

PLANNING APPLICATION REPORT

Case Officer: Alexis Wilson

Parish: Ringmore **Ward:** Charterlands

Application No: 0633/23/HHO

Agent:

Mr David Glascock
David Glascock Architecture
38 New Meadow
Ivybridge
PL21 9PT

Applicant:

Mr & Mrs Keith & Mary Bedborough
Higher Manor Bungalow
Ringmore
TQ7 4HJ

Site Address: Higher Manor, Ringmore, TQ7 4HJ

Development: Householder application for minor amendments to design, layout, materials & the introduction of ancillary accommodation in detached garage building approved under planning consent 1412/19/HHO (Retrospective)

Recommendation: Refusal

Reasons for refusal:

- 1) The proposal seeks to create a unit capable of independent habitation within the curtilage of Higher Manor Bungalow, reinforced by the increase in ridge height and installation of dormer windows which give the appearance of a domestic dwelling, along with the proposed installation of bathroom, kitchen, living space and bedroom. As such the proposal is against the provisions of SPT2 and DEV10 (4) and paragraphs.4.128 – 4.130 of the JLP Supplementary Planning Document.
- 2) The scheme creates an overbearing structure which is not appropriate in terms of scale or design in the context of the host dwelling or the wider landscape and is considered against the provisions of SPT1 (3v), SPT2 (10, 12), TTV29 (5), DEV20 (1, 2, 3, 4, 5), DEV23 (1, 2, 3, 4), DEV24 (3, 5) and DEV25 (8) of the Joint Local Plan; RNP2 (1, 5) and RNP5 (1, 4) of the Ringmore Neighbourhood Plan, and guidance contained within the JLP SPD (including, but not limited to, paragraphs 13.6, 13.37, 13.39, 13.75).
- 3) The use of red/brown clay tiles in the construction creates an incongruous and visually prominent building within this protected landscape and against the provisions of DEV20 (1, 2, 3, 4, 5), DEV23 (1, 2, 3, 4) and DEV25 (8) of the JLP
- 4) No satisfactory foul drainage solution has been proposed and the application is subsequently against the requirements of DEV35 (4, 8) of the JLP.

Key issues for consideration:

Principle of Development; Design/Mass/Scale; Materials; Heritage; Landscape; Neighbour Amenity; Drainage

Site Description:

Higher Manor Bungalow is a large detached bungalow set within private grounds on the edge of the built form of the village of Ringmore in the South West Devon Area of Outstanding Natural Beauty. Due to its location outside of the sustainable settlements listed within the Plymouth and South West Devon Joint Local Plan (JLP) (paras. 5.8-5.11) the application site is assessed as being within the Countryside when it comes to policy guidance.

Higher Manor Bungalow was granted planning permission for extensions and alterations along with a new replacement garage under permission 1412/19/HHO.

The Proposal:

The proposal relates to a garage building built since permission 1412/19/HHO was granted conditional approval in September 2019. The applicant's believed they were building within the parameters of the permission granted but failed to adhere to the plans approved. The scheme now applied for – retrospectively – is as follows:

- Detached garage building measuring 11.6m in width by 8m in depth by 7.15m in height
- Three rear facing dormer windows to first floor (north elevation)
- Clay tiles in "Farmhouse Red" shade
- Self-contained accommodation on first floor
- Windows in the ground floor on north, east and west elevations
- Two garage doors and one access door to south elevation

Consultations:

- County Highways Authority - No Highways Implication
- Parish Council - **Objection** with the following comments:
 - Increased roof height and addition of 3 dormer windows will increase the size by more than 50% of the original dwelling and does not comply with TTV 29.2.
 - Garage footprint has moved 850mm west and 900mm south but no valid reason has been given (in line with SPD 11.84) for moving the building. The plan does not comply with TTV 29.4.
 - Building is 740mm taller than the permitted and does not comply with TTV 29.4, SPS 11.78/11.79/11.81 or DEV 8.

- New building is described as being for temporary residential use but the fit out and dormer windows suggests otherwise. Therefore plan does not comply with TTV 29.3.
- All materials should have been approved in writing by the LPA but the tiles chosen have not been.
- Changes made are not “minor amendments” but constitute a significantly different building.

