



**PLANNING REF: Ref 3273/23/HHO**

**DESCRIPTION: Householder application for changes to dwelling (part retrospective) (resubmission of 0633/23/HHO)**

**ADDRESS: Higher Manor, Ringmore, TQ7 4HJ**

**LETTER OF OBJECTION FROM THE SOUTH HAMS SOCIETY**

**24 November 2023**

### **The South Hams Society interest**

For the last 60 years, the South Hams Society has been stimulating public interest and care for the beauty, history and character of the South Hams. We encourage high standards of planning and architecture that respect the character of the area. We aim to secure the protection and improvement of the landscape, features of historic interest and public amenity and to promote the conservation of the South Hams as a living, working environment. We take the South Devon Area of Outstanding Natural Beauty very seriously and work hard to increase people's knowledge and appreciation of our precious environment. We support the right development - in the right places - and oppose inappropriate development.

In objecting to retrospective application Ref 0633/23/HHO 'for minor amendments to design, layout, materials & the introduction of ancillary accommodation in detached garage building approved under planning consent 1412/19/HHO' The Society made the point the proposed amendments were anything but minor.

'What was a single story garage', we wrote, 'is now a two-storey building with living accommodation on the first floor. The total floor area has doubled. The ridge height of the roof has noticeably increased. The addition of the three Dormer Windows has radically changed the design of the roof, while the Redlands Farmhouse Red clay tiles are an incongruous and arguably inappropriate visual intrusion in to the locality.'

In support of that application the applicant's agent attempted to explain those discrepancies, claiming:

'the applicants have pursued construction of the garage and have deviated from the approved plans, unknowing of the issues this will bring. Mr and Mrs Bedborough were also unaware of the condition that needed to be discharged, and didn't appreciate the impact the changes in design would also have on their current planning permission'.

But, and as we pointed out:

'Yet even if Mr and Mrs Bedborough either failed or were unable to read that Decision Notice, ignorance is no excuse. Perhaps more pertinently, their architect/agent for the current application was also their architect/agent for that previous application. In other words, not only will he have been aware of the need to comply with those conditions but, unless he can demonstrate otherwise, it is more than probable he is responsible for the design of the garage/house currently under construction. The identity of the individual responsible for producing the plans to which the builders of the development are currently working will confirm whether this supposition is correct.'

A copy of the Society's Objection is attached.

Significantly the agent for this latest application (3273/23/HHO) remains the same agent responsible for the previous two applications and, as far as the garage is concerned, this new application does little more than remove the three dormer windows and make some cosmetic alterations to the eaves.

Yet it is not that agent who has submitted the statement in support of this application. Instead the applicants and/or their agent have commissioned a statement from Context Logic Limited, an organisation offering consultancy in Town Planning, Urban Design and Historic Building Conservation.

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*Even without the red tiles, the ridge height of 7.2 metres ensures the garage features prominently in the landscape. Reduced to the previously approved 6.0 metres a noticeable proportion of the garage would be screened by the trees in the immediate foreground.*

In their statement Context Logic accept the ridge height of the garage is 1.2 metres higher than the previously approved height of 6m in application 1412/19/HHO. Consequently it is worth noting that the Officer Report accompanying that application had originally concluded:

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. Overall, the garage would represent a subservient addition to the main house and is therefore acceptable.

Again, when recommending refusal of 0633/23/HHO the case officer took the view that at a height of 7.2m the garage (as had been built):

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 went on to add:

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.

Choosing to ignore these concerns Context Logic declare 'it is proposed to retain the existing built out ridge height'. In support they suggest that any problem is really only as a consequence of the degree of excavation for the garage being less substantial than that proposed in the 2019 approval. In other words, even though their client has chosen to ignore the requirements of their original planning consent, they should not be penalised. Instead they should be permitted to benefit from their breach.

Similarly going back to 2006 when the initial application for alterations and extensions to the dwelling at Higher Manor were first submitted, Condition 5 of the Decision Notice for that application (40/1960/06/F) required:

5. The garages shown on the drawings hereby approved shall remain in perpetuity for the parking of vehicles.

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Reason: To ensure that adequate parking facilities are provided and to prevent the proliferation of new buildings in the countryside.

