

PLANNING APPLICATION REPORT – Householder Developments

Case Officer: Chris Mitchell

Parish: Ringmore

Application No: 0497/21/HHO

Agent:

Mr Simon Bronstein - Prime Design Interiors
2 Pickwick Cottages
St Anns Chapel
Kingsbridge
TQ7 4HQ

Applicant:

Mr Sam Worden
The Sycamores
Ringmore
TQ7 4HJ

Site Address: The Sycamores, Ringmore, TQ7 4HJ

Development: Householder application for alterations to include raising roof to create a second floor with two bedrooms and en-suites, new extensions for garage and entrance porch

Recommendation: Conditional Approval

Conditions

Standard time limit
Adherence to plans
Adherence to ecological mitigation
Removal of car port

Consultations:

- County Highways Authority No highway implications
- Conservation Following further information submitted and flags erected on site Officers are satisfied that the roof will not cause visual harm to the setting of the Grade II* listed church.
- Heritage England On the basis of the information available to date, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant
- Town/Parish Council 09/08/21 – No further comments
07/05/21 – Support

PUBLIC CONSULTATIONS

Representations from Residents

21/06/2021

There has been one letter of representation received from the property of Tosca stating the following

comments:

- No notice has been served on neighbour with regard the notice under article 14 certificate B application for planning permission;
- Issues of large lorries making deliveries to the site, damage to drive, issues of noise and disruption during works;
- and concern accessing narrow lanes;
- Access to the property is not via a shared driveway this is owned by the property of Tosca;
- Issue of right of way over Tosca's land;
- Issues of highway safety and traffic generation from the extension;
- A Devon hedge boundary removed does not address deeds of conveyance of maintaining hedge banks;
- Gravelling over land outside of their land ownership
- Over development and dominance, loss of light and loss of privacy to neighbouring property;
- The proposed porch would result in cause obstruction to applicants and emergency vehicles turning on site;
- Our previous objection is still relevant to the alterations to the property.

14/05/21

There have been two letters of objection have been received from the properties of Tosca and Higher Manor View stating the following:

- Design of the proposal will adversely impact upon surrounding area that is a Conservation Area, Heritage Coast and Area of Outstanding Natural Beauty;
- Harm caused to the Grade II* Listed Church of All Hallows;
- Objection to proposed roof height and dormer window overlooking the graveyard of All Hallows Church causing distress to mourners;
- Over development and dominance, loss of light and loss of privacy to both neighbouring properties;
- The applicants site is within 2m of the property of Tosca and its increase in ridge height will have a detrimental impact upon loss of light;
- The increase of the roof height is contrary to Issues of large lorries making deliveries to the site and accessing narrow lanes;
- Access to the property is not via a shared driveway this is owned by the property of Tosca;
- Issues of highway safety and traffic generation from the extension;
- Wooden car port store built in front of property and adjacent to the road this has as visual impact and requires planning permission;
- Neighbourhood Plan;
- Concern to parking provision to the property during the construction process;
- A Devon bank has been removed between the site and agricultural field and trees removed from bank adjacent to the road;
- The proposed garage extension will extend into the residential curtilage into the agricultural land and this has not been detailed on the application form;
- Concern to residential extension into the agricultural field.
- The Parish Council has failed to comment on the application, why?
- The proposal has not taken into consideration of restrictive covenant clauses.

07/05/2021

A letter of objection has been received by the South Ham Society and covers the following points:

- The removal of trees along the western boundary of the site between the property and the road into Ringmoor;

- The construction of a building forward of the principle elevation of the property adjacent to the road that harms the setting of listed church;
- Removal of Devon bank and trees (field boundary) to the east of the property and extension of residential curtilage into agricultural land;
- Harm with the removal of Devon Bank with extension into Heritage/Undeveloped Coast;

Relevant Planning History

1683/21/FUL - Change of use of agricultural field to garden for growing vegetables, and erection of poly tunnel and shed/stable – Under consideration

40/1454/90/3 – Erection of garden shed and installation of LPG tank – Conditional Approval

40/2221/89/2 – Erection of a bungalow – Conditional Approval

40/2667/88/1 – Erection of a bungalow – Conditional Approval

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

Heritage	YES OR NO
If sited within a Conservation Area, would the proposal preserve or enhance the character and appearance of the Conservation Area?	Yes
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*
(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?	N/A
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 AONB. Is the impact acceptable upon the special qualities of the AONB?	Yes
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

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.

Design and visual impact

The objection received by the South Hams Society with regard to the detrimental visual impact that this increase in roof height and insertion of a dormer on the west elevation facing the street and Grade II* Listed Church of St Hallows neighbouring graveyard is noted. However, the proposed increase in right height is some 1.1m and whilst the increase would be seen from the road and church yard it is not considered to result in significant visual detriment impact upon the character and appearance of the neighbouring Grade II* Listed church, Area of Outstanding Natural Beauty or wider local area.

