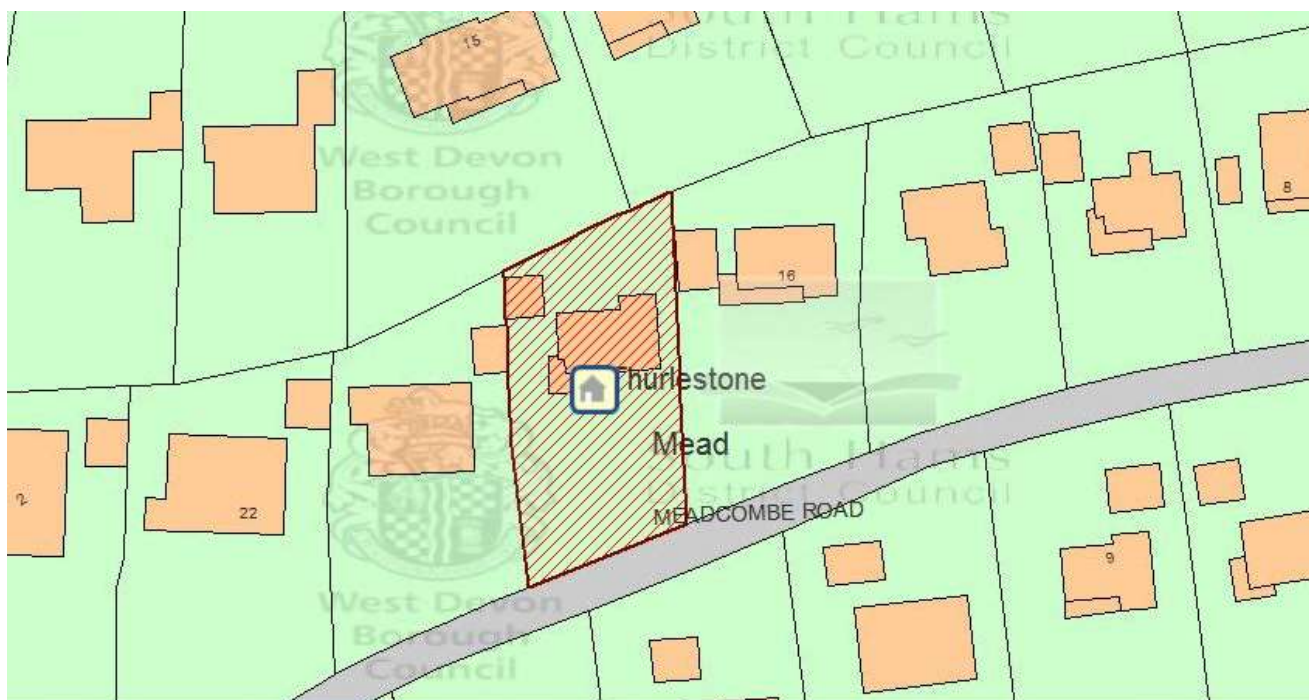
Andrew Lethbridge Associates
102 Fore Street
Kingsbridge
TQ7 1AW

Applicant:

Mr & Mrs Kendrick
18 Meadcombe Road
Thurlestone
TQ7 3TB

Site Address: 18 Meadcombe Road, Thurlestone, TQ7 3TB

Development: Householder application for extension & alterations



Reason for taking it to Committee: Cllr Pearce does not agree with the opinion that changing the shape of the balcony will intensify its use to an unacceptable level, when it would only open off one room, not two as now, and that room is a bedroom. This is not an upside-down house and there is nothing to indicate future intensified use to an unacceptable degree. Further, the overlooking from the side of the balcony over number 20 has existed since the house was built in c.1979.

Recommendation: Refusal

Reasons for refusal:

It is considered that the extension of the balcony, in combination with its new configuration and resiting to the western end of the south elevation, will result in an intensification of use with an increase in overlooking, noise and disturbance at height. In this context the proposal is likely to result in a harmful impact on neighbour amenity for the occupants of no 20 Meadcombe Road contrary to the provisions of DEV1(1) and TP1(1) and the guidance contained within paragraphs 13.22-13.24 of the Plymouth and South West Devon Joint Local Plan Supplementary Planning Document 2020.

Key issues for consideration:

Scale, massing and design, impact on neighbour amenity, impact on the South Devon Area of Outstanding Natural Beauty.