That requirement was subsequently modified in the Decision Notice for 1412/19/HHO, with Condition 5 of that Notice now reading:

5. The garage hereby approved shall be used only for purposes ancillary to the private dwelling and for no business or commercial purposes.

Reason: To safeguard the residential amenity of neighbours.

And the fact remains, were this application to be granted and the applicants permitted to effectively do no more than remove the dormer windows while still retaining the current ridge height, other uses would still be feasible. So it should be noted that in recommending refusal of 0633/23/HHO the case officer decided:

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.

So in doing no more than substituting Velux windows for the Dormer windows the scheme would clearly still remain capable of independent habitation. Custom Logic tell us:

the LPA has no in principal objection to the space being used for a workshop or store... The LPA identified a preference for the upper floor to be used simply for storage space. Consistent with this, the application... preserves an open space to the first floor for the purposes of storage and uses incidental to the enjoyment of the dwelling house.

It is therefore worth noting that even were the LPA to be happy for the garage to be used for purposes other than housing motor vehicles, and 'for the upper floor to be used simply for storage space' – a purpose for which 'uses incidental to the enjoyment of the dwelling house' might be thought to conflict, by requiring the ridge height of the building to be lowered back to the originally approved height of 6m officers would ensure that the upper floor could still be used for storage purposes but the ceiling height would be too low for independent habitation.

Officers will also be aware that the Decision Notice for application 40/1545/09/F required:

3. The roofs of the buildings shall be clad in natural slates, fixed in the traditional manner with nails rather than slate hooks. Any hips shall be finished with a close mitre or narrow cement fillet rather than hip tiles. Prior to development commencing, a full roofing specification including the types and sizes of natural slates to be used, together with the type, colour and profile of the ridge tiles shall be submitted to and approved in writing by the Local Planning Authority.

while Condition 3 of the Decision Notice for application 1412/19/HHO made clear that:

3. Prior to their installation details/samples of all external materials, including roofs, to be used in the construction of the proposed development shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with those samples as approved.

Suffice to say the applicants and their architect/agent would appear to have ignored both these conditions, with the result that the Decision Notice for 0633/23/HHO found:

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.

Despite this finding Custom Logic are of the opinion:

the tiles match the character, size and material of those on the house, and once weathered, will match in colour.

No doubt this suggestion will come as a surprise to many, not least Ringmore Parish Council, who in their objection to 0633/23/HHO declared:

the use of red tiles is in stark contrast to other roof materials used in the area.

Given Ringmore Neighbourhood Plan Policy RNP 2.5 requires:

New roof heights are not higher than existing attached buildings and no higher than the general height of buildings in the local area

and the current height of the garage is higher than any other structure on the North East side of Rectory Lane,

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while there are no red-coloured tiles on the roofs of any of the other houses in Ringmore, the Society is of the belief that the LPA should not only refuse this application but also:

- a) require the ridge height of the roof of the garage to be reduced to no more than 6m
- b) for the red roof tiles to be replaced with natural slates

To do otherwise would be to condone the fact that the applicants and/or their architect/agent chose to ignore conditions imposed by the LPA, even though they were almost certainly fully aware of those conditions, to now profit from those breaches and retain the ability to subsequently make use of the building for independent habitation, and to send out a message that planning conditions can effectively be ignored with impunity.

Finally it's also separately worth noting that the house, which is also part of this application, not only proposes to utilise the same red roof tiles as the garage, but has reinstated both the window glazing on the west frontage as well as the use of cladding on the house itself.

According to the Officer Report for application 1412/19/HHO:

The initial proposal included weatherboard cladding to the entire first floor, and glazed picture windows extending right up to the apex of the gables to the west elevation. Officers did not support this expanse of cladding at first-floor level, considering it to be out of keeping with the traditional village vernacular. Given the views from the west elevation out across the countryside towards the sea, the apex glazing was also considered inappropriate due to the light impact that this could have on the rural character and AONB setting.

