

OFFICER'S REPORT

Case Officer:	Alexis Wilson		
Parish:	Dartmouth	Ward:	Dartmouth & East Dart
Application No:	0156/24/HHO		
Applicant:	Mr Bradley Hughes 1b Mile End London Road Bath BA1 6PT	Agent:	Mr Matthew Halstead 1b Mile End London Road Bath BA1 6PT
Site Address:	28 Redwalls Meadow Dartmouth TQ6 9PR		
Development:	Householder application for erection of single storey ancillary residential annexe & associated works		



Reason item is being put before Committee: Cllrs Cooper and Yardy request the application is brought before Committee “on the grounds that DTC identified as grounds for refusal”.

Recommendation: Conditional Approval

Conditions:

1. Standard Time Limit
 2. Adherence to Plans
 3. Pre-Commencement – Drainage Scheme (*agreed in writing 29/02/2024*)
 4. Natural Slate of UK/EU origin
 5. Natural stone
 6. Natural timber cladding
 7. Ancillary use only
 8. Removal of PD Rights
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Consultations:

- Town Council: Comment: *The Committee recommend refusal on the grounds the annexe was a standalone building and the development was a sub division of a plot. Reference DNPTE1 of the Dartmouth Neighbourhood Plan*
- DCC Highways: No Highways Objections

Representations:

Representations from Residents

Eight (8) letters of objection have been received, which raise the following points:

- The building of yet another dwelling is neither necessary or needed.
- 28 Redwalls Meadow is currently being advertised as an Air B and B offering accommodation for up to ten people
- This is the latest in a series of failed or withdrawn applications for the site
- The remaining plot comprising 28 Redwalls Meadow is constrained a
- There is no additional parking provided.
- Would represent an overdevelopment of a constrained site and cause further disturbance for those living nearby
- Actual content / layout is not specified
- Independent one or two bedroom house
- Seriously affecting neighbourhood amenity, privacy, and noise levels would create additional parking issues on Mount Boone and/or Redwalls Meadow
- Would be dominant and this proposal is out-of-keeping with the historic environment in this part of Dartmouth
- This proposed "annexe" does not comply with DEV20 (Place shaping and the quality of the built environment), DEV 23 (Landscape Character) and DEV25 (Nationally protected landscapes) of the Adopted Plymouth and South West Devon Joint Local Plan; also DEV 10.4 (Residential Annexes) and DEV 10.6 (Development

of Garden Space) of the adopted Supplementary Planning Document 2020 and DNP GE1 (Impact on the South Devon AONB).

- The plot is not large enough for two additional properties
- As an annex it would contravene JLP Policy DEV10.4, since (a) it is physically separate from the main building, (b) it has its separate access on to Mount Boone, (c) it has little dependence on the main house and (d) it has no functional relationship with the main house.
- Appearance is not sympathetic with, or subservient to, the main house.
- It is my understanding that letting the existing property for 10 people is a material change of use for which planning permission has not been obtained.
- The proposed building could easily be adapted to be a self-contained property, separate from 28 Redwalls Meadow, and then how would the Council enforce the principle residence requirements set out in the JLP and DNP?
- Adopted planning policies require development to conserve and enhance landscape and scenic beauty within the AONB; poor design is recognised as harmful
- The proposal does not fit the development pattern of Mount Boone and Redwalls Meadow and will harm local character
- It does not maintain local distinctiveness and adversely impacts on heritage assets in the immediate vicinity (Dartmouth Conservation Area, Listed Building and Walls 1197501, DNP non-designated heritage asset historic wall north side of Mount Boone).
- Green landscape character has been eroded following approval of 0445/23/FUL with large retaining structures and fences. The proposal will exacerbate hard landscaping and reduce garden area contrary to JLP Policy DEV23.
- The proposal fails in any way to meet local housing needs as set out in the DNP and so is contrary to Policy DNP H1. If used as a self-contained unit this would in addition be contrary to DNP H4.
- The design is worse than the previous withdrawn application (3221/23/HHO) which proposed a 'green monopitch roof'
- A pitched slate roof is now proposed, with numerous roof lights set in rows, more in keeping with a factory than a domestic building. This would create ugly light and noise pollution.
- It is out of keeping with the surrounding residential area
- The drainage plan is misleading and inaccurate as the conditions refer to the withdrawn application, i.e. 'green roof'. The slate roof will increase run off to soakaways in what is a constrained area, steeply sloping below the boundary
- The increase in accommodation would add to the number of people using the recently approved pedestrian access onto Mount Boone, by possibly up to a dozen people including children and pushchairs.
- The ancillary residential annexe is not integral to but severed from the main residence and could possibly form a separate dwelling at some future date
- No statement of use has been provided with the application.

