

Committee Report – 28th July 2022

Application Number: 1/0510/2022/FUL

Registration date: 17 May 2022

Expiry date: 12 July 2022

Applicant: Ms Sandra Cawsey

Agent: The Mews Studio

Case Officer: Sarah Boyle

Site Address: 13 Sunnyside,
Bideford,
Devon,
EX39 4EQ

Proposal: First floor extension at rear of property - Re-submission of 1/1249/2021/FUL

Recommendation: Grant



Reason for referral:

The application has been brought before Plans Committee as the Applicant, Ms Sandra Cawsey, is an employee of Torridge District Council.

Relevant History:

Application No.	Description	Status	Closed
1/0354/2002	FIRST FLOOR EXTENSION & ROOFLIGHTS IN ATTIC ROOM	PER	30.04.2002
1/0757/1980	NEW KITCHEN & BATHROOM EXTENSION	WDN	31.12.1980
1/1249/2021/FUL	First floor extension at rear of property	WDN	18.11.2021

Site Description & Proposal

Site Description

The application site is located in East-the-Water which falls within the development boundary of Bideford, which is designated as a Strategic Centre in the North Devon and Torridge Local Plan (NDTLP). The site is a two-storey terraced property in a built-up residential area. To the north is an overgrown parcel of land which has outline permission for a dwelling and to the east and west are residential properties and to the south is a highway which provides on street parking for the dwelling. The site has a small parcel of amenity space to the north.

The application is a re-submission of an application (1/1249/2021/FUL) which was withdrawn.

Proposed Development

The application seeks full planning permission for a first-floor extension at the rear of the property, plus other alterations.

The first-floor extension will comprise of a bedroom and then internal alterations will create a second bathroom upstairs and a new landing. On the ground floor there will be internal alterations in terms of layout which will create a cohesive open plan kitchen and dining area, a shower room which will be more central and then a new staircase.

The materials to be used in the construction of the proposed development would be rendered and painted masonry for the elevations, slated roof finish with 1/2 round ridge tiles for the roof, white upvc for windows and doors.

Consultee representations:

Bideford Town Council:

RESOLVED: Members agree application in principle but would ask that the overlooking issues are considered.

Environmental Protection Officer:

In relation to the above application, the Environmental Protection Team has no objections in principle.

Due to the proximity of existing neighbouring dwellings, there is the potential for detriment to residential amenity from the construction works associated with the proposed development if control measures are not in place. Should planning consent be granted, the Environmental Protection Team

recommends a condition restricting construction works and delivery times to 0700 to 1900 hours Monday to Friday and 0800 to 1300 hours on Saturdays only with no works permitted on Sundays and Bank Holidays in order to protect residential amenity.

Representations:

Number of neighbours consulted:	5	Number of letters of support:	2
Number of representations received:	5	Number of neutral representations:	1
Number of objection letters:	2		

Two objection comments, two support comments and one representation has been made on the application detailing the following reasons:

Objection Comments

- Negative impact on existing drainage, sewage and traffic/parking conditions
- Structural issues
- Site unsuitable for any kind of first floor extensions as they would block out sunlight and views from windows.
- If people wish to 'expand' should move into a more suitable property
- Uncertain on plans and length of wall to be built directly on eastern elevation.
- Loss of light
- Overbearing
- Overlooking

Support Comments

- No problem with the extension
- Support the application, no concerns with proposal
- Views are no reason to object

Representation

- Concerns over construction of the extension on a shared boundary.
- Overshadowing/overlooking - although understands this has been reduced from the previous submission
- Proposed access and works, construction hours.
- Wish to support but want the above queries addressed

The comments will be addressed within the main body of the report.