Site Description:

The site is located within the village of Thurlestone, on the Mead Estate. The site hosts a detached, two-storey dwelling with parking and garaging to the side of the dwelling, a large garden at the front of the dwelling and a smaller area to the rear. There is an existing narrow balcony on the south elevation of the dwelling at first floor level.

The site is located within the South Devon Area of Outstanding Natural Beauty and the Heritage Coast.

The Proposal:

The applicant wishes to replace the existing conservatory on the south elevation of the dwelling with a single storey extension with monopitch roof. The applicant also wishes to reconfigure and extend the existing first floor balcony on the front elevation; the larger balcony is restricted to the western end of the south elevation. The proposal also includes minor alterations to the fenestration on the south elevation and to the driveway and turning area.

Consultations:

- County Highways Authority No highways implications

- Parish Council Support

Thurlestone Parish Council SUPPORTS this application. Councillors considered that whilst the proposed extension and alterations to the front elevation of the building are substantial, the extension is subordinate in scale and form to the existing dwelling (NP Policy TP7 (2i)); that the proposed design and materials would improve the character and appearance of the building and would be in keeping with the street scene, being proportionate and appropriate in style, scale and character to the location (NP Policy TP1.2). They were, however, concerned about the impact of the proposed extension on neighbouring residential amenity and the potential loss of privacy (NP Policy TP1.1). On the East elevation, they requested that the two new windows on the ground floor were removed, as there was already a substantial amount of fenestration on the front elevation, to prevent overlooking the front garden and main bedroom of 16 Meadcombe Road (a reverse living dwelling). Similarly, on the West elevation, they requested obscure glass to be used on the section of the extended balcony closest to 20 Meadcombe Road to prevent overlooking the rear garden of 20 Meadcombe Road (consistent with that required under application 55/1836/13/F for 16 Meadcombe Road).

PUBLIC CONSULTATIONS**Representations:****Representations from Residents**

Five letters of objection have been received and include the following points:

- As a permanent resident of 16 Meadcombe Road here are my observations regarding the plans of no 18. On the East Elevation there are proposals for two living room windows. Whilst the hedge is already dying and compromised, these windows would look straight into the main bedroom window on the ground floor of 16 Meadcombe Road and across the private front area of the property.
- Under the Neighbourhood Plan TP1.1, it states;
“‘Residential Amenity’ – Proposals should protect residential amenity and should not have an unacceptable impact on the living conditions of occupiers of neighbouring properties. This will be judged against the level of amenity generally accepted within the locality and could result from: loss of privacy or overlooking, overbearing and dominant impact, loss of daylight or sunlight, noise or disturbance, odours or fumes;”

