

PLANNING APPLICATION REPORT – Householder Developments

Case Officer: Bryony Hanlon

Parish: Salcombe

Application No: 1942/21/HHO

Agent:

Mr Alex Perraton
BBH Chartered Architects Ltd
Creek House
1 Island Street
Salcombe
TQ8 8DP

Applicant:

Mr S Khan
C/O Agent

Site Address: Genesis, Loring Road, Salcombe, TQ8 8AT

Development: (Revised plans) Householder application for alterations and extension to dwelling, including demolition of outbuilding (resubmission of application 0137/21/HHO).



Reason item is being put before Committee: Both Cllrs Pearce and Long have expressed concerns regarding the quality of the design, parking provision and the impacts on neighbour amenity.

Recommendation: Conditional approval

Conditions:

1. Standard time limit
2. Adherence to plans
3. Surface water drainage
4. Flat roof not be used as an amenity area
5. Adherence to ecological mitigation

Key issues for consideration:

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

Site Description:

The site is located within the built form of Salcombe, within a well-established residential area. The site hosts a detached, two-storey dwelling, with a garage and garden to the rear. The dwelling has been extended and altered during its lifetime. The site slopes downward from west to east and the rear of the dwelling overlooks the rear gardens of the dwellings in Grenville Road to the east.

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

The Proposal:

The original proposal comprised a two storey rear extension, with a ground floor extension projecting from the rear wall as extended. At first floor level, the fenestration was extended to comprise a fully glazed wall opening out to a first floor balcony, enclosed in solid flank walls. Two sets of fully glazed doors provided access from the new ground floor bedrooms out to the rear garden. The proposal also included the demolition of the single storey garage at the rear of the dwelling, along with the existing single storey extension at the front of the dwelling, to make way for a single parking space.

As revised, the demolition of the rear garage and front extension, together with the re-siting of the parking space has been retained; an electric vehicle charging point has been added to the parking space. The two storey rear extension, balcony and flank walls has been omitted; the extension is now confined to ground floor level only with a stepped roofline. The full height glazing at first floor level has been retained.

Consultations:

- County Highways Authority (original plans) No highways implications

- Town Council (original plans) Objection
Objection as the first-floor balcony accessed off the living area would cause overlooking of the neighbouring gardens and the properties set below in Grenville Road. This could also increase noise pollution for these adjacent properties. The design of the large window on the east elevation would cause significant light pollution to these same properties. The size of the proposed extension would significantly reduce the light to the garden of Loring Cottage thereby reducing their light amenity. Due to the sloping topography of the site, the proposed extension would be over dominant and unneighbourly. The additional bathrooms proposed would place further strain on the already overloaded sewerage system. Although one parking space would be created at the front of the property there was currently parking in the garage and to the front of it so no additional parking had in fact been created. Add to this the addition of two further bedrooms would lead to more vehicles using the property placing increased strain on the on-street parking, contrary to Salcombe NDP policies B1 (para 4) and T1 (b).

- Town Council (revised plans) No comment
No comment but there should be a condition that flat sedum roofs remain in perpetuity and are not used as balconies.

PUBLIC CONSULTATIONS

Representations:

Representations from Residents

Twenty five letters of objection were received in response to the original plans and include the following points:

- Will set a precedent
- Loss of light, sunshine and shadowing due to the mass and height of the proposed rear extension close to the neighbours boundary, this extension extends well beyond the original rear building line at a new higher level from the existing modest flat roof single story rear extension. This is exacerbated by the slopping site and will increase the overall impact and dominance of the proposal to both side of the property and to several properties in Grenville Road.
- There will be overlooking directly into neighbour's gardens from the proposed balcony, this impacts on several neighbours, particularly the shared drive entrance neighbour causing a significant loss of privacy from overlooking. This causes harm to their right to enjoy their garden space with a degree of privacy.
- The design is over-bearing and over dominant with a significantly increased footprint to the original house.
- The reduction in bedrooms from 4 to 3 with the addition of a room now called a 'study' is not acceptable as it could be easily used as a 4th bedroom. This will create greater vehicle traffic generated, only one parking space is provided to the front of the property with the removal of an existing garage removing existing parking. Therefore on-street parking will need to be utilised where there is already significant pressure to this in the most full-time populated area of Salcombe, especially during summer months. This is contrary to Salcombe NDP policies B1 (para 4) and T1 (b).
- Some have expressed concern about access to the proposed new parking space and its proximity to a substantial BT pole.
- The noise levels from a greater occupancy using the proposed balcony will result in noise and disturbance to the immediate residential area. Holiday letting use often disrespects time of day and noise can extend late into the night. This will have a negative impact on the well-being of a number of neighbours in the immediate vicinity.