The proposal has been discussed with the Conservation Officer who has stated as the Church of All Hallows is Grade II* the application needs to be re-advertised as affecting the setting of listed building and consult Heritage England. The application has been re-advertised and the Conservation Officer raises no objection to the increase in height of the building and insertion of a dormer facing the churchyard. Adjacent to Conservation Area.

The claim by the South Hams Society that the proposal fails to comply with emerging Ringmoor Neighbourhood Plan with regard to policies NP2 (General design principles for new development) and NP5 (Other development, subdivision of existing plots and extensions to existing dwellings) is acknowledged. The Ringmoor Neighbourhood Plan is at stage Regulation 16 (Consultation) and therefore only limited weight can be given to these policies.

It is noted that the Parish Council have supported this application and therefore the proposed increase in height of the roof and extension does not result in any adverse visual harm upon the existing dwelling house or harm upon setting of Grade II* listed church, street scene, Conservation Area or AONB.

The objection by the neighbour t Tosca that the dormer windows do not comply with Supplementary Planning Document Guidance TTV29 is noted. The proposed dormer windows are both set into the roof slope and are well proportioned and would not result in any adverse visual harm to the property, the setting of the Grade II* listed church or AONB.

Neighbour issues

The concern raised that the neighbour has not been served with notification of the planning application under article 14 Certificate B application for planning permission. The applicant has submitted an amended application form signing certificate B dated 9th June 2021 stating they have served notice on the neighbour, therefore the correct notice has been served by the applicant upon the neighbour.

The objection by the properties of Tosca and Higher Manor to the issues of dominance by the proposed increase in ridge height have been noted. The proposed increase in height of some 1.1m is not considered to result in dominance or significant loss of light to the closest property of Tosca. The objector's property faces towards the gable of The Sycamores and is some 12m from the property, therefore the increase in height is not considered to result in significant loss of light. The objection by Higher Manor to issue of dominance is not founded being that the property is some 65m from the application site and on higher ground so no such impact could occur.

The concern raised to the issue of the loss of privacy and overlooking by the property of Tosca from the proposed dormers is noted. The objector's property is sited to the north of the application site and both dormers are sited on the east and west elevations. No windows are proposed at first floor in the north elevation and as such no overlooking or loss of privacy can be achieved by propose development.

The issue of loss of privacy raised by Higher Manor from the proposed increase in ridge height is not founded as the property is sited some 65m to the north of the property and the north elevation does not propose any new windows.

The claim by the objectors that the proposal is overdevelopment of the site is acknowledged. However, even with the increase in ridge height and small extension on the east elevation and new porch on the north elevation, together with a large more than sufficient garden afforded to the property would not constitute the overdevelopment o the site.

The objection that the western dormer window would overlook the graveyard of The Church of All Hallows and would cause unacceptable loss of privacy to the mourners is noted. The proposed dormer would serve a bedroom that is a classed as a secondary habitable room and is separate by lane with a distance of some 18m. Therefore this window would not cause significant overlooking or harm to persons mourning their relatives.

The concern raised that the proposed porch extending from the north elevation would cause an obstruction to emergency vehicles turning is noted. The porch is of an acceptable size, is built within the applicants land, and would not cause significant obstruction to vehicles turning within the site. Therefore this objection is not a reason to refuse this application.

Consequently the proposed alteration and extension would not result in detrimental harm upon the amenity of neighbouring properties and is compliant with Local Plan Policies DEV2 and Supplementary Planning Document Policies DEV1 Protecting health and amenity, DEV1.1 Impact of new development, DEV1.2 Accessibility, DEV2.1 and DEV2.4 – Light.

Land issues

The objection received by the South Hams Society and neighbours to the issue that the proposed garage is to be built on land outside of the property's residential curtilage is noted. The applicant has submitted their land registry details of the boundary of the site and following a site visit and further evidence with photographs of the existing bank. Officers are satisfied that the proposed new garage is not being built outside of the residential curtilage of the property and therefore would not result in causing undue harm upon the Heritage/Undeveloped coast.

The concern raised to the removal of Devon bank/field boundary and extension of three properties private gardens into the agricultural field is noted. The Council's Enforcement Officer has confirmed that the removal of the bank is a field boundary not a Devon bank as claimed by the objectors and a separate planning application has been submitted to consider the proposed extension of residential curtilages into the agricultural field and will be judged on its own merits. This issue does not prevent a determination of this planning application and is a separate issue. It is noted that one application has

been 1683/21/FUL for three neighbouring properties to change the use is currently under consideration.

The concern raised to restrictive covenants are noted though these are civil matters and are not of material consideration of planning. The issue of the ownership of the access drive to the site has been noted. The application does not show a red or blue line over the access. The agent has amended the Site Location Plan with red line to the highway, signed certificate B and sent a letter to neighbour. The claim by the neighbour to refuse access for the construction is a civil matter and not of material planning consideration.

