

OFFICER'S REPORT

Case Officer:	Curtis Badley		
Parish:	Thurlestone	Ward:	Salcombe & Thurlestone
Application No:	3629/23/HHO		
Applicant:	Tim Slade Langman's Quay West Buckland Kingsbridge TQ7 3AG	Agent:	Mr Mark Evans - Mark Evans Planning Limited Cedar House Membland Newton Ferrers Plymouth PL8 1HP
Site Address:	Onnalea, Bantham, TQ7 3AR		
Development:	Householder application for demolition of existing extension and extensions and alteration to existing dwelling, driveway improvements and associated landscaping		

Recommendation: Conditional Approval

Conditions:

1. Standard time limit
2. Adherence to plans
3. Adherence to Foul and Surface Water Drainage Details
4. Adherence to ecological mitigation and enhancement
5. Adherence to tree survey report
6. Restriction of External Lighting
7. Timing of Works (Nesting Birds)
8. Use of Low Transmission Glazing
9. Adherence to Climate Emergency Compliance Form
10. Removal of Permitted Development Rights – Roof extensions and alterations

Consultations:

- DCC Highways: No Highways Implications
- Thurlestone Parish Council: Object

“1) Permitted Development Rights recently approved:

Councillors felt the premise made in this application that the permitted development rights recently approved form a Material Planning Consideration is untrue. Therefore they should be discounted and this application should be considered as a standard (Class A) Application. The PD rights cannot be used as a bargaining tool to achieve a large development in such a highly protected area. However in discussions at the December Thurlestone PC meeting the applicants Planning Consultant let it be known that it was the

intention of his client to build both the house and the larger of the two PD buildings to the right of the house (as viewed from the estuary) while still maintaining the option to move and build the permitted development to the left of the proposed house. The implication was the existing PD Rights are definitely not being giving up in favour of the proposal for the extended house as we are encouraged to believe in this application. This whole development would therefore amount to a vast increase in size of the building overall, increasing the visual impact of the built form on this protected landscape. The Parish Council are awaiting confirmation from South Hams Planning Dept as to whether PD Rights can be rescinded legally once they have been awarded, and if such an agreement were made if it could be Appealed against at a later date.

2) Proposed New Extended Dwelling:

The existing dwelling occupies a prominent position overlooking the Avon Estuary and adjacent to the South Devon Coastal footpath. It is outside the settlement boundary of Bantham and within the National Landscape (formerly AONB) and is currently a moderately sized family dwelling. The previous planning application 0293/22/FUL was Refused by SHDC and Thurlestone PC agree with the South Hams Society that this current application still fails to address several of the officers reasons for refusal:

- i. The proposal would result in a larger dwelling in a parish which already has an over-provision of large dwellings. It would therefore exacerbate an existing imbalance in the local housing stock, contrary to policies SPT2.4 and DEV8 of the Plymouth & South West Devon Joint Local Plan (2014- 2034)
- ii. The increased built form and intensification of increased glazing, and light impact from the proposed roof lights would fail to preserve and enhance the South Devon AONB, or the special qualities of the Heritage Coast and Undeveloped Coast policy areas. The development therefore conflicts with policies DEV23, DEV24, and DEV25 of the Plymouth & South West Devon Joint Local Plan (2014- 2034), policies TP1.2, TP1.4, TP1.5, and TP22.1 of the Thurlestone Neighbourhood Plan (2015-2034), and paragraphs 174, 176, and 178 of the National Planning Policy Framework (2021).

This proposal is to demolish the existing garden room extension and replace it with 2 extensions, one on either side of the current building, which it appears would be 4 metres wider than the refused proposal when viewed from the area surrounding the Avon estuary. The building structures of both extensions are also higher than the refused proposal. In such a prominent position in the South Devon AONB a frontage of approximately 34.5mt would dominate the landscape and is a concern.