Representations from Internal Consultees

None sought.

Representations from Statutory Consultees

None sought.

Relevant Planning History:

- 0400/22/PR4: Full Pre App - Pre Application Enquiry For - New dwelling to rear of property. (Re 3529/20/FUL withdrawn)
- 0445/23/FUL: Erection of a single dwelling and associated works.
- 15/0049/87/3: Alterations
- 15/0275/82/7-77: Erection of TV Aerial
- 15/0686/82/7-77: New two bay fire station.
- 15/0864/86/3: Alterations and extensions,
- 15/1171/86/3: Alterations and additions,
- 15/1340/78/1: Proposed Fire Station
- 15/1789/95/3: Erection of a conservatory,
- 1596/20/HHO: Householder application for erection of single storey garage, demolition of existing conservatory, alterations to existing fenestration and replacement cladding
- 1770/21/ADV: Advertisement consent for 2no. Dartmouth Fire Station entrance signs in reflective aluminium to be placed on grass verge in view of road
- 2097/22/FUL: Erection of a single dwelling & associated works (Resubmission of 3158/21/FUL)
- 3158/21/FUL: Erection of two dwellings and associated works
- 3221/23/HHO: Householder application for erection of two-storey ancillary residential annexe and associated works
- 3529/20/FUL: Application for erection of dwelling and associated residential annexe
- 0305/24/ARC: Application for approval of details reserved by conditions 3 (CMP), 5 (Soil Management Plan), 6 (Surface Water Drainage Strategy), 7 (Hedges / Stone Walls) , 10 (Boundary Treatments), 11 (Hard & Soft Landscaping) and 12 (Lighting Strategy) of planning consent 0445/23/FUL

Design	YES OR NO
Would the proposal maintain the character and qualities of the area in which it is proposed?	Yes
Would the proposal appear in-keeping with the appearance of the existing dwelling, street and area?	Yes
Would the materials, details and features match the existing dwelling and be consistent with the general use of materials in the area?	Yes
Would the proposal leave adequate garden area and green space to prevent the proposal appearing as an overdevelopment of the site?	Yes
Is the parking and turning provision on site acceptable?	Yes
Would the proposal generally appear to be secondary or subservient to the main building?	Yes

Amenity	YES OR NO
Is the proposal acceptable with regard to any significant overlooking/loss of privacy issues?	Yes
Has the proposal been designed to respect the amenities of neighbouring properties avoiding unreasonable loss of light or an overbearing impact?	Yes

Is the proposal acceptable with regard to any significant change or intensification of use?	Yes
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Heritage	YES OR NO
If sited within a Conservation Area, would the proposal preserve or enhance the character and appearance of the Conservation Area?	N/A
If within the setting of, or a listed building, a) Will the development preserve the character and special architectural or historic interest of the building? b) Will the development preserve the setting of the building? Grade I II II*	Grade I II II* N/A
(WD only) If sited within the World Heritage Site will the development affect the outstanding universal value of the designated area?	N/A
Other Impacts	
Does the proposal comply with DCC Highways standing advice such that it does not adversely affect highway safety?	Yes
Is the relationship with the PRow acceptable?	Yes
Impact on protected trees a) Will this be acceptable b) Can impact be properly mitigated?	Yes
Has the proposal been designed to prevent the loss of any significant wildlife habitats or proposes appropriate mitigation where this has been demonstrated to be unavoidable?	Yes
If the proposal within the National Landscape, is the impact acceptable upon the special qualities of the National Landscape?	Yes
Are the drainage details acceptable?	No
If sited within a Flood Zone 2 or 3 or Critical Drainage Area is the application accompanied by an acceptable Flood Risk Assessment?	N/A

ANALYSIS

The following **analysis** is given where the answer to any of the preceding questions is **no** or there are comments from any party or consultee.