Four letters of objection were received in response to the revised plans and include the following points:

- Loss of Light/Overshadowing – the proposed application, whilst reconsidering the scale of the overdevelopment of previous plans, will regardless significantly reduce hours of winter sunshine with overshadowing significant due to length of the proposed rear extension which goes well beyond the 'urban line' of all adjacent buildings on the street. The length of the proposed extension will significantly reduce light to the rear driveway with the steep gradient (not truly reflected in plans) becoming hazardous.
- Loss of Privacy – the proposed extension has always been to modernise and extend for holiday letting purposes. The owners have made no secret of this. This raises serious safeguarding concerns as we have two small children living directly next door who use the garden regularly. Our right to enjoy our garden space with a degree of privacy will be lost with no way of knowing who the property is being let to week on week.
- Loss of Amenity due to only a single car parking space being provided to the front of the property. Access to this would be across the shared driveway. This raises safety concerns. Driveway access from our lower garage is required at all times.
- Overdevelopment of Site – Although the footprint at the back of our property is shown on the plans, we have a lower than ground level garage and a single storey ground floor extension to the rear, not the two-storey height as implied in the plans.
- The land, yet again in these revised plans, drops off steeper than shown, increasing the height of the single storey extension than that shown on the plans which is overbearing on our property and others around us by the distance the development extends into the garden.
- Inadequacy of Parking/Loading/Turning – There will be loss of parking due to removal of garage. On street parking cannot currently sustain the proposed increase in property's capacity. The

position of the proposed parking to the front of the property will be potentially hazardous, as proposed parking is parallel to the house, causing lack of visibility of oncoming pedestrians and traffic. Furthermore, no consideration is given to the utility pole on the corner of the proposed parking space nor having to cross a shared driveway.

- Highway Safety – As above. The proposed parking to the front of the property cannot be accessed safely due to the utility pole and lack of visibility to pavement pedestrians and traffic on Loring Road
- Noise/Disturbance/Light Pollution – This is of huge concern. The noise levels from significantly increased occupancy and the use of the proposed elevated balcony will result in noise, disturbance and light pollution to us and the immediate residential area. Holiday letting often disrespects time limits with noise regularly extends late into night, especially during peak season. This is a real worry with bedrooms adjacent to the boundary, the closet only a few metres away. Holiday lets on Loring Road already contribute to drunken rowdiness well into the early hours with no consideration given to children that attend school the next day. The increased occupancy will have a negative impact on the overall well-being of those of us in the immediate vicinity and on children.
- Traffic Generation - Contrary to Salcombe NDP policies B1 (para 4) and T1 (b) the increase in bedrooms (the plans suggest a study when this will no doubt be a further bedroom – holiday lets don't tend to have 'studies') will cause greater traffic generation. Only a single parking space is proposed to the front of the property (with the removal of the existing garage). Therefore on-street parking will need to be utilised. Pressure on space is already at crisis point, especially during summer months.
- Smells/Drainage – The sewage and drainage on Loring Road is already at capacity in summer months. In heavy rain it can become hazardous as drains overflow. The proposed expansion and extra bathrooms will put significant, additional strain on this.

Relevant Planning History

Planning Application Reference	Proposal	Site Address	Decision	Appeal
41/1516/77/3: FUL	New bay window and new garage	Genesis Loring Road Salcombe	Conditional approval: 12 Jan 78	
41/0851/79/4: COU	Change of use of one room of house to fruit and vegetable shop	21 Loring Road Salcombe	Refusal: 25 Sep 79	
41/1277/80/3: FUL	Change of use from private dwelling with shop	'Genesis' Loring Road Salcombe	Refusal: 09 Sep 80	Unknown: 29 Jun 81
0137/21/HHO	Householder application for alterations and extension to dwelling, including demolition of outbuilding	'Genesis' Loring Road Salcombe	Withdrawn	
1345/21/PR1	Scoping Only - Pre application Enquiry for - Two storey rear extension to property, including demolition of outbuilding and front porch	'Genesis' Loring Road Salcombe	Pre-app not concluded	

ANALYSIS

Principle of Development/Sustainability

The site is located within the built form of Salcombe and hosts a single residential dwelling; the principle of extending dwellings within this context is therefore established.

Design, Scale and Massing

A number of objections were received in response to the original plans; these cited a range of concerns regarding the overall increase in height and bulk associated with the two storey rear extension and large flank walls with integrated privacy screening. Officers agreed that the scheme represented a significant quantum of development that was beyond the capacity of the site. The overbearing impact of the scheme, in combination with the overshadowing effects was exacerbated by the level changes between the application site and the houses to the east, which are set below the application site. As such, Officers advised that applicant that the proposal could not be supported. The applicant was requested to omit the first floor extension and full height glazing and to set the rear extension further down into the garden, with a reduced length, in order to minimise impacts on neighbours associated with the increase in bulk. The applicant was also asked to omit the first floor balcony and to add a green roof to the extension. The proposal was revised and reduced; the rear external balcony was omitted and the extension confined to the ground floor only, with a stepped green roof. Officers note that not all of the changes that were requested have been incorporated into the revised scheme and in this context, the final design is somewhat compromised and does not represent the least impactful form of the development. However despite repeated objections during the second consultation period, Officers do not consider that the revised scheme would result in such significant harm in terms of its design, scale, massing and visual impact within the public realm so as to warrant a refusal. In this context, the proposal is considered to accord with the provisions of DEV20, DEV23 and SALC B1.