(Full response can be viewed on the South Hams website under the above application reference)

- Historic England - No advice given
- South Hams Society - **Objection** noting the following points:
 - Total floor area has doubled
 - Ridge height has noticeably increased
 - Addition of three dormer windows has radically changed the design of the roof
 - Farmhouse red tiles are incongruous and an inappropriate visual intrusion

(Full response can be viewed on the South Hams website under the above application reference)

Representations:

Representations from Residents

26 letters of **objection** were and cover the following summary points:

- Alterations are not “minor” so description is wrong
- 50% larger than permitted
- Roof higher than permitted and dominates the skyline
- Change of use from garage to domestic dwelling
- Incongruous features
- Bright red tiles not in keeping with the area or the main house
- Roof incongruous and can be seen from footpath network
- Fails to meet protective criteria of AONB and Undeveloped Coast
- Not sympathetic to the historic village, nearby Listed church or Conservation Area
- Ground floor fenestration indicates use other than parking of cars
- Three extra dormer windows are visually intrusive
- Owners intention to create residential accommodation
- Footprint is not on original footprint permitted and no valid engineering reason for moving location
- Against TTV29.5 as not appropriate in scale or design in the context of the host dwelling

- Additional accommodation creates a 5+ bedroom dwelling does not meet local housing need requirements
- Incongruous to AONB setting
- Impacts on views from AONB, Aymer Cove and public footpaths
- Proposal disregards Ringmore Neighbourhood Plan
- Original plan was for 3 garage spaces, current plan only shows 2
- Pitch of roof has changed and no longer matches that of the current house
- Cavity walls, radiators and first fix wiring at ground floor level indicates this will not remain a garage
- Foundations were dug prior to original planning approval (July 2022)
- Divisions of ground floor have been altered and internal doorways created
- Individually nailed slate roofs would offer equal performance when subjected to high winds
- Affects protected view 40 of the Ringmore Neighbourhood Plan
- Against TTV29.3 which states “the number of new dwellings is no more than the number of dwellings to be demolished and replaced”
- Ridgeline setting makes it very prominent
- Previous permission is void due to expired time since the garage has not been built to the plans approved.
- Previous application for garage with height of 6.2m was refused – new proposed height is 6.74m

(Full response can be viewed on the South Hams website under the above application reference)

Representations from Internal Consultees

Tree Officer - No objection on arboricultural merit

Relevant Planning History:

Application Reference	Application Detail	Decision
40/1960/06/F	Alterations and extensions to dwelling	Conditional Approval
40/1545/09/F	Householder application for alterations and extension to dwelling with associated garage block	Conditional approval
1412/19/HHO	Householder application for ground and first floor extension with terrace, replacement roof and replacement of existing garage buildings with a new garage	Conditional Approval, 19/09/2019

ANALYSIS

Principle of Development/Sustainability:

Higher Manor Bungalow is a residential property set within the built form of the village of Ringmore in a landscape designated as being South Devon Area of Outstanding Natural Beauty and Heritage Coast. The site is located within the open countryside and hosts a residential dwelling. Policy TTV29, 'Residential extensions and replacement dwellings in the countryside' of the Joint Local Plan (JLP) establishes the principle of extending dwellings within this context subject to consideration that the design and scale of the extension is appropriate for the setting.

The main property has been in residential use for the whole of its existence and has undergone a number of extensions and alterations over its lifetime. As such the principle of development is established with regards to the main dwelling. The garage however, which is the focus of this application, was permitted under 1412/19/HHO for the parking of vehicles and storage space ancillary to the main dwelling only. As such there is no principle of development with regards to residential use or the creation of a separate self-contained dwelling in this location, and the submission of a Householder Application cannot establish this principle.