1. Principle of Development/Design/Scale:

1.1 When assessing the overall acceptability of a new building in this location, Policy DEV10.4 of the Plymouth and South West Devon Joint Local Plan (JLP) notes that annexes should be 'clearly ancillary' to the principal dwelling. In order to help both Officers and applicants understand whether the relationship between a proposed annex and the host dwelling is acceptable, the Supplementary Planning Document (SPD) provides guidance on the key features to be expected of a truly ancillary unit. The SPD notes that the level of dependence will be consistently considered by the LPAs based on the criteria set out below.

1.2 Annexes that demonstrate little dependence, i.e. are self-contained of the main dwelling, and appear effectively to be proposals for a new dwelling, will likely be refused planning permission the LPA will normally expect an annex to:

- o Be an extension to the existing dwelling, or an outbuilding sited within its garden;
- o Be functionally related to the main dwelling, for example where the occupant is a dependent relative of the main dwelling's resident(s);
- o Be used only in conjunction with the main dwelling;
- o Be in the same ownership as the main dwelling;
- o Be accessed via the main dwelling or its garden and not by means of an independent access.
- o Be reliant on facilities and floor space provided by the main dwelling such that it cannot be occupied completely independently;
- o Share a garden or other outdoor amenity space with the main dwelling, with no boundary demarcation or sub division of the land between the main dwelling and the annexe; and
- o Be designed in such a way as to easily allow the annex to be used as an integral part of the main dwelling

(paragraph 4.130 of the JLP Supplementary Planning Document)

1.3 The proposed annex contains a single room with attached shower room, with no additional living area or kitchen facilities, is set close to the parent property, within the immediate garden space and is accessed via the main property entrance, with which it shares parking space. There is no request for change of use (a Householder application type – as has been submitted - cannot be used to change use in any case) with the description stating that the building is to be used as an annex ancillary to the main house. In addition, the size falls below that required for an independent two-person dwelling in space standards guidance (44m² compared to a required 50m²).

1.4 Using the guidance given within DEV10.4 and paragraph 4.130 of the JLP SPD, Officers consider that the application meets the parameters to be assessed as being an annex, and is therefore acceptable in terms of proposed use. For this reason, Neighbourhood Plan Policies DNP TE1 (subdivision of existing plots) and DNP H4 (Principle Residence) - as noted by Dartmouth Town Council as not being adhered to - are not deemed to apply as the permission requested is for an annex to an existing residential property, not a new independent dwelling.

1.5 With regards scale, design and material finish, policy DEV20 of the Plymouth and South West Devon Joint Local Plan (JLP) requires development to meet good standards of design. Proposals must have proper regard to the pattern of local development and wider surroundings in terms of (amongst other things), style, local distinctiveness, scale, materials, historic value, and character. DEV23 requires development to conserve and enhance the townscape by maintaining a local area's distinctive sense of place and reinforcing local distinctiveness. Neighbourhood Plan Policy DNP TE2 reiterates this, specifying that design be "reflective of the appearance and character of the area" (DNP TE2a) and that the external materials should be locally distinctive, natural and "where possible sourced within South Devon" (DNP TE2d).

1.6 The proposed single storey annex is to be constructed of natural slate and natural stone with a small element of natural timber cladding to the front, all of which are considered good quality low carbon materials which can be found throughout the local built landscape. The roof echoes that of the host dwelling in terms of pitch and material finish. The single storey height is more than 4m lower than the ridge of the host, and 2m below eaves height; as such the annex respects the primacy of the parent dwelling and is not deemed overbearing. The remaining garden area is adequate, and the available amenity space not impacted to a detrimental degree.

1.7 With regard the skylights, these are deemed modest in scale compared to the total roof area and unlikely to have a substantive impact in terms of light-spill, set as it is amidst a large number of other residential dwellings and well-lit public road networks.

1.8 Overall the scheme is considered to meet the provisions of DEV10, DEV20 and DEV23 of the JLP and DNP TE2 of the Dartmouth Neighbourhood Plan.

2. Landscape/South Devon National Landscape:

2.1 The development site is situated in the South Devon South Devon National Landscape (SDNL). 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”. Officers are required to assess the direct, indirect and cumulative impacts on natural beauty and policy encourages small-scale proposals that are sustainably and appropriately located and that conserve and enhance the natural beauty of the landscape.

2.2 Whilst the proposal does not specifically enhance the natural beauty of this protected landscape, the design is deemed to be neutral within the wider built environment and appropriate to its landscape context. As such the proposal is considered to be compatible with the provisions of DEV23 and DEV25 of the JLP.

