

PLANNING APPLICATION REPORT

Case Officer: Curtis Badley **Parish:** Newton and Noss **Ward:** Newton and Yealmpton

Application No: 2463/23/HHO

Agent:

Mr Mark Evans
Mark Evans Planning Limited
Cedar House
Membland
Newton Ferrers, Plymouth
PL8 1HP

Applicant:

Mr Robin Pratten
14 Butts Park
Newton Ferrers
PL8 1HY

Site Address: 14 Butts Park, Newton Ferrers, PL8 1HY



Development: Householder application for new 2 storey front extension, attic conversion, single storey rear extension & garage to existing 3- bedroom mid-terraced house (resubmission of 0824/23/HHO)

Local Ward Members, namely Cllr Dan Thomas and Cllr Tom Edie have asked that the application be heard by Committee for the following reason(s):

Cllr Dan Thomas:

“I regret that I cannot give my support to your decision and as such would like it sent to DMC, please. I also note the Parish Council support for the application.

My reasons as follows:

DEV20 of the Joint Local Plan requires developments to have proper regard to the pattern of local development and the wider development context and surroundings in terms of style, local distinctiveness, siting, layout, orientation, visual impact, views, scale, massing, height, density, materials, detailing, historic value, landscaping and character.'

I would argue that in the wider development context of Newton Ferrers and Noss Mayo, the application does have regard to DEV20.

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".

In the context of the existing dwellings, I am unconvinced that DEV25 is relevant.

The proposed two storey front extension by virtue of its scale, elevation, position, materiality and design would be significantly detrimental to the character and appearance of the existing property and surrounding area.

I disagree. While I respect that as an officer, you have to follow strict policy, I will argue that character and appearance need to be seen and considered in context.

Cllr Long – on this occasion, I would also like to request a site visit please, to view the application in its local context."

Cllr Tom Edie:

"Given Dan's view as outlined below I support his assertions and that this should be sent to DMC."

Recommendation: Refusal

Reasons for refusal:

1. The proposed two storey front extension by virtue of its scale, elevation, position, materiality and design would be significantly detrimental to the character and appearance of the existing property and surrounding area. The proposal is contrary to policies DEV 20, DEV23 and DEV 25 of the Plymouth & South West Devon Joint Local Plan (2019- 2034), paragraph 13.36 of the associated Supplementary Planning Document, policies N3P-4 (i and iii) and N3P-9 of the Newton and Noss Neighbourhood Plan and Paragraph 134 of the National Planning Policy Framework.

Key issues for consideration: Design, Scale, Overbearing, South Devon Area of Outstanding Natural Beauty, Neighbour amenity

Site Description:

14 Butts Park is a two storey terraced dwelling on the outskirts of Newton Ferrers, beyond the settlement boundary, defined within the Neighbourhood Plan. The application site is located within the South Devon Area of Outstanding Natural Beauty (AONB).

Proposal:

Householder application for 2 storey front extension, attic conversion, single storey rear extension & garage. The proposal is a resubmission of previously refused application: 0824/23/HHO which was of the same description and is further detailed below.

Consultations:

- Devon County Highways Authority: No Highways Implications
- Newton Ferrers and Noss Mayo Parish Council: Support

“NNPC support the plans for the house and garage, but the CMP currently on the portal does not conform to the N&N Parish Council template. We understand there is a new CMP dated 14.09.2023 (created by Newbury Design) which would be acceptable.”

Representations:

Representations from Residents

Six letters of representation in support of the scheme have been received and cover the following points:

- Enhancement of property appearance
- Suitable addition to support existing family dwelling

An additional letter of representation in support of the scheme has been received following the request from Ward Councillors for this item to be considered at committee and covers the following point:

- Design, layout and appearance promote positive growth for the area

Whilst considered as part of the application, it is not considered that this additional representation materially changes the Officers recommendation and assessment laid out below.

Relevant Planning History:

0420/21/HHO - Householder application for proposed front and rear dormer extensions and single storey rear extension. Erection of garage to rear
Conditional Approval – 22 February 2021

1411/22/VAR – Application for variation of condition 2 (approved plans) of planning consent 0420/21/HHO
Conditional Approval - 11 May 2022

0824/23/HHO - Householder application for 2 storey front extension, attic conversion, single storey rear extension & garage
Refusal - 28 June 2023

ANALYSIS

1. Principle of Development/Sustainability:

- 1.1. 14 Butts Park is an existing dwelling located within the residential setting where the principle of extending and altering a residential dwelling is established and is demonstrated through the previous planning permission granted.