The proposal was therefore revised, replacing the cladding with render, and removing the apex glazing. At first floor, the west elevation now contains three sets of sliding doors, with solid panels extending above into the gables.

Despite this, and as elevation drawing P14 demonstrates, the current planning application (3273/23/HHO) has reinstated both cladding (note 4) and glazing (note 7). Separately the ridge height of the house will also be noticeably higher than both the existing bungalow and the current height (7.2m) of the garage, significantly increasing its prominence on the skyline ridge.

Consequently, and as it stands, any refusal should also make clear that the current plans for the house are also unacceptable.

Richard Howell - Chair

for and on behalf of the South Hams Society





**PLANNING REF: Ref 0633/23/HHO**

**DESCRIPTION: 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)**

**ADDRESS: Higher Manor, Ringmore, TQ7 4HJ**

**LETTER OF OBJECTION FROM THE SOUTH HAMS SOCIETY**

**22 May 2023**

### **The South Hams Society interest**

For the last 60 years, the South Hams Society has been stimulating public interest and care for the beauty, history and character of the South Hams. We encourage high standards of planning and architecture that respect the character of the area. We aim to secure the protection and improvement of the landscape, features of historic interest and public amenity and to promote the conservation of the South Hams as a living, working environment. We take the South Devon Area of Outstanding Natural Beauty very seriously and work hard to increase people's knowledge and appreciation of our precious environment. We support the right development - in the right places - and oppose inappropriate development.

According to the covering letter from the applicant's architect and agent, this retrospective application 'seeks minor amendments to the design, layout and materials of the detached garage building approved under Ref: 1412/19/HHO'.

However the 'amendments' are anything but minor.

What was a single story garage is now a two-storey building with living accommodation on the first floor. The total floor area has doubled. The ridge height of the roof has noticeably increased. The addition of the three Dormer Windows has radically changed the design of the roof, while the Redlands Farmhouse Red clay tiles are an incongruous and arguably inappropriate visual intrusion in to the locality.



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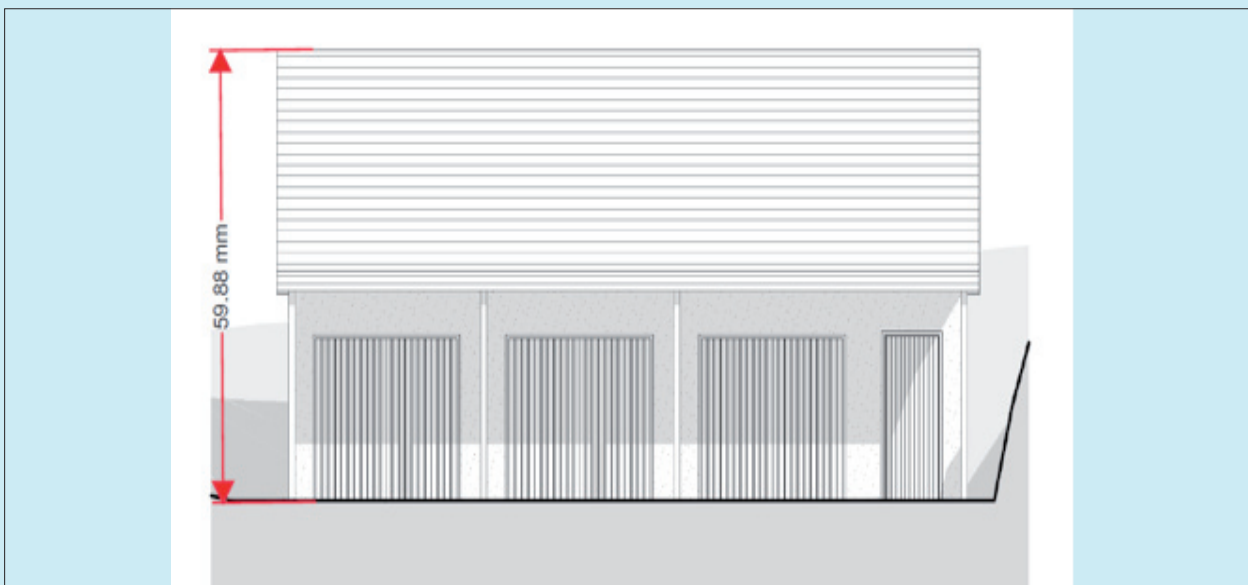
At the time, the Officer Report for the original application noted: 'The pitched roof design is more reflective of the rural character of the site than a more domestic flat roof, whilst the materials proposed would match the main dwelling to create a sense of cohesion within the site.' With the addition of the Dormer windows and alternative choice of tiles, that is clearly no longer the case.