3. Heritage:

3.1 Policy DEV21 of the JLP requires that “the significance, character, setting and local distinctiveness of heritage assets should be considered within an appropriate assessment to determine impact (DEV21.1) and “great weight will be given to the conservation of the Plan Area's designated heritage assets” (DEV21.2). Neighbourhood Plan Policy DNP TE3 requires development to “respect and enhance the Dartmouth Conservation Area” (TE3a).

3.2 Officers note that the application site is outside of the Conservation Area and Conservation Area buffer (100m and 60m away respectively), and the closest heritage asset is No.17 Mount Boone - ‘The Keep’ - located 63m away to the southwest. The topography of the site, height of surrounding walls and single storey design of the proposed annex results in there being no visibility from the wider public realm and no impact on these local heritage assets.

4. Neighbour Amenity:

4.1 Policy DEV1 requires that all proposals safeguard the health and amenity of local communities. To this end, new development should provide for satisfactory daylight,

sunlight, outlook, privacy and protection from noise disturbance for both new and existing residents.

4.2 The proposal is an annex to the main dwelling. It is single storey and set away from neighbouring properties. Due to the topography of the site and surrounding area it will sit well below the level of the boundary fences/walls. Parking will be provided within the context of the parent dwelling, which has a private parking space which could easily accommodate up to 6 vehicles. There is no visibility into the gardens or windows of the neighbouring dwellings and no detrimental impact on the daylight, sunlight and privacy afforded to these dwellings. As such the proposal is deemed to meet the requirements of DEV1.

5. Drainage:

5.1 DEV35 states that, where development is necessary LPAs will “ensure that it is safe without increasing flood risk and pollution elsewhere” and that development should incorporate sustainable water management measures to minimise surface water run off (DEV35.4).

5.2 The site does not fall within a Critical Drainage Area or Flood Zone 2/3 and is not, therefore, considered a high risk flood area. Details of the drainage scheme have not been provided and as such it was considered necessary to attach a pre-commencement condition to the approval requiring that full details of the drainage scheme be provided to, and agreed by, the Local Planning Authority prior to any development commencing. This condition was provided to the applicant and agreed in writing on 29th February 2024. With this condition attached the application is considered to meet the provisions of DEV35.

6. Conclusion:

6.1 For the aforementioned reasons, the scheme is considered to meet the provisions of DEV1, DEV2, DEV10, DEV20, DEV21, DEV23, DEV25, DEV32 and DEV35 as well as Neighbourhood Plan policies DNP TE1, TE2, TE3 and H4 and guidance contained within the JLP Supplementary Planning Document (including, but not limited to, paragraph 4.130).

6.2 As such Officers recommend the application for 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 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
DEV21 Development affecting the historic environment
DEV23 Landscape character
DEV25 Nationally protected landscapes
DEV26 Protecting and enhancing biodiversity and geological conservation
DEV28 Trees, woodlands and hedgerows
DEV29 Specific provisions relating to transport
DEV32 Delivering low carbon development
DEV35 Managing flood risk and Water Quality Impacts

Neighbourhood Plan:

Following a successful referendum, the Dartmouth Neighbourhood Plan was adopted at South Hams District Council Committee on 15th December 2022. It now forms part of the Development Plan for South Hams and should be used in deciding planning applications within the Dartmouth Neighbourhood Area.

The application is not considered to be against the provision of the following policies contained within the Neighbourhood Plan:

DNP GE1 – Impact on the South Devon Area of Outstanding Natural Beauty (AONB) Undeveloped Coast and Heritage Coast
DNP GE2 – Safeguarding the biodiversity and Green infrastructure throughout the Parish
DNP GE10 – Prevention of Light Pollution
DNP TE1 - Subdivision of existing plots
DNP TE2 – Design Quality throughout the Parish
DNP TE3 – Safeguarding Designated and Non-designated heritage assets and the conservation area of Dartmouth

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:

South Devon Area of Outstanding Natural Beauty Management Plan (2019-2024)

Plymouth and South West Devon Joint Local Plan Supplementary Planning Document (2020)
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.

Conditions in Full:

1. Standard Time Limit: The development hereby permitted shall begin not later than three years from the date of this decision.