- With this in mind, it appears that the plans do not fall in line with the Neighbourhood Plan TP1.1 and I am not entirely sure what purpose these windows will serve as all the light for the space will come from the front five leaves of bi-fold/sliding doors which themselves are south/south-east facing. At the very least the windows in the side elevation should contain obscured glass but ideally should be changed in design to hi level/highline windows with obscured glass.
- On the West Elevation they are proposing doubling the size of the balcony. Given that the balcony directly overlooks the private patios and rear garden of number 20 Meadcombe Road (taking into account TP1.1 of the plan) it could only be considered reasonable that the two glass panels that overlook this neighbouring property are designed to allow for the levels of privacy required. In 2013 I applied for a first floor terrace in 55/1836/13/F at No.16 and was required to provide 1.8m tall obscure glass panels to protect the amenity of this applicant (No.18). I think the same standard of screening must be required for these balcony proposals.
- The permanent residents of 20 Meadcombe Road, a relatively newly rebuilt two storey home on the Mead Estate, Thurlestone, directly to the west of No.18. An extension to the front of No.18 Meadcombe Road has been proposed with the most threatening element being an enlarged and improved first floor balcony at the front of the house. Due to the staggered building line of these detached houses No.18 is set behind No.20 and the proposed balcony directly overlooks the only private amenity areas of No.20, in particular its intimate rear garden which contains a hot tub and patio/sitting out area. It is acknowledged that there is already a modest and narrow balcony at No.18 overlooking No.20, but the increased forwards projection of the balcony entirely changes the type of balcony on offer to the residents of No.18. There would be new vantage points for overlooking the only remaining private garden spaces at No.20 and the current modest sitting out area at No.18 will be superseded by a substantial new terrace area capable of entertaining guests or eating al fresco due to its squarer space. This is an intensification of use of this area of the house. The result will be substantially more overlooking and disturbance at height to No.20 from 5 metres away. [Neighbouring residents] are not opposed to some form of balcony to the front of the houses on this side of Meadcombe Road, but not to the extent that it destroys the only remaining private garden space at their home. It is only a matter of equity and fairness that No.20 is afforded the same amount of protection from overlooking that No.18 was afforded in 2013 when No.16 were obliged to erect 1.8m privacy screens for exactly the same form of development that is being proposed in this application. It can be seen from the picture above taken from the back garden of No.20 that the new balcony will require 1.8m high privacy screens on the first two return panels of the balcony and obscured glazing to a standard 1.1m height on the diagonal return panels to prevent overlooking of sensitive parts of the neighbour at No.20. Council officers might also want to note that two applications in 2015 (55/2207/15/F) and 2016 (2498/16/HHO) were both refused and both dismissed at appeal at No.16 Meadcombe Road proposing very similar first floor development close to No.18's back garden, on the grounds of overbearing and enclosing neighbour impact. The objection is that the proposed balcony will clearly be more intensively used than the current narrow terrace and it will result in an unacceptable increase in overlooking and loss of privacy at No.20 Meadcombe Road, in particular the rear garden area which is the only private amenity space at the house. Obscure glass screens are required on the two lengths of balustrade directly facing No.20 and obscure glazing on the angled return balustrade. [Later corrected by the writer to request that all panels facing no. 20 should be obscure glazed].
- Further to our earlier objection to the larger balcony and its overlooking impact on No.20's rear garden, the agent has submitted further documents in late August that we were not informed about until a recent phonecall, which show that overlooking will increase into the back garden of No.20 in particular. The neighbours are particularly concerned that the increased angle of view, in addition to a larger more attractive balcony, will mean they will be subject to a considerable extra loss of privacy.
- We know that SHDC officers have been comfortable refusing larger balconies on the grounds that more intensive use at height can lead to greater overlooking and greater noise and disturbance. Indeed, we have reflected back on the current applicant's complaints about improving the balcony at No.16. That application may be several years ago, but planning

policy regarding overlooking was precisely the same as it is today. The applicant of this application objected to their loss of privacy, even though the changes to the balcony were little different to that being proposed in this latest application.

- The result of those objections can be seen in the photos attached which were insisted upon and conditioned by SHDC officers considering the application at No.16. It seems patently unfair and inconsistent to consider allowing unscreened balconies close to neighbouring gardens having insisted on screens in an almost identical situation on the opposite side of the house. You must be able to understand the concerns being raised that the objectors in this case are being unfairly treated if screens are not required by condition or by design.
- We consider that the side panels of the balcony being proposed should be 1.8m opaque material at the very least.
- Further to the objection of 28th Sept, Mr Robin Hart of No.20 Meadcombe Road has asked me to send you the attached photo from his rear garden which shows the overlooking problem.
- Furthermore, Mr Hart has highlighted to me that during the reconstruction of his dwelling under permission 55/2946/14/F (which went to committee on neighbour amenity grounds), the applicant in this latest case objected to secondary side facing bedroom windows potentially overlooking their front garden (which is not particularly private) and SHDC obliged by ensuring the first floor windows were obscure glazed as follows: 5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (No 2) Order 2008 (or any Order revoking and re-enacting this Order). The first floor windows in the east elevation of the dwelling hereby permitted shall be glazed in obscure glass, be fixed closed, and thereafter so maintained. Reason: To protect the amenity and privacy of residents of adjoining property.
- As has been previously expressed, the neighbours only seek consistency when they have been forced in no uncertain terms to obscure windows and erected 1.8m high balcony screens to protect No.18, yet the same rules of privacy do not appear to apply to this application as it is currently shown.

One letter of support have been received and includes the following points:

- I write in support of this application. The need for this extension was created as a result of the large dwelling erected recently on the plot of 20 Meadcombe Road which reduced the sea view aspect from No 18.
- The complaint from No 20 regarding reduced privacy resulting from the balcony change is spurious. Photographs supplied by South Hams Planning on behalf of Mr & Mrs Hart show that the existing balcony already allows views into their "back yard". The redesigned balcony with an increase in area of less than 10% is architecturally pleasing and not intended for viewing the back yard at No 20! The new house at No 20 was built by Mr & Mrs Hart knowing the balcony arrangement at No 18 and it was clearly acceptable to them then.
- The objection from the owner of No 16 needs to be corrected. Their redesign some years ago involved turning accommodation "up-side-down" and added a huge balcony on top of their previous garage. Planning constraints were placed to ensure the established privacy at No 18. They do not apply to this application at No 18. The rear of the planned extension looks in the direction of the driveway at No 16 but overlooking is academic as there is a full hedge along the common boundary. The bedroom referred to is not the main bedroom but a spare room created from the previous garage. There is incidentally full view into this bedroom from the highway of Meadcombe at present.