2. Design and Landscape:

- 2.1. The previous application (1411/22/VAR) considered the proposed attic conversion, single storey rear extension and garage which remains extant. The Officer assessment considered that the alterations would not fundamentally affect the subservient nature of the alterations, or the residential character of the street scene. Further, the Officer considered the location of the site within the AONB and in consideration of its residential character and small-scale of the alterations were satisfied the setting of the AONB landscape was conserved.
- 2.2. In contrast to the previously approved proposals, the current application also seeks to extend at first floor level, to the front of the property, above the previously permitted ground floor entrance hall. The application is the resubmission of previously refused application: 0824/23/HHO which sought the provision of a 'two storey front extension, attic conversion, single storey rear extension & garage' alike the current proposal. Unlike the previously refused application, the current application seeks to use tile hanging to the first-floor element of the proposed front extensions external front and side walls, to introduce two small front facing windows within the South (front) elevation of the first-floor element of the proposed front extension and to use a three central windows within the roof of the proposed front extension. Within the previous scheme, the external facing material was to be brick to match the existing, there were no additional windows within the first floor of the front extension and only a single small window was to be inserted into the roof.
- 2.3. The proposed extension extends centrally above the previously approved ground floor extension projecting 2.15 metres forward of the principal elevation. The proposal uses a mono-pitch roof with three large roof lights and meets the eaves of the existing dwelling at 5 metres. The first-floor element of the extension is proposed to be built of tile hanging with a concrete interlocking tiled roof and white uPVC windows – to match the existing dwelling.
- 2.4. The application submission outlines that the details and dimensions of the new bathroom closely match the details submitted as part of the application for 6 Butts Park, approved on 22nd January 2019 (0200/19/HHO). It is considered that the policy background between the neighbouring scheme and current proposal is materially different and requires additional assessment of the proposal following the adoption of the Plymouth & South West Devon Joint Local Plan and associated Supplementary Planning Document.
- 2.5. DEV20 of the Joint Local Plan requires developments to have proper regard to the pattern of local development and the wider development context and surroundings in terms of style, local distinctiveness, siting, layout, orientation, visual impact, views, scale, massing, height, density, materials, detailing, historic value, landscaping and character.'

- 2.6. Paragraphs 13.35 and 13.36 of the Joint Local Plan Supplementary Planning Document sets out that the front of a dwelling is usually the most visible part of the building. It often follows a clear/defined building line, helping to define the character of the street. Extensions that project forward of the existing house will generally be resisted. Where a street has a clear established building line, the only development that might be acceptable at the front is likely to be a small, sympathetically designed porch.
- 2.7. In certain circumstances, an exception may be permitted where there is no obvious building line, where the property is set back from other houses, or where front extensions are a feature of houses in the street or dwellings in more rural locations where there is no 'street scene'.
- 2.8. Policy N3P-4 of the Newton and Noss Neighbourhood Plan sets out that residential extensions shall be of high design quality which is clearly derived from the site context and respects the architectural context of adjacent buildings and be in keeping with its site and surroundings, in terms of scale, density and massing and not constitute over-development. It also states that extensions must also be in proportion with the existing building.
- 2.9. In this case, the proposed extension is sited forward of the existing property, at first floor level where it would be widely visible from the surrounding protected area. Whilst the appearance of the existing property is, to an extent, altered by the front boundary fencing which has been erected to the front of the property and previously approved ground floor entrance hall and dormer window extensions – it largely retains its architectural qualities which are synonymous with the adjacent terrace. The terrace exhibits a clearly established building line and the majority of properties within this area have not developed their roofscapes and have limited development to the front at ground floor level through modest porch extensions.
- 2.10. The proposal is not considered to be sympathetically designed and fails to maintain the good standards of design sought to protect and improve the quality of the built environment. The proposed extension by virtue of its scale, elevated position and design would be significantly detrimental to the character and appearance of the existing property and surrounding area. The scheme would be contrary to policy N3P-4 (i and iii) of the Newton and Noss Neighbourhood Plan, policy DEV20 of the Joint Local Plan and associated paragraph 13.36 of the Joint Local Plan Supplementary Planning Document.
- 2.11. It is considered that this planning harm is emphasised by the use of hanging tiles for the top half of the new façade and the introduction of additional windows which appear visually contrasting to the rest of the terrace which does not display such materiality or visual interruptions at this level.
- 2.12. The proposal also is contrary to the National Planning Policy Framework which sets out that significant weight should be given development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents. Paragraph 134 states that "development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents"

- 2.13. It is recognised that a similar proposal has been undertaken with the benefit of planning permission (0200/19/HHO) to a nearby property within the terrace, 6 Butts Park. However, it is not considered that this extension, alike the proposal would represent good design and the current proposal represents poor design which would create further harm if replicated across the terrace. Further, it is not considered that the qualities of the character and appearance of the area have been altered to an extent which would justify the approval of this application where significant planning harm has been identified.
- 2.14. The site lies within the AONB where development plan policies DEV23 and DEV25 afford significant weight to the conservation and enhancement of landscape character, visual amenity, natural beauty and the special qualities of the AONB. In addition, policy N3P-9 of the Newton and Noss Neighbourhood Plan seeks to conserve the landscape by ensuring development complies with national and local strategic policies for the AONB (including DEV23, DEV25 of the JLP and the South Devon AONB Planning Guidance).
- 2.15. Whilst located within the context of existing built form, the proposed development does not promote high quality development and fails to conserve or enhance the visual amenity of the protected landscape. The proposed two storey front extension proposal fails to maintain the good standards of design and is of a scale and position which negatively impacts upon the qualities and character of the AONB. The extension would therefore be contrary to policies DEV23 and DEV25 and policy N3P-9 of the Newton and Noss Neighbourhood Plan.