The application also contravenes the following Neighbourhood Plan Policies:

TP1.2 Design: The total size of the extended dwelling increases the footage by +58% (existing 228m² to proposed 361m²) and its volume by + 85% (existing 801m³ to proposed 1485m³) which does not reflect the scale and character proportionate and appropriate to the coastal and rural location of the Parish within the South Devon AONB. The total proposed extensions are not subordinate to the scale of the existing dwelling (TP7 2.i)

TP1.4 Dark Skies: The increased glazing on the West Elevation alone from 43.79m² to 57.17m² is an increase of 30.5% (which does not include the additional roof windows and velux roof lights also proposed for this elevation). This is considered excessive for one elevation and contravenes the NP Dark Skies Policy TP1.5. Added to this the

increased glazing on the East, South and North elevations and roofs the overall increase in glazing area in this proposal is a much larger percentage increase. As the Parish Council have not seen any designs for the buildings approved under the PD Rights the suggestion that the amount of glazing on the proposed new house is less than that allowed in the PD Rights is irrelevant. However should it be their intention to build the PD development to the right of the proposed house (as viewed from the estuary) as currently detailed, and referred to in this application as having a completely glass wall facing the estuary this is a totally unacceptable level of glazing in a highly protected National Landscape with a Dark Skies Policy.

TP1.5 Natural Environment: the size of this proposed dwelling was felt to present a major impact to the National Landscape (South Devon AONB) presenting a building potentially 34.5 mts long within one of the most prominent and unspilt views of the Avon estuary. Extending on both sides of the existing building would create a building that would practically span the plot from side to side. This increased size and dominance would impact protected views from the Avon, surrounding area and South Devon Coastal Path.

Although dismissed when considering this application it should be noted that this plot still has the recently granted Permitted Development Rights, and in addition is now seeking this planning permission to develop it even further.

Irrespective of these permitted development rights we OBJECT to this planning application for the reasons stated.”

Representations:

- South Hams Society: Object

(Comments expressed in bullet form below and available in full through the following link: <https://southhams.planning-register.co.uk/Planning/Display/3629/23/HHO>)

- Material consideration of the ‘fallback position’
- Noncompliance of existing extension with building regulations
- Structure width and height greater than refused scheme
- Not addressing previous reasons for refusal
- Prominence within landscape
- Extent of Glazing
- Suitability of drainage

Representations from Residents

One comment objecting to the scheme has been received and covers the following points:

- Visibility of proposal from highly sensitive protected location
- Overbearing structure
- Inappropriate to landscape setting
- Non conformity to the SPD relating to the undeveloped coast, glazing and the AONB
- Non conformity to the JLP relating to the sensitive location, AONB and the wider landscape

One comment supporting to the scheme has been received and covers the following points:

- Derelict state of existing dwelling, requiring renovation
- Lesser carbon impact of extension/ alteration compared to rebuilding
- Suitable Impact upon neighbouring property
- Suitable design / impact on landscape
- Reduction in glazing and suitable impact upon dark skies
- Subordinance of extension
- Provision of carbon benefits
- Suitability of resultant property size

Relevant Planning History

- 2867/21/FUL – Withdrawn – 16/11/2021
Proposed rebuilding and extension of demolished dwelling
- 0293/22/FUL – Refusal – 29/03/2022
Demolition and rebuilding of existing dwelling (Resubmission of 2867/21/FUL)
- 3366/22/CLP - Cert of Lawfulness (Proposed) Certified – 03/04/2023
Certificate of lawfulness for proposed construction of two outbuildings for incidental use (building 1 - home office/music studio& building 2 - boat storage, home gymnasium and art room)

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?	See Comments
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

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*	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 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 – See Comments
Are the drainage details acceptable?	Yes
If sited within a Flood Zone 2 or 3 or Critical Drainage Area is the application accompanied by an acceptable Flood Risk Assessment?	Yes

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.

Principle of Development:

Onnalea is an existing residential dwellinghouse located within tier 4 of the settlement hierarchy described in policy TTV1. Tier 4 includes smaller villages, hamlet, and the countryside, and the provisions of policy TTV29 (residential extensions and replacement dwellings in the countryside) should therefore be considered.