Relevant Planning History

Planning Application Reference	Proposal	Site Address	Decision
55/1500/77/2: ARM	Construction of houses	Plots 16 18 & 20 Meadcombe Road Thurlestone	Conditional approval: 24 Jan 78

55/1165/78/2: ARM	To swop house types approved for plots 16 & 18	16 & 18 Meadcombe Road Thurlestone Mead Estate Thurlestone Kingsbridge	Withdrawn: 10 Nov 78
55/1409/85/3: FUL	Erection of porch	18 Meadcombe Road Thurlestone Kingsbridge	Conditional approval: 29 Oct 85
55/1926/12/F: FUL	Householder application for first floor extension to dwelling	18 Meadcombe Road Thurlestone Kingsbridge TQ7 3TB	Conditional approval: 10 Oct 12

ANALYSIS

Principle of Development/Sustainability

The site is located within the built form of Thurlestone and hosts a single residential dwelling; the principle of development is therefore established, subject to compliance with the other protective designations in this highly sensitive location.

The applicant was advised that as submitted, the application could not be supported by Officers. The applicant was offered the opportunity to revise the scheme but declined to do, therefore the application has been determined on the basis of the plans as submitted.

South Devon AONB

Policy DEV25 requires that proposals “conserve and enhance the natural beauty of the protected landscape with particular reference to their special qualities and distinctive characteristics or valued attributes”. The proposal meets the first policy test, in that the design and palette of materials have a neutral impact on the AONB itself, as the proposal is located well within the built form of Thurlestone and changes to character and appearance of the residential area will be localised only, thereby conserving the natural beauty of the AONB. While it does not offer enhancement, given the small scale of the proposal and having regard to the current condition of the site, including the presence of an existing residential dwelling, the proposal is considered acceptable with regard to the provisions of DEV25 and TP-22 and this does not form a substantive reason for refusal.

Neighbour Amenity

Policy DEV1 sets out the criteria in order to protect health and amenity. The policy states that; “unacceptable impacts will be judged against the level of amenity generally in the locality”. It is noted that the original design of the estate staggered the placement of the individual dwellings along the road and that dwellings on this side of the road tend to be sited to the north of the plot, leaving a much larger front garden than that at the rear. As such, the dwellings have more limited private amenity space than might be expected for dwellings of this size. It is acknowledged that many of the dwellings on the Estate have been extended and altered; some of these developments challenge the integral amenity safeguards that were part of the original design of the Estate and additional measures have been secured through condition, such as privacy screens. It is also noted that there are a number of balconies in the area, not all with privacy screens and as such, there is a degree of mutual overlooking between dwellings.

A number of letters of representation were received during the consultation period, including from the Parish Council. The letters included both supportive comments and objections; both sides made reference to other similar applications determined on the Estate in recent years and there have been calls for consistency from Officers, in addition to equitable treatment by various parties.

Officers note that both dwellings adjacent to the application site have been extended and altered during recent years and that this history generates strong feelings within the surrounding area. While each application is considered on its own merits, Officers acknowledge the common theme of neighbour amenity.

Officers consider that the changes to the driveway and to the fenestration on the south elevation of the dwelling are minimal and would not be widely perceptible beyond the site boundary and are acceptable. The principle of a ground floor extension on the south elevation, in terms of its siting, footprint, design and materials palette is also considered acceptable. However, objectors, including the Parish Council have raised concerns about the potential for overlooking of the reverse-level neighbouring property (no. 16) from two windows within the east elevation. The Parish Council have requested that these windows are removed on this basis. Officers discussed this element with the applicant and requested that the windows were obscure glazed and fixed shut; the applicant declined to make this change, stating that ventilation was required to meet Building Regulations and that the windows did not serve a bathroom, therefore obscure glazing could not be installed. Officers note the comments regarding ventilation, notwithstanding the roof light within the monopitch roof, in this context Officers consider were the development otherwise acceptable, it would have been appropriate to ensure that the two windows on the east elevation of the extension were obscure glazed and fixed shut up to a height of 1.7m above internal finished floor level, in order to safeguard the residential privacy and amenity of adjoining occupiers.