Policy Context:

North Devon and Torridge Local Plan 2011-2031:

ST06 (Spatial Development Strategy for Northern Devon's Strategic and Main Centres); DM25 (Residential Extensions and Ancillary Development); ST04 (Improving the Quality of Development); DM04 (Design Principles); DM01 (Amenity Considerations); DM08 (Biodiversity and Geodiversity); ST14 (Enhancing Environmental Assets);

Government Guidance:

NPPF (National Planning Policy Framework); NPPG (National Planning Practice Guidance); NERC (Natural Environment & Rural Communities); WACA (Wildlife & Countryside Act 1981);

Planning Considerations

The main planning considerations for this application are:

1. Principle of Development
2. Impact on Character and Appearance/Conservation Area
3. Impact on Residential Amenities

4. Ecology
5. Conclusion

1. Principle of Development

The application site lies within the development boundary of Bideford (East-the-Water) and the North Devon and Torridge Local Plan (NDTLP) states under policy ST06 that development will be supported within the development boundaries of Strategic Centres (Bideford). It notes that policy will support significant levels of development which will be consistent with its scale and its complementary role to Barnstaple. Sustainable development opportunities will be secured to increase self-containment and achieve balanced development to enable the town to meet its own needs and those of the surrounding area. Policy DM25 also offers broad planning policy support to the principle of extending existing dwellings as long as it is of a form and scale which respects the existing context, setting and surroundings.

The development proposed is for a first-floor extension to the rear of the residential property which would be supported under this policy. Taking the extension and alterations into account it is considered that the scale proposed would respect the existing context of the host dwelling. Therefore, the proposal is compliant with policies ST06 and DM25 of the NDTLP.

2. Impact on Character and Appearance

The NDTLP encourages good design, which is reflected within national policy. Policy ST04 notes:

"Development will achieve high quality inclusive and sustainable design to support the creation of successful, vibrant places. Designs will be based on a clear process that analyses and responds to the characteristics of the site, its wider context and the surrounding area taking full account of the principles of design found in policy DM04."

Policy DM04 then proceeds to detail 14 design principles which should be taken into consideration within any new development. The crux of DM04 requires new developments to be of high-quality design, including being well related to their surroundings, be of an appropriate scale, include quality materials, and to be sympathetic to the character and appearance of the local area.

Policy DM08A of the NDTLP relates to landscape character and notes that developments should be of an appropriate scale, mass and design that recognises and respects landscape character of both designated and undesignated landscapes.

The NPPF also supports the creation of well-designed places through Part 12 (Achieving well designed places), which lists 6 design principles to ensure that developments achieve well designed places. Additionally, Paragraph 126 and 132 of the NPPF states that development should respect local character, history and reflect the identity of local surroundings.

In addition to this, the National Design Guide is the most up to date national guidance in relation to design. The design guide addresses the question of how we recognise well-designed places and outline and illustrate the priorities for well-designed places and provides ten characteristics that should be considered in any forthcoming design and decision making.

Policy DM25 seeks to support residential extensions where the form, scale and design of the proposal respects existing development, its context, setting and surroundings and that the alterations allow for the maintenance of adequate residential amenity space and parking provision and that it creates no significant adverse impact on the amenity of the occupants of neighbouring properties.

The application seeks full planning permission for a first-floor extension at the rear of the property, plus other alterations.

The first-floor extension will comprise of a bedroom and then internal alterations will create a second bathroom upstairs and a new landing. On the ground floor there will be internal alterations in terms of layout which will create a cohesive open plan kitchen and dining area, a shower room which will be more central and then a new staircase.

The materials to be used in the construction of the proposed development would be rendered and painted masonry for the elevations, slated roof finish with 1/2 round ridge tiles for the roof, white upvc for windows and doors.

After visiting the site and assessing the proposed plans it is considered that the scale and design of the proposal has been done sympathetically and will be seen in the context of the surrounding street-scene. It should be noted that there was a previous scheme on the site which was granted and larger than that proposed under this application.

The extension will protrude by 3.375 metres in total on the eastern edge and 1.045 metres on the western edge before cutting back across and then continuing for 1.010 metres. At the furthest point of the extension, it will be 1.320 metres away from the western edge. There are two storey elements on the rear of properties along the street-scene and the proposed addition is of a scale that is considered in keeping. It is considered that due to the design and positioning of the proposed scheme that it would not be considered overbearing on neighbouring properties.

Taking the above into account, the application complies with policies DM04, ST04 and DM25 of the NDTLP.

3. Impact on Residential Amenities

Policy DM01 of the NDTLP relates to amenity considerations and notes, development will be supported where:

- a) It would not significantly harm the amenities of any neighbouring occupiers or uses; and
- b) The intended occupants of the proposed development would not be harmed as a result of existing or allocated uses.