Paragraph 5 of Policy TTV29 is applicable and states that extensions in the countryside will be permitted provided: “The extension is appropriate in scale and design in the context of the setting of the host dwelling.” Further set out in paragraph 11.86 of the JLP Supplementary Planning Document, “Permission may be granted for extensions that seek to increase the size of the internal floorspace by more than 50% if there is a demonstrable uplift in the quality of the built form, that the primacy of the host dwelling is not unduly

diminished and that the proposal does not have a negative impact on the external amenity space within the proposal site.”

The property is located within the South Devon National Landscape, Undeveloped Coast and Heritage Coast where the principle of extending and altering residential properties is acceptable subject to its impact upon the surrounding protected landscape.

Understanding:

The planning history for the site (set out above) outlines that the application site benefits from a certificate of Lawfulness (reference: 3366/22/CLP) for the provision of two large outbuildings within the rear garden area of the property. These two outbuildings provide incidental accommodation to the dwelling (building 1 - home office/music studio and building 2 - boat storage, home gymnasium and art room). It is understood that the intention of this application was to set out a fallback position and relative impact of the surrounding landscape both proposed scale and massing and, the impact from the amount of glazing achievable.

It is considered that the position of the current proposal is purposefully set above these buildings to prevent their implementation in compliance with this certificate. In any case, whilst these implications are appreciated, the fallback position is only provided moderate weight in consideration of the intended use of the outbuildings, incidental to the enjoyment of the dwellinghouse which contrasts with the residential use proposed. Further, it is considered unlikely that the two proposals would be undertaken in combination as the outbuildings would likely have an adverse impact upon the outlook, daylight and sunlight to the proposed living room extension currently under consideration.

Whilst conversations have been ongoing with the agent relating to the use of a legal agreement to prevent this circumstance of dual implementation from arising it is considered that as permitted development rights are retained for the property, that this would not suitably restrict alternative developments of a similar nature being afforded under permitted development rights. Further, the restriction of permitted development rights for outbuildings under Schedule 2 Part 1 Class E would not be considered proportionate to the extension of the dwellinghouse as part of a householder planning application.

Design/Landscape:

Policy DEV20 of the 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.

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”. Further, policy TP1 of the Thurlestone Neighbourhood Plan also seeks for proposals to be locally distinctive, reflecting the style, scale and character proportionate and appropriate to the coastal and rural location of the parish within the South Devon AONB (now known as the National Landscape) – and for proposals to conserve and enhance the natural beauty of the AONB. This policy also

states that the use of natural building materials will be encouraged. Policy TP7 of the Neighbourhood Plan also seeks for proposals to be subordinate in scale and form to the existing dwelling.

The proposed development seeks to remove the existing gable ended roof and chimney, remove the existing single storey side extension and remove the existing two storey front extension. In place, the proposals seek to extend the property at single storey level to the front and sides – using a cohesive design approach with vertically pre-treated/coloured larch cladding and triple glazed aluminium clad composite joinery beneath a hipped slate roof (side extensions) and sedum roof (front extension). Further, the proposal seeks to replace the existing roof with a natural slate hipped roof with front dormer.

Whilst largely retaining the massing of the existing dwelling, the proposals are considered to create a modern design approach which suitably enhances the existing appearance of the dwelling which appears to be fairly neglected and in need of renovation. In this case, the use of suitably contrasting extensions retains the primacy of the host dwellinghouse, appearing well co-ordinated to extend the dwelling, mainly at ground floor level. The use of slate and sedum roof coverings, natural cladding and retention of the existing walls, overclad with insulation and a with render finish is considered to present a high quality, sustainable materials palette. Further, in consideration of the extensive plot size and well set out amenity and access areas, the proposals do not overdevelop the site.