The occupants of no. 20 Meadombe Road have submitted a number of detailed objections regarding the proposed changes to the balcony and the impacts on privacy and amenity within their rear garden area to the west. All parties agree that the existing balcony overlooks the rear garden of no. 20 at present. Officers consider that the extension of the balcony, in combination with its new configuration and resiting to the western end of the south elevation, will result in an intensification of use with an increase in overlooking, noise and disturbance at height. In this context the proposal is likely to result in a harmful impact on neighbour amenity for the occupants of no 20 Meadcombe Road contrary to the provisions of DEV1(1) and TP1(1) and the guidance contained within paragraphs 13.22-13.24 of the Plymouth and South West Devon Joint Local Plan Supplementary Planning Document 2020. Officers note the requests for privacy screens and have considered this issue, unfortunately due to the shape of the proposed balcony, Officers consider that if privacy screens were required, they would appear unduly visually prominent within the street scene. On this basis, the applicant was asked if they would retract the balcony in order to secure Officer support for the rest of the scheme, however, they declined.

Officers do acknowledge that in light of the fact that there is an existing balcony that overlooks the rear garden of no. 20, the decision as to the acceptability of any changes to the balcony will be finely balanced. However, due to the impact that the new balcony would have on the limited private space available at the rear of no. 20, Officers consider that the harm is significant so as to warrant a refusal.

Biodiversity

The applicant has provided a Preliminary Ecological Appraisal to confirm that there are no ecological constraints to development on the site. The Appraisal contains a number of precautionary recommendations in order to safeguard the interests of protected species, which would be appropriate to secure through condition, were the development considered otherwise acceptable. On this basis, the proposal is considered to accord with the provisions of DEV26 and this does not form a substantive reason for refusal.

Surface Water Drainage

The applicant has proposed the use of a soakaway to dispose of surface water from the proposed scheme; it is considered appropriate to secure these details by condition 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. On this basis, the proposal is considered to accord with the provisions of DEV35 and this does not form a substantive reason for refusal.

Conclusion

Officers acknowledge that the decision is finely balanced, however, in this instance Officers consider that the extension of the balcony, in combination with its new configuration and resiting to the western end of the south elevation, will result in an intensification of use with an increase in overlooking, noise and disturbance at height. In this context the proposal is likely to result in a harmful impact on

neighbour amenity for the occupants of no 20 Meadcombe Road contrary to the provisions of DEV1(1) and TP1(1) and the guidance contained within paragraphs 13.22-13.24 of the Plymouth and South West Devon Joint Local Plan Supplementary Planning Document 2020. On this basis, the application is recommended for refusal.

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 26 March 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 21 March 2019 and West Devon Borough Council on 26 March 2019.

SPT1 Delivering sustainable development
SPT2 Sustainable linked neighbourhoods and sustainable rural communities
SPT9 Strategic principles for transport planning and strategy
SPT10 Balanced transport strategy for growth and healthy and sustainable communities
SPT11 Strategic approach to the Historic environment
SPT12 Strategic approach to the natural environment
TTV1 Prioritising growth through a hierarchy of sustainable settlements
TTV2 Delivering sustainable development in the Thriving Towns and Villages Policy Area
DEV1 Protecting health and amenity
DEV2 Air, water, soil, noise, land and light
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
DEV28 Trees, woodlands and hedgerows
DEV29 Specific provisions relating to transport
DEV31 Waste management
DEV32 Delivering low carbon development
DEV35 Managing flood risk and Water Quality Impacts

Neighbourhood Plan

Following a successful referendum, the Thurlestone Neighbourhood Plan was made at Executive Committee on 19 July 2018 and was modified on 07 October 2018. It now forms part of the Development Plan for South Hams District and is used when determining planning applications within the Thurlestone Neighbourhood Area.

The relevant policies are noted below:

Policy TP-1 General development principles

Policy TP-2: Settlement boundaries

Policy TP-7: Replacement dwellings and extensions

Policy TP-22: The natural environment

Other material considerations include the policies of the National Planning Policy Framework (NPPF) and guidance within the Planning Practice Guidance (PPG). Additionally, the following planning documents are also material considerations in the determination of the application: South Devon AONB Management Plan (2019-2024), Plymouth and South West Devon Joint Local Plan Supplementary Planning Document 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.