3. Neighbour Amenity:

- 3.1. The proposed development is not considered to present any additional significant impact upon neighbouring amenity in consideration of the proposals scale and siting to the centre of the dwelling house and acceptability of the previous scheme which was considered to be acceptable in terms of policy DEV1 and neighbour impact.

4. Ecology:

- 4.1. The Preliminary Ecological Appraisal by Green Lane Ecology with reference: #01723/GLE found no evidence of use by bats or bird nesting and sets out precautionary measures to avoid any harm during building works. The appraisal also sets out the examples of provision of biodiversity enhancement in accordance with the NPPF. On this basis, the proposal accords with Joint Local Plan policy DEV26 which seeks to protect and enhance biodiversity.

5. Highways/Access:

- 5.1. Officers do not consider the proposed scheme to introduce any highways or access issues. As such, the proposal is considered to accord with the provisions of policy DEV29 of the Joint Local Plan.

6. Climate Emergency:

- 6.1. Alike the previously approved scheme, solar panels which provide a minimum of 1KW of electricity generation are shown on the Southern side of the garage roof and electric charging points are noted for use by the two vehicles parked inside. In addition, the current proposal also seeks to install an Air Source Heat Pump adjacent to the proposed rear extension. These proposed measures are considered to accord with the JLP policy DEV32 and the Plymouth and South West Devon Climate Emergency Planning Statement which was adopted November 2022.

7. Drainage:

- 7.1. The proposal is sited within Flood Zone 1 (which has a low probably of flooding from rivers and the sea) and is outside of any Critical Drainage Area. The application demonstrated the capacity for foul water drainage. The proposal indicates that there will be a soakaway in the front garden to deal with surface water drainage and this appears to be in accordance with Policy DEV35 of the Joint Local Plan.

8. Other Matters:

- 8.1. Whilst the proposed development would allow the increase in size of bedroom three through the relocation of the existing bathroom and would represent increased living accommodation available to the existing family, this would not be considered to hold sufficient weight to overcome the planning harm outlined above.
- 8.2. The application at 6 Butts Park, approved on 22nd January 2019 (0200/19/HHO) was considered within a policy background which is materially different to the current scheme.
- 8.3. At such time, the previous case officer relied upon the now revoked South Hams LDF Core Strategy and Development Policies DPD with limited weight given to the emerging Plymouth & South West Devon Joint Local Plan. In considering the merits of this previous proposal, case officer recommendations were informed by the weight that can be attributed to emerging JLP policies, which were considered to be at an advanced stage, and adopted development plan policies, as well as the degree of conformity with the 2019 NPPF.

9. Conclusion:

- 9.1. The proposed development, whilst largely representative of a previous extant grant of planning permission, introduces a first floor front extension which fails to maintain or improve the character and qualities of the existing property and surrounding area which has designated protection as an Area of Outstanding Natural Beauty.
- 9.2. The proposed two storey front extension by virtue of its scale, elevation, position, materiality and design would be significantly detrimental to the character and appearance of the existing property and surrounding area. The proposal is contrary to policies DEV 20, DEV23 and DEV 25 of the Plymouth & South West Devon Joint Local Plan (2019- 2034), paragraph 13.36 of the associated Supplementary

Planning Document, policies N3P-4 (i and iii) and N3P-9 of the Newton and Noss Neighbourhood Plan and Paragraph 134 of the 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
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
DEV10 Delivering high quality housing
DEV20 Place shaping and the quality of the built environment
DEV23 Landscape character
DEV25 Nationally protected landscapes
DEV26 Protecting and enhancing biodiversity and geological conservation
DEV29 Specific provisions relating to transport
DEV35 Managing flood risk and Water Quality Impacts

Neighbourhood Plan

Following a successful referendum, the Newton & Noss Neighbourhood Plan was adopted at Executive Committee on 19 July 2018. It now forms part of the Development Plan for South Hams District and should be used in deciding planning applications within the Newton & Noss Neighbourhood Area. The relevant policies of the neighbourhood plan to the consideration of this application are:

N3P3-3 Development Policy areas
N3P-4 Development and construction
N3P-5 Movement & Parking
N3P-6 Drainage & Flooding
N3P-9 Protecting the Landscape

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) (2020)

South Devon Area of Outstanding National Beauty Management Plan (2019)

Plymouth and South West Devon Climate Emergency Planning Statement (2022)

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.