The proposals increase the internal floor area of the existing dwelling from 228m² to 361m² representing a 58% increase in internal floor area, the proposal presents a demonstrable uplift in the quality of the built form, ensures the primacy of the host dwelling is not unduly diminished and does not have a negative impact on the external amenity space within the proposal site. The proposals are considered to accord with policy TTV29 on this basis.

The proposed development lies within the Undeveloped Coast and Heritage Coast and the proposals, based on the above assessment the proposal is considered to accord with policy DEV24 of the Joint Local Plan where development does not have a significant detrimental impact on the unspoilt character, appearance, or tranquillity of this area. It is considered that whilst the proposals would be highly visible from the surrounding area that the development proposed is of high quality and mainly set at ground floor level to minimise the overall height of the development, setting the resultant property into the rising hillside behind when seen from the wider surrounding area. Further, whilst the glazing does materially increase as a result of the proposals, conditions are in place to reduce light transmission from the rooflights noting that their number has been reduced through the consideration of this application. The agent has also set out the possible amount of unfettered rooflights and openings which could be achieved under permitted development within the existing roof, and this is given modest weight in the planning balance. The permitted development rights for alterations and extensions to the roof (Schedule 2 Part 1 Class B and C) are removed by condition to ensure no further changes can be implemented without the benefit of planning permission.

On balance, the proposals are considered to enhance the visual appearance of the existing dwelling through the use of a well-coordinated design, removing the poor quality flat roof elements of the existing building and use of high quality materials. The resulting impact upon the surrounding protected area is considered to be neutral as a result of the properties setting against the adjacent hillside and proportionality of extensions in consideration of the existing property and plot size. The proposal is therefore considered

to accord with policies DEV20 DEV23 and DEV25 of the Joint Local Plan and policies TP1 and TP7 of the Neighbourhood Plan.

Neighbouring Amenity:

By virtue of the extensions positioning away from neighbouring properties and the modest scale of the proposals, continuing the use of the building as a single dwellinghouse, an adverse impact upon neighbouring amenity is not expected. The proposal is therefore considered to accord with the provisions of DEV1 and DEV2 of the Joint Local Plan and policy TP1.1 of the Thurlestone Neighbourhood Plan.

Ecology:

The Mitigation Method Statement – Bats and Nesting Birds (Ecological Mitigation and Enhancement Strategy) by Colin N Wills and dated: 16th October 2023 sets out recommendations requiring compliance by condition(s) which are attached. The appraisal also sets out the provision of biodiversity enhancement recommended to be two integrated sparrow terraces, a dedicated bat loft, the creation of a bat access point and two Kent bat boxes with suitable locations recommended. The report also sets out suitable mitigation measures for reptiles and amphibians.

A condition has been attached to ensure the adherence to the recommendations of the ecological appraisal, another to restrict external lighting to mitigate against negative impacts on foraging and commuting bats and a third ecology condition is attached which limits the timing of works to protect nesting birds. The report also endorses the use of low transmission glazing to reduce the impact of sky-glow and ambient light levels and this has been secured by condition. On this basis, the proposal accords with Joint Local Plan policy DEV26 which seeks to protect and enhance biodiversity. It is noted that further licenses including an EPS license will be required in association with the proposed works.

Trees:

The Tree Survey by Phil Thomas Arboriculture and dated: 6th October 2023 sets out the mitigation and protection measures in relation to trees on site. These measures include site treatment pre-construction with the creation of a construction exclusion zone and ongoing monitoring to mitigate any risks associated with the development and post construction management thereafter. Whilst no trees are required to be removed for the development, following assessment an oak tree is to be felled due to poor condition and low classification score and moribund trees are to be felled, creating new habitats through monolith retention and hedgerow planting. On this basis, the proposals are considered to comply with Joint Local Plan policy DEV28 which seeks to avoid the loss of trees and hedgerow through development and where this cannot be avoided, to secure new native and locally appropriate trees and hedgerows as mitigation to ensure they contribute to a 'net gain'.