Policy DM04 also aims to ensure the amenities of existing and future neighbouring occupiers are safeguarded. One of the core principles of the NPPF is to secure high-quality design and a good standard of amenity for all existing and future occupants of land and buildings.

Two objection comments, two support comments and one representation has been made on the application. The reasons for objection include, highways, drainage, overlooking, loss of light, overbearing, construction work and hours.

This application is for the extension to a dwelling and some of the issues raised would be a civil matter outside of the planning process, in addition some of the reasons for objections are not material considerations when assessing a planning application and so would not be considered under policy.

After assessing the plans and visiting neighbouring properties and the site itself, it is considered that the proposed plans have been designed to reflect the 45-degree sight line in terms of loss of light and the scheme has been reduced and positioned to minimise the impact to the east. No windows are proposed on either the east or west elevation and if approved a condition would be applied to restrict windows without further permission. In terms of the doors at the end of the extension, these would be inward opening and would have a juliet balcony across. This feature is considered to have a comparable impact on neighbouring properties if there was a window in that position. If the application is approved, it is considered reasonable to state that the remaining flat roof cannot be accessed as a balcony without a further application, where this would be assessed and considered on its own merits.

Taking the above into account, it is considered that the proposed development would not significantly harm the amenities of any neighbouring occupiers or uses; and the intended occupants of the proposed development would not be harmed as a result of existing or allocated uses. As such the application complies with Policies DM01 and DM04 of the NDTLP.

4. Ecology

Local Planning Authorities have a statutory duty to ensure that the impact of development on wildlife is fully considered during the determination of a planning application under the Wildlife and Countryside Act 1981 (as amended), Natural Environment and Rural Communities Act 2006, the Conservation of Habitats and Species Regulations 2010 (Habitats Regulations 2010). This is further reinforced within the NDTLP through Policies DM08 and ST14 which state that development proposals should conserve and, where possible, enhance biodiversity interests.

A wildlife trigger list and a statement have been provided for the application. After assessing the application and given the location of the site, it is considered in line with Natural England standing advice on protected species no further survey work or mitigation strategies are necessary. The proposal is considered to comply with Policies DM08 and ST14 of the NDTLP.

5. Conclusion

The proposed development is considered to result in an acceptable impact on the character and appearance of the surrounding area and would not result in a harmful impact on the amenities of neighbouring occupiers. In addition, the development would not result in a harmful impact on protected species. Considering the above, the application complies with the policies outlined in the North Devon and Torridge Local Plan.

Human rights

Consideration has been given to the Human Rights Act 1998.

Conclusion

It is therefore considered that subject to the compliance with the attached conditions and taking into account all other material planning considerations, including the development plan the proposal would be acceptable.

Recommendation

GRANT subject to the following conditions

- 1 The development to which this permission relates must be begun no later than the expiration of three years beginning with the date on which this permission is granted.

Reason: The time limit condition is imposed in order to comply with the time requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby permitted shall be carried out in accordance with the approved plans listed in the Plans Schedule.

Reason: To ensure the development is carried out in accordance with the approved plans.

- 3 The operating hours of construction works, including deliveries, shall be restricted to Monday to Friday 0700 to 1900 hours and Saturday 0800 to 1300 hours with no works permitted on Sunday or Bank Holidays.

Reason: To protect the amenities of neighbouring properties.

- 4 Notwithstanding the provisions of Article 3 (Schedule 2, Part 1, Class A) of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order), no window shall be installed in the east or west elevation of the development hereby permitted, without the further grant of planning permission.

Reason: In the interests of the amenities of neighbouring residents.

- 5 The flat roof detailed on the ground and first floor layout plans (011/06/22) (received 17th May 2022) cannot be used as a balcony, without the further grant of planning permission.

Reason: In the interests of neighbouring amenity.

Plans Schedule

Reference	Received
011/05/21 A	17.05.2022
011/06/22	17.05.2022
011/07/22	17.05.2022

Statement of Engagement

In accordance with paragraphs 38 of the National Planning Policy Framework (NPPF) in dealing with this application, the Council has worked with the applicant in the following positive and proactive manner. In this instance there was no need for further engagement as the development as submitted is considered to accord with the development plan. In such ways the Council has demonstrated a positive and proactive manner in seeking solutions to problems arising in relation to the planning application.