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 Salcombe 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 SALC ENV1.

Neighbour Amenity

A number of objections to the original scheme raised concerns with regards to overlooking from the new rear balcony and glazing, along with the overbearing impact that the increased bulk would be likely to have on surrounding neighbours. After discussions with the applicant, the proposal was revised and reduced; the rear external balcony was omitted and the extension confined to the ground floor only. The applicant was asked to remove the large expanse of first floor glazing and revert to standard height windows. Unfortunately, the applicant declined to make this change and Officers are mindful that it is possible to create Juliette balconies under the provisions of permitted development. Officers consider that in this context, it would not be possible to substantiate a refusal solely on this basis.

However, Officers do consider that the use of the roof of the extension as an outdoor amenity area would result in an unacceptable impact on neighbour amenity through increased overlooking, noise and disturbance at height, contrary to the provisions of DEV1 and DEV2, as noted by the Town Council. As such, it is considered appropriate to impose a condition preventing the use of the flat roof as an outdoor amenity in order to safeguard the residential privacy and amenity of adjoining occupiers. On this basis, the proposal is considered to accord with the provisions of DEV1 and DEV2.

Officers note that safeguarding concerns have been raised during the course of the consultation, with specific reference to the potential occupancy of the dwelling by holidaymakers; these matters are not within the scope of planning, which is concerned with residential amenity as a whole. As such, this matter is not considered further within this report. Similarly, issues of anti-social behaviour associated with holidaymakers is considered beyond the scope of planning control as separate legislative controls exist to deal with these issues.

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 is acceptable.

Foul Drainage

It is noted that the proposal will create one additional bedroom and one additional bathroom. While Officers do acknowledge the concerns of local residents regarding impact on the foul drainage system in the vicinity, particularly in the context of seasonal variations in occupancy, Officers do not consider that the impact from the proposed development alone would result in such significant harm so as to warrant a refusal solely on this basis. Furthermore, South West Water have not raised any concerns with regards to the proposal. As such, the proposal is considered to accord with the provisions of DEV35.

Highways Safety

The application comprises the removal of the existing garage and extension at the front of the dwelling to create a replacement parking space; the existing vehicular access remains unchanged. The applicant has also included an electric vehicle charging point. Officers note a number of objections have cited concerns regarding parking both within the site boundary and the pressures on on-street parking within the local streets. However, it is noted that Devon County Council Highways Team have not raised any concerns with regards to the scheme in respect of highways safety. It is noted that the additional bedroom is likely to increase occupancy of the dwelling, however, the increase in occupancy associated with the additional bedroom is unlikely to result in such a significant increase in demand for parking so as to warrant a refusal solely on this basis.

It is also noted that there is a telegraph pole at the front of the dwelling, while concerns have been raised regarding this element and the potential impacts on vehicular access, the proposal does not include any changes to the pole itself. On balance, it is considered to accord with the provisions of DEV29 and DEV32.

Conclusion

Whilst the revised proposal has not completely eliminated public objection to the scheme, on balance, the proposal is considered acceptable and it is therefore recommended that the application be granted conditional approval.

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

Planning Policy

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
DEV22 Cornwall and West Devon Mining Landscape World Heritage Site
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 Salcombe Neighbourhood Plan was made at Executive Committee on 19 September 2019. It now forms part of the Development Plan for South Hams District and is used when determining planning applications within the Salcombe Neighbourhood Area. It is not considered that the proposal conflicts with the policies below;

SALC ENV1 Impact on the South Devon Area of Outstanding Natural Beauty.
SALC B1 Design Quality and safeguarding Heritage Assets

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.

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 4048.01

Block Plan 4048.02 Rev A

Received by the Local Planning Authority on 16 June 2021

Proposed Site Plan 4048.23 Rev E

Proposed Plans and Elevations 4048.20 Rev D

Received by the Local Planning Authority on 15 September 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. The drainage scheme shall be installed in strict accordance with the approved plans, maintained and retained in accordance with the agreed details for the life of the development, unless otherwise agreed in writing by the LPA.

Reason: To ensure surface water runoff does not increase to the detriment of the public highway or other local properties as a result of the development.

4. The recommendations, mitigation and enhancement measures of the Ecological Report, by Colin N. Wills on 23 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.

5. The flat roofed area on the east elevation of the dwelling above the ground floor accommodation shall not be used as a balcony or outdoor amenity area at any time.

Reason: In in order to safeguard the residential privacy and amenity of adjoining occupiers.