Notwithstanding the above, JLP policy DEV10 supports residential annexes where there is a functional link to the principal dwelling. Paragraphs 4.128 – 4.130 provides further guidance and advises annexes should share amenity space with the host dwelling and be accessed via the dwelling or its garden. Although a kitchen has not been shown on the submitted floorplans, on reading the detail contained within the covering letter/planning statement supplied it is clear that a kitchen, bathroom, bedroom and living space will be provided and that it is the intention of the applicant to live independently within the unit whilst works on the main property are being undertaken. In addition, the siting of the garage means that access to the proposed living accommodation would be via a shared driveway but independent to the host dwelling and its garden. As such, the proposal is contrary to DEV10.

Design/Scale/Massing:

TTV29 requires that any extension in the countryside is "appropriate in scale and design in the context of the setting of the host dwelling". As such, extensions must generally sit subservient to the host property, with a lower ridgeline (SPD paragraphs 13.6, 13.37, 13.39, 13.75). In addition, the Ringmore Neighbourhood Plan (adopted) requires that new roof heights are not higher than those of the existing attached building and no higher than the general height of buildings in the local area (RNP2.5). Whilst it states the word "attached" within the policy it is considered reasonable to extend this policy to cover adjacent ancillary buildings within the immediate curtilage of the dwelling also.

When assessing the design, mass and scale of the original scheme (1412/19/HHO) Officers noted that Higher Manor Bungalow, once changes permitted had been undertaken, would have a finished maximum height of 6.9m (increased from 6m max in its existing state), and that the new garage would be 6m in height. It was deemed that at 6m high “the garage building would be tall, but would be set back into the north eastern corner of the site, which would be unobtrusive but accessible from the driveway”. In addition the building would be seen as being subservient to the host dwelling due to being 900mm lower in line with policy. The new scheme, however, sees an increase in the ridge height of the garage building taking it to approx. 7.2m in height, resulting in it being taller than the host property and on a scale with large nearby two storey dwellings (such as Belle Vue Farm immediately opposite).

The incorporation of dormer windows into the north elevation is an incongruous addition which results in the garage having the appearance of a new dwelling within this rural location. The red/brown roof tiles utilised add to the unsympathetic finish and are not considered to have proper regard for the pattern of local development where a majority of dwellings are finished in light painted render with grey slate tiles or thatch over. It was for this very reason that the original permission carried a Condition (Condition 3) requiring samples of all external materials to be submitted to the LPA prior to installation. Unfortunately this condition was not discharged.

In addition to the increase in height, the building proposed under this application is larger in footprint (11.3m x 7.6m approved has increased to 11.6m x 8m) and the additional floor added means that the useable space has increased from 86m² floor space to 186m²; with the increase in height the volume of the building has been greatly enlarged. Officers consider this increase in building mass significant, especially considering the rural location on the very outskirts of the village with open farmland beyond. It is also deemed that the increase is not appropriate in scale of the context of the setting or the host property and therefore against the provisions of TTV29 (5).

Overall the mass of the enlarged building, the scale of the dormers, the height of the ridgeline and the visual impact of both the dormers and red tiles when viewed from the public highway and a number of Public Rights of Way is deemed by Officers to be significant and not to meet the provisions of TTV29 (5), DEV20 (1, 2, 3, 4, 5), DEV23 (1, 2, 3, 4) or DEV24 (3, 5) of the Joint Local Plan, RNP2 (1, 5) and RNP5 (1, 4) of the Ringmore Neighbourhood Plan, and guidance contained within the Supplementary Planning Document (including, but not limited to, paragraphs 4.128 – 4.132, 13.6, 13.37, 13.39, 13.75).

Landscape:

The development site is located within the South Devon Area of Outstanding Natural Beauty (AONB) and within the Heritage Coast. 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”.

Whilst it is accepted that the proposal may be deemed a minor scheme within the wider context of the AONB, due to the topography, the scale of the development and the colour of

the tiles chosen the end result is deemed genuinely impactful when viewed from the wider footpath network and a significantly large localised area. Whilst this cannot be read as causing detriment to the entire AONB as a landscape, set as it is within the built form of the village, it certainly fails to enhance or conserve the natural beauty of the area and as such can be considered against the provisions of DEV25 of the JLP.

Neighbour Amenity:

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.