The Officer Report continued: '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.'

But with the ridge height of the roof now standing at 6.74m and the building on rising ground, the combination of the increase in ridge height and the elevated location, the visual intrusion on the landscape is inevitably the greater. More pertinently the building is visible on the skyline from footpaths number 3, 9 and 10. It can also be seen from the permissive footpath to the north east of the site which joins footpath no. 26 – protected 'Ringmore View' no. 11 according to the Ringmore Neighbourhood Plan.

**Planning Application Ref: 1412/19/HHO - Drawing P.12 P. B, Proposed Garage Elevations**

*As the officer stated, '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. Overall, the garage would represent a subservient addition to the main house and is therefore acceptable.'*



*The proposed elevation as shown on application 1412/19/HHO (above) and 0633/23/HHO (below)*

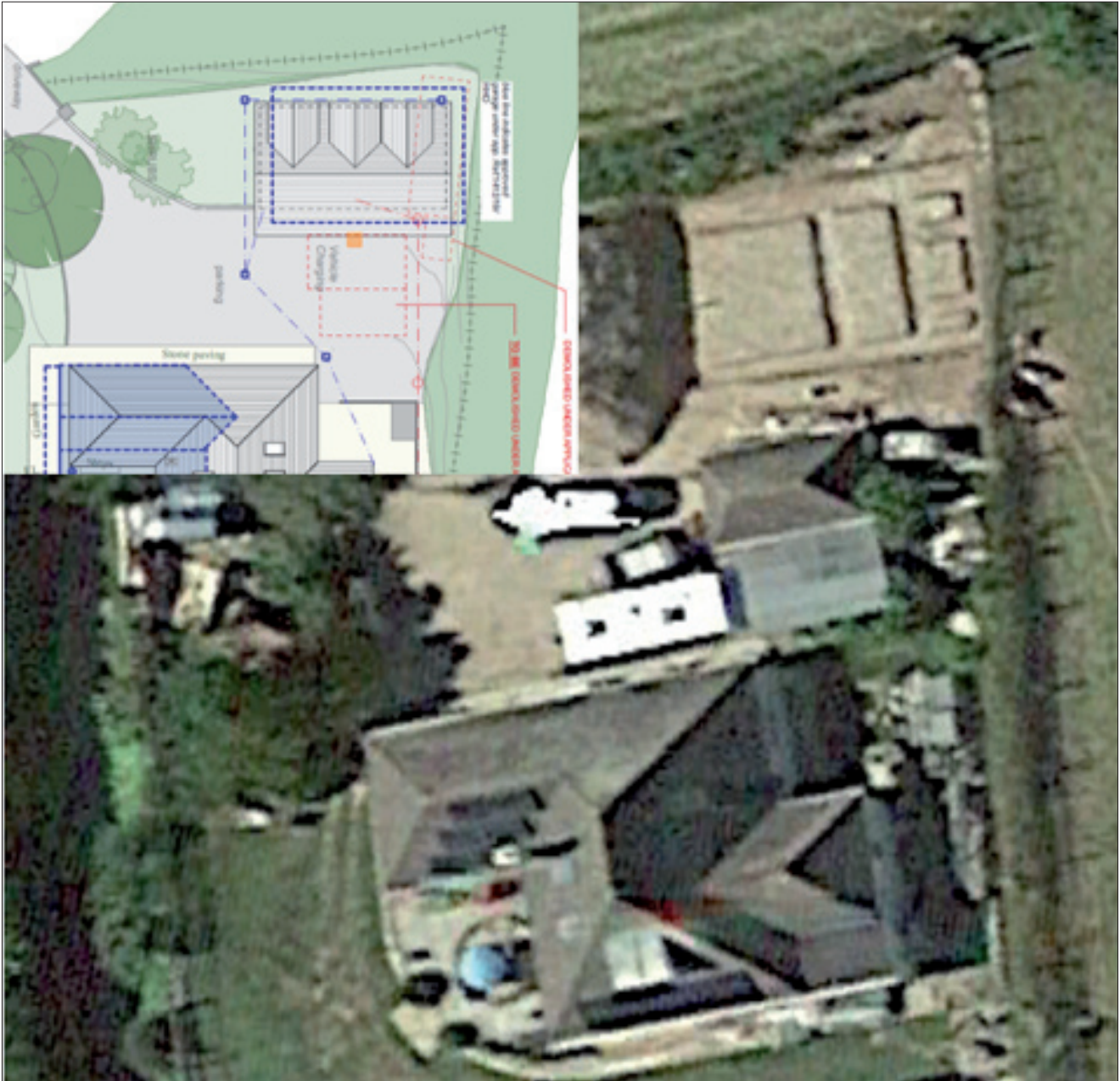


According to our measurements the proposed garage is 1 metre higher than the approved garage – the submitted drawing above shows the height of the approved garage at 6.18m so reducing the apparent height difference.

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The Society also note that the excavation for the foundations are not located in the position shown in the submitted plans in relation to the existing garage still to be demolished. The outline is further east and north leading to the loss of field boundary bank (see below).



Policy RNP2 of the Neighbourhood Plan, *General Design Principles for New Development*, specifies:

1. The design is of good quality and sympathetic with the character of the surrounding built and non-built environment.
5. New roof heights are not to be higher than existing attached buildings and no higher than the general height of buildings in the local area. The development should not impinge upon the outlook or obstruct protected public views as demonstrated in the Proposal Maps 2 and 3 on pages 42/43 and in Section 15 Proposal Maps 7. The development meets the requirements of all other relevant policies of the Plan.

The colour of the roof tiles alone ensures the development conflicts with 1. Arguably the inclusion of the three Dormer windows does so as well.