Highways/Access:

Officers do not consider the proposed scheme to introduce any highways or access issues. As such, the proposal would not conflict with the provisions of policy DEV29 of the Joint Local Plan and policy TP1.7 of the Neighbourhood Plan.

Climate Emergency Compliance:

The Council has declared a climate emergency and the JLP seeks to help in delivering a more sustainable future for the area, whilst at the same time supporting national and international efforts to respond to the challenge of climate change and build more resilient communities.

The proposals, through the retention and extension of the existing building is preferable to its demolition and redevelopment, retaining the existing structure and embodied carbon on site. In addition, the proposals employ a 'fabric first' approach, improving the energy efficiency of the dwelling (current EPC rating: G – lowest possible) and reducing carbon emissions. The proposals use a timber frame and triple-glazed windows and doors to help achieve this. Further energy requirements of heating are lessened through design, using of solar gain, improved building efficiency and natural cross-ventilation to prevent overheating.

The application submission sets out the provision of roof mounted PV arrays within the central roof form and the South and East elevations of the extension. In addition, an air source heat pump is proposed to provide both heating and hot water. Further, battery storage is proposed within the proposed plant room and an electric vehicle charging point at an accessible position adjacent to the driveway parking area. In consideration of these measures, the proposal does not conflict with policies DEV32 and DEV33 of the Joint Local Plan

Drainage:

The proposal site lies in Flood Zone 1 (an area which has a low probability of flooding from rivers and the sea) and outside of a Critical Drainage Area. The application has been supplemented by a foul and surface water drainage assessment which sets out the use of a drainage field and a soakaway within the rear garden of the property and confirms the use of permeable surfacing where required. The associated details within the assessment confirm through infiltration testing that these provisions will be sufficient alongside the use of a package treatment plant for foul drainage. On this basis, the proposal is considered to comply with policy DEV35 of the Joint Local Plan and has been conditioned to be undertaken in accordance with these details.

Summary:

The proposed development is finely balanced with the several benefits to the overall appearance, carbon efficiency and renewable energy production being presented in favour of the proposed development. Whilst fall back positions to construct outbuildings within the rear garden area and insert rooflights within the roof have been presented, these are afforded moderate weight in the planning balance. Further, consideration is made to the increase in glazing which will be more visible in comparison to the existing dwelling but indicated to be less than the level achieved under permitted development. It is considered that the balance is in favour of approval subject to conditions to secure these benefits and allow the retention and suitable uplift in quality and carbon credentials to the existing dwelling.

Conditions are attached to secure the implementation of the recommendations of the Ecology report, to restrict external lighting and the timings of works with respect to nesting birds. Further conditions are attached to ensure the use of low transmission glazing within

the proposed rooflights, to ensure adherence to foul and surface water drainage details, the tree survey and the Climate Emergency Compliance Form. A further condition is attached to remove permitted development rights for extensions and alterations to the roof.

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
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
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
DEV10 Delivering high quality housing
DEV20 Place shaping and the quality of the built environment
DEV23 Landscape character
DEV24 Undeveloped coast and Heritage Coast
DEV25 Nationally protected landscapes
DEV26 Protecting and enhancing biodiversity and geological conservation
DEV28 Trees, woodlands and hedgerows
DEV32 Delivering low carbon development
DEV35 Managing flood risk and Water Quality Impacts

Thurlestone Neighbourhood Plan:

Following a successful referendum, the Thurlestone Parish Neighbourhood Plan was made (adopted) as part of the statutory development plan for the area by South Hams District Council on 19 July 2018.

TP1 General Development Principles

TP7 Replacement Dwellings & Extensions
TP22 The Natural Environment

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.

The above report has been checked and the plan numbers are correctly recorded within the computer system. As Determining Officer I hereby clear this report and the decision can now be issued.
Name and signature: <i>Curtis Badley</i>
Date: 23 February 2024

Ward Member	Cllr M Long	Ward Member	Cllr S Dennis
Date cleared	N/A	Date cleared	N/A
Comments made	No response received	Comments made	No response received