Officers consider that the scheme does not cause detrimental impact to the privacy, daylight or sunlight afforded to neighbouring dwellings and as such is not against the requirements of DEV1 of the JLP.

Heritage:

The application site, whilst not within the Conservation Area or a heritage asset in its own right, is notably c. 85m from the Ringmore Conservation Area and c. 112m from Grade II* Listed All Hallows Church. Officers are mindful of the duty noted at Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area in exercising planning functions. Following a site visit it is deemed that, due to the topography of the landscape and the location of the application site separated from both the Conservation Area and All Hallows church by other buildings, the scheme did not have meaningful impact on either Heritage asset and is not considered against the provisions of DEV21.

Drainage:

Evidence submitted with regards drainage (both foul and surface water) is deemed insubstantial. A letter enclosed from South West Water confirming that they have no objection to the proposal actually relate to the application made in 2019 and not the current scheme. The new scheme adds at least one additional bedroom, one extra bathroom and a new kitchen which were not on the original scheme. As such up to date permissions would be required to draw any conclusions as to whether the proposal meets the requirements of DEV35 of the JLP. Should there be any future approval of this scheme it would have to be conditioned that a suitable drainage solution – for both foul and surface water waste – be agreed by the LPA in writing prior to any works additional commencing.

Biodiversity:

An updated Ecology Report was supplied with the application which confirms that no evidence of bat or nesting bird activity was found and that works to the garage do not need to be carried out under an Ecologist's watching brief. A number of bat and bird boxes were

required in order to enhance biodiversity and meet the requirements of DEV26 of the JLP. The recommendations of this Ecological Report should be attached by way of Condition should any future approval of the scheme be granted.

Conclusion:

Officers conclude that the development proposed does not constitute minor amendments to a previous approval but instead proposes a much larger and more visually impactful scheme which is capable of independent habitation and visually detrimental to the protected landscape in which it is located. The increased ridge height creates a dominant building and the inclusion of three prominent dormer windows at first floor height gives the appearance of a two-storey house rather than a single storey garage unit as originally permitted.

The use of red/brown clay tiles is not in keeping with the local built landscape where grey slate or thatch are the common roofing fabric and draws the eye to the building from the wide public right of way network which surrounds the village.

Additionally the applicant has failed to provide evidence of an adequate foul drainage solution.

The proposal is against the provisions of SPT1 (3v), SPT2 (10, 12), TTV29 (5), DEV10 (4), DEV20 (1, 2, 3, 4, 5), DEV23 (1, 2, 3, 4), DEV24 (3, 5) and DEV35 (4, 8) of the Joint Local Plan, RNP2 (1, 5) and RNP5 (1, 4) of the Ringmore Neighbourhood Plan, and guidance contained within the JLP Supplementary Planning Document (including, but not limited to, paragraphs 4.128 – 4.130, 13.6, 13.37, 13.39, 13.75). As such Officers recommend the application 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 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
TTV26 Development in the Countryside
TTV29 Residential extensions and replacement dwellings in the countryside
DEV1 Protecting health and amenity
DEV2 Air, water, soil, noise, land and light
DEV20 Place shaping and the quality of the built environment
DEV23 Landscape character
DEV24 Undeveloped coast and Heritage Coast
DEV25 Nationally protected landscapes
DEV32 Delivering low carbon development
DEV33 Renewable and low carbon energy (including heat)
DEV35 Managing flood risk and Water Quality Impacts
DEV36 Coastal Change Management Areas

Ringmore Neighbourhood Plan

Following a successful referendum, the Ringmore Neighbourhood Plan was adopted at Annual Council on 31st March 2022. It now forms part of the Development Plan for South Hams District Council and should be used in deciding planning applications within the Ringmore Neighbourhood Area.

The proposal is considered against the provisions of the following policies:

- RNP2 - General Design Principles for New Development
- RNP5 - Other development, subdivision of existing plots for building or extension to existing buildings

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
- 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.

The above report has been checked and the plan numbers are correct in APP and the officers report. As Determining Officer I hereby clear this report and the decision can now be issued.

Name and signature: Alexis Wilson

Date: 14 June 2023