The increase in ridge height will impact on a protected public view (5).

And the development also fails to meet the requirements of other relevant Plan policies. For example, Policy RNP5: *Other development, subdivision of existing plots for building or extension to existing buildings*, states:

Development such as extensions, replacement houses, building on subdivided plots will be supported if it is demonstrated that: -

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1. There is no loss to the character or environmental quality of the surroundings.
4. The development is in keeping with all other requirements set within the housing policy section and meets all other relevant policies of the Plan.

As the Plan states on page 52: 'It is necessary to maintain the visual character of the parish and thereby perpetuate tourism, the main income and source of local employment. The traditional old-world look of Ringmore village with its period buildings and narrow lanes is vital to this objective.' The design and appearance of the building can hardly be said to be in keeping with the visual character of the parish.

Similarly Policy RNP13 – *Area of Outstanding Natural Beauty* requires:

1. The proposals do not cause harm to the appearance and character of the AONB or result in harm to significant views on the approach and across the parish. These public views can be found in appendix iv and Proposal Maps 3 and 4 on the previous two pages.
3. Development proposals that demonstrate that there are no adverse impacts on the natural environment (landscape and biodiversity) or that satisfactorily mitigate these impacts and enhance the natural environment where there is the opportunity to do so, will be supported.

The development is in conflict with 1. for the reasons previously given, while the inclusion of the Dormer windows on the first floor, overlooking the hedgerow and the fields to the north, may well bring it in to conflict with 3.. To quote page 22 of the Plan: 'Light pollution at night is not only an annoyance to humans but is a significant threat to the life cycle and behaviour of our native nocturnal species such as bats, moths and other insects including glow worms.' Inevitably any light emanating from the windows, something which would be impossible to completely prevent, would impact on those native nocturnal species.