The objection to issues of builders and delivery vehicles causing obstruction and damage to the neighbouring property is noted. There is reasonable access from the highway to the property and therefore the disruption to the neighbour during construction would be minimal. Officers do not consider that there is a need for a construction management plan when the dispute raised by the neighbour is to right of access and obstructing the highway which neither the applicant nor their builder would do intentionally. The issue of right of access and damage to property are civil matters and therefore not of material planning consideration.

Tamar Valley AONB/South Devon AONB (DEV 25)

Policy DEV25 requires that proposals “conserve and enhance the natural beauty of the protected landscape with particular reference to their special qualities and distinctive characteristics or valued attributes”.

The proposed roof, side and porch extensions would not result in any adverse harm upon the character and appearance of the Area of Outstanding Natural Beauty.

Other matters

The alleged claim that trees have been removed is noted. The trees that have been removed from the land do not affect the proposed application and none of which have Tree Protection Orders on them. There are three TPO trees on the western boundary of the site adjacent to the road and none of these have been removed from the land. An owner can remove trees from their land as there is no planning restriction to such works.

The concern raised by the South Hams Society to the construction of a car port adjacent to the road and clearing of trees along the bank are noted. The erected car port would require planning permission and this has been detailed to the applicant who has agreed to remove the structure. It is recommended that a condition shall be placed on any planning permission granted for the removal of this car port and associated element within 3 months if the date of the decision.

The concern raised that the Parish Council has failed to comment is noted. The Parish Council have commented supporting the application so they have commented upon this application and this comment is not a reason to refuse the application.

Conclusion

Consequently the proposed increase in ridge height and insertion of dormers to this property does not in officer's opinion result in any significant visual harm upon the setting of the listed Church of St Hallows, setting of Conservation Area or upon the AONB and local landscape character.

This application has been considered in accordance with Section 38 of the Planning & Compulsory Purchase Act 2004, with Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and with Sections 16, 17, and 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

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).

On 26 March 2019 of the Plymouth & South West Devon Joint Local Plan was adopted by all three of the component authorities. Following adoption, the three authorities jointly notified the Ministry of Housing, Communities and Local Government (MHCLG) of their choice to monitor at the whole plan level. This is for the purposes of the Housing Delivery Test (HDT) and the 5 Year Housing Land Supply assessment. A letter from MHCLG to the Authorities was received on 13 May 2019. This confirmed the Plymouth, South Hams and West Devon's revised joint Housing Delivery Test Measurement as 163% and that the consequences are "None". It confirmed that the revised HDT measurement will take effect upon receipt of the letter, as will any consequences that will apply as a result of the measurement. It also confirmed that that the letter supersedes the HDT measurements for each of the 3 local authority areas (Plymouth City, South Hams District and West Devon Borough) which Government published on 19 February 2019. On 13th February 2020 MHCLG published the HDT 2019 measurement. This confirmed the Plymouth, South Hams and West Devon's joint HDT measurement as 139% and the consequences are "None".

Therefore a 5% buffer is applied for the purposes of calculating a 5 year land supply at a whole plan level. When applying the 5% buffer, the combined authorities can demonstrate a 5-year land supply of 6.1 years at end March 2020 (the 2020 Monitoring Point). This is set out in the Plymouth, South Hams & West Devon Local Planning Authorities' Housing Position Statement 2020 (published 22nd December 2020).

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
SPT11 Strategic approach to the Historic environment
SPT12 Strategic approach to the natural environment
DEV1 Protecting health and amenity
DEV2 Air, water, soil, noise, land and light
DEV20 Place shaping and the quality of the built environment
DEV21 Development affecting the historic environment
DEV23 Landscape character
DEV24 Undeveloped coast and Heritage Coast
DEV25 Nationally protected landscapes
DEV26 Protecting and enhancing biodiversity and geological conservation
DEV29 Specific provisions relating to transport

Ringmore Neighbourhood Plan

The application is located within the parish of Ringmoor a Neighbourhood Plan is currently at Reg 16 and being prepared for the parish. The Plan is at stage Regulation 16 (Consultation) and therefore only limited weight can be given to these policies.

NP2 (General design principles for new development)

NP5 (Other development, subdivision of existing plots and extensions to existing dwellings)

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) July 2020 was adopted by Plymouth City Council on 22 June 2020, West Devon Borough Council on 9 June 2020 and South Hams District Council on 16 July 2020.

South Devon AONB Management Plan (2019-2024)

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: C Mitchell

Date: 01/09/2021

Officer/Member Delegated approval

Ward Member - Cllr Taylor

Date cleared - 01/09/2021

Comments made - I have visited this site recently and I would agree with your comprehensive report so I am happy to give you my delegated authority 0497/21/HHO

Ward Member –

Date cleared

Comments made -