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. Accord to Plans: The development hereby approved shall in all respects accord strictly with drawing number(s)

2706 P501 Residential Annex, Floor Plans and Elevations received on 16 January 2024

2706 LA01 The location plan received on 16 January 2024

2706 P500 Rev A Existing & Proposed Site Plans received on 16 January 2024

2706 P502 Existing & Proposed Sections received on 16 January 2024

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. Prior To Commencement – Drainage Scheme: Notwithstanding the submitted information, no development shall be commenced until full details of the most sustainable drainage option has been submitted to and approved in writing by the Local Planning Authority (LPA). Thereafter, 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. Design steps as below:

1. Soakaway testing to DG 365 to confirm the use of soakaways or to support an alternative option. Three full tests must be carried out and the depth must be representative of the proposed soakaway. Test results and the infiltration rate to be included in the report.

2. If infiltration is suitable then the soakaway should be designed for a 1:100 year return period plus an allowance for Climate change (currently 50%)..

3. Only once all of the above have been assessed and discounted will an offsite discharge be deemed acceptable. Attenuation should be designed for a 1:100 year return period plus an allowance for Climate change (currently 50%).

4. The offsite discharge will need to match the Greenfield runoff rate. This must be calculated in accordance with CIRIA C753. The discharge must meet each of the

critical return periods. Full details of the flow control device will be required. OR IF IN CDA:

The site is within a Critical Drainage Area which means that any surface water leaving the site must be limited to the 1:10 year green field runoff rate. This must be calculated in accordance with CIRIA C753. Full details of the flow control device will be required.

5. If discharging surface water to the main sewer, then written permission from SWW will be required.

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 in accordance with DEV35 of the Plymouth and South West Devon Joint Local Plan.

(Agreed in writing 29/02/2024)

4. Natural Slate: The roofs hereby approved shall be clad in blue-grey natural slates from a European source, shall be traditionally fixed using nails, not hooks, and thereafter shall be so maintained for the life of the development.

Reason: To perpetuate the use of vernacular materials and to secure the environmental credentials of the development in accordance with DEV20, DEV21 and DEV32 of the Joint Local Plan.

5. Natural Stone: All stonework, including alterations and repairs to the existing walls and the construction of new stone walls, shall be constructed of natural stone which matches the geological type, colour and texture of that occurring locally. The stonework shall be laid on its natural bed and pointed using a lime mortar with well graded sand and brush stippled joints, either flush or slightly recessed from the outer face of the stone. Machine cut or sawn faces shall not be used in the wall or for quoin stones. Thereafter, the stonework will be maintained in its natural state and shall not be rendered, colour washed or otherwise treated.

Reason: To ensure that the finishes and colours retain the character of the locality in accordance with DEV20 and DEV23 of the Joint Local Plan.

6. Natural Timber Cladding: The cladding hereby approved shall be natural timber. The cladding shall be allowed to patinate naturally and shall not be stained, colourwashed, or otherwise treated in a manner which would obscure the natural finish.

Reason: To retain the character and appearance of the host building and setting in accordance with DEV20 and DEV23 of the Joint Local Plan.

7. Ancillary Use: The annex hereby permitted shall not be occupied other than for purposes ancillary to the residential use of the dwelling known as 28 Redwalls Meadow.

Reason: The establishment of an additional independent unit of accommodation would give rise to an over intensive use of the site and have a poor spatial relationship with the main dwelling contrary to DEV10 of the Joint Local Plan.

8. Removal of PD Rights: Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) Order, 2015 (and

any Order revoking and re enacting this Order), no development of the types described in the following Classes of Schedule 2 shall be undertaken without the express consent in writing of the Local Planning Authority other than those expressly authorised by this permission:

- (a) Part 1, Class A (extensions and alterations)
- (b) Part 1, Class AA (enlargement of a dwellinghouse by construction of additional storeys)
- (c) Part 1, Classes B and C (roof addition or alteration)
- (d) Part 1, Class D (porch)
- (e) Part 1, Class E (a) swimming pools and buildings incidental to the enjoyment of the dwellinghouse and; (b) container used for domestic heating purposes/oil or liquid petroleum gas)
- (f) Part 1, Class F (hardsurfaces)
- (g) Part 1, Class G (chimney, flue or soil and vent pipe)
- (h) Part 1, Class H (microwave antenna) and;
- (i) Part 2, Class A (means of enclosure)

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 accordance with policies DEV20 and DEV23 of the Joint Local Plan.