*The footpath no. 26 to the North-East of the site provides protected 'Ringmore View' no. 11*

Elsewhere on page 22 of the Plan it notes 'there is historical incidence of SWW's Ringmore sewage system being overwhelmed.' Unfortunately no EDM Storm Overflow data is anticipated for Ringmore Sewage Treatment Works (EA Permit Reference 203013) until December 2023, so the scale of the problem is impossible to identify. However, given the impact that pollution could have on tourism, many would think it wise not to add to the demands being placed on the Treatment Works until there is data to confirm that sufficient capacity exists.

Although the site is outside the Ringmore conservation area it still lies within the settlement boundary, the AONB, the Heritage Coast and the Undeveloped Coast. Consequently the Neighbourhood Plan (page 18) requires any





*Higher Manor in 2021, before work on the site began*

development proposal to comply with Joint Local Plan policy DEV25 for Nationally protected landscapes. Point 8. of that policy requires: 'development proposals located within or within the setting of a protected landscape to:

- i. Conserve and enhance the natural beauty of the protected landscape with particular reference to their special qualities and distinctive characteristics or valued attributes.
- ii. Be designed to prevent the addition of incongruous features, and where appropriate take the opportunity to remove or ameliorate existing incongruous features.
- iii. Be located and designed to respect scenic quality and maintain an area's distinctive sense of place, or reinforce local distinctiveness.
- iv. Be designed to prevent impacts of light pollution from artificial light on intrinsically dark landscapes and nature conservation interests.

Suffice to say, the development does nothing to conserve and enhance the natural beauty of the protected landscape, the Dormer windows and the red roof tiles are certainly incongruous in this setting, the design of the building does nothing to maintain the area's distinctive sense of place or reinforce local distinctiveness, and may well add to light pollution.

Yet even if the conflict with both Neighbourhood Plan and JLP Policies were not sufficient grounds for refusal, the claim by the applicants' agent and architect that: 'the applicants have pursued construction of the garage and have deviated from the approved plans, unknowing of the issues this will bring. Mr and Mrs Bedborough were also unaware of the condition that needed to be discharged, and didn't appreciate the impact the changes in design would also have on their current planning permission' is at best disingenuous.

According to the Decision Notice for 1412/19/HHO:

2. The development hereby approved shall in all respects accord strictly with drawing numbers P.01, P.06, and P.07 received by the Local Planning Authority on 13th May 2019, and drawing numbers P.08.PB, P.09.PB, P.10.PB, P.11.PB, and P.12.PB, received on 28th June 2019.

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 their installation details/samples of all external materials, including roofs, to be used in the construction of the proposed development shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with those samples as approved.

Reason: In the interests of visual amenity.

There is no dispute that neither condition has been complied with. Yet even if Mr and Mrs Bedborough either failed or were unable to read that Decision Notice, ignorance is no excuse. Perhaps more pertinently, their

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architect/agent for the current application was also their architect/agent for that previous application. In other words, not only will he have been aware of the need to comply with those conditions but, unless he can demonstrate otherwise, it is more than probable he is responsible for the design of the garage/house currently under construction. The identity of the individual responsible for producing the plans to which the builders of the development are currently working will confirm whether this supposition is correct.

What is without doubt is that the building under construction is no longer a garage. As it stands the ground floor could lend itself to conversion to a living room and a kitchen/diner, while what is currently shown as a 'store' could become a downstairs w/c. Upstairs there would be relatively little difficulty in converting what is now shown as a 'living room' in to a second bedroom and moving and extending the 'w.c' from south to north and placing it as a bathroom between the two bedrooms.

Were this to happen, and were planning consent to be obtained, Mr & Mrs K & M Bedborough would have a two-bed dwelling that would satisfy the need for properties in to which they or others could downsize or which could be utilised as a second home or holiday let. Such an outcome would again be in conflict with the Neighbourhood Plan.

For any number reasons, not least the need to maintain the integrity of the planning system, this application should be refused.

Richard Howell - Chair  
for and on behalf of the South Hams Society