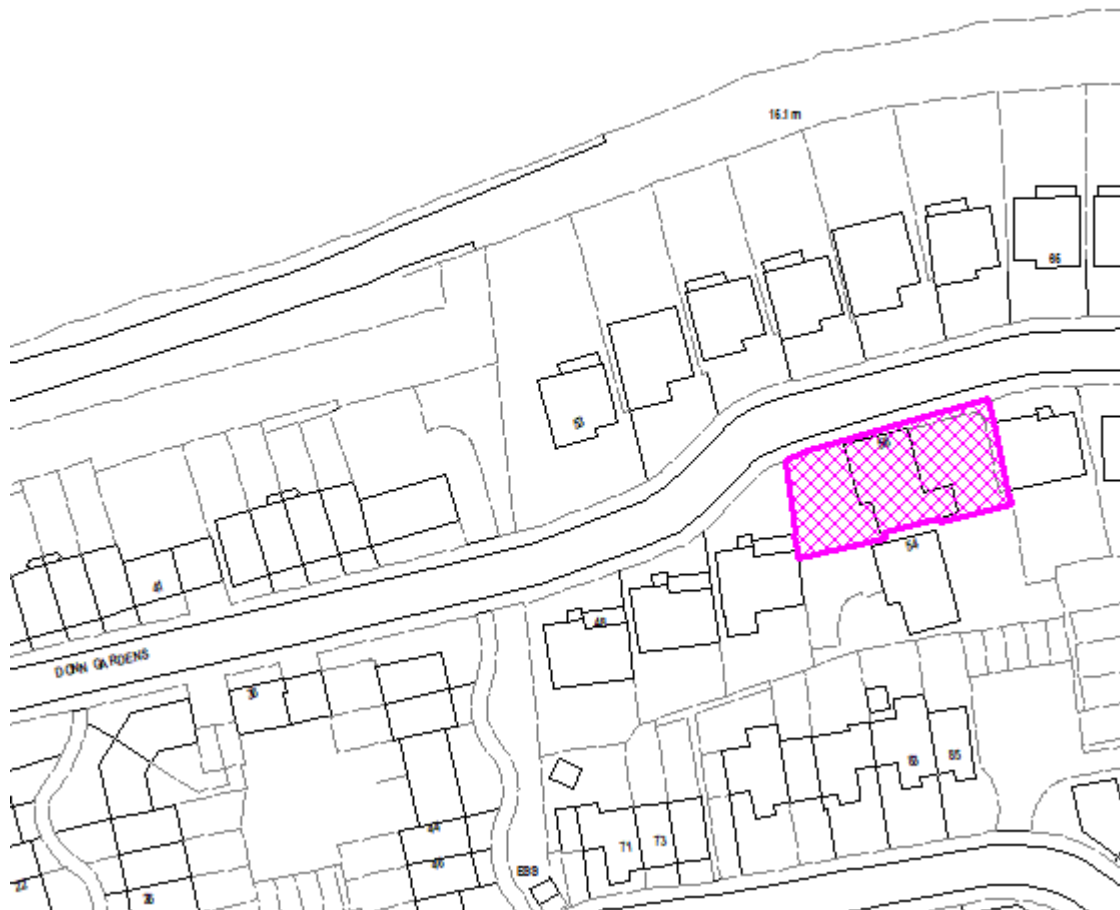


Committee Report – 1st December 2022

Application Number:	1/1001/2022/FUL
Registration date:	17 October 2022
Expiry date:	12 December 2022
Applicant:	Mr Ian Fry
Agent:	NPAS Devon Limited
Case Officer:	Mary-Ellen Whalley
Site Address:	56 Donn Gardens, Bideford, EX39 4FR
Proposal:	Alterations to dwelling including patio area to front of property and landscaping
Recommendation:	Grant



Reason for referral:

Mr Ian Fry, the applicant, is an employee of Torridge District Council

Relevant History:

Application No.	Description	Status	Closed
1/1053/2005/OUT	The development of 9.5 hectares of land by the erection of approximately 290 dwellings with the provision of appropriate levels of open space and play areas and the erection of a foodstore comprising 1,000 sq m net retail area (1580sq m gross) and a range of 4 lock up shops, totalling 2030 sq m gross	PER	21.12.2005
1/2249/2005/OUT	Residential and retail development with associated open space and play areas	WDN	23.02.2006
1/0447/2007/REM	Erection of 148 dwellings with associated parking, servicing and access	INVAL	04.05.2007
1/0939/2007/REM	Erection of 148 dwellings with associated parking, servicing and access	PER	02.11.2007

Site Description & Proposal

Site Description

The application site is located within a residential area of East of the Water, to the north-eastern extent of the development boundary of Bideford. The two storey dwellinghouse is constructed of slate tiles, reconstituted stone and PVCu fenestration. The property benefits from an attached double garage and parking on a driveway to the western elevation.

The property was constructed as part of the planning permission reference 1/1053/2005/OUT which was for the construction of approximately 290 dwellings with the provision of appropriate levels of open space and play areas and the erection of a foodstore.

Proposed Development

The application seeks full planning permission for the creation of an external patio area to the principle (western) elevation with raised planters, access through patio doors and external staircase. It is also proposed to relocate the external staircase to the rear of the property (east) from adjacent to the property to adjacent to the eastern boundary with the extension of the patio at first floor level and the creation of a garden store below. There are some minor internal alterations proposed to create a ground floor bedroom with the use of a portion of the undercroft area and the addition of a ground floor external door to the eastern elevation which would be considered Permitted Development but have been included within the application for completeness. The proposals are to use the same materials as existing in the dwelling.

Consultee representations:

Bideford Town Council:

RESOLVED: That the application is approved.

Environmental Protection Officer:

The Environmental Protection Team has no objections in principle to the above application.

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:	3	Number of letters of support:	0
Number of representations received:	0	Number of neutral representations:	0
Number of objection letters:	0		

No representations received.

Policy Context:

North Devon and Torridge Local Plan 2011-2031:

DM01 (Amenity Considerations); DM02 (Environmental Protection); DM04 (Design Principles); DM05 (Highways); DM06 (Parking Provision); DM08 (Biodiversity and Geodiversity); DM25 (Residential Extensions and Ancillary Development); ST04 (Improving the Quality of Development); ST06 (Spatial Development Strategy for Northern Devon's Strategic and Main Centres); ST14 (Enhancing Environmental Assets);

Government Guidance:

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

Planning Considerations

The main planning considerations are the following:

1. Principle of Development
2. Character and Appearance
3. Neighbouring Amenity
4. Highways and Provision of Parking
5. Ecology

1. Principle of Development

The site is located in the development boundary of Bideford; Policy ST06 of the North Devon and Torridge Local Plan (NDTLP) must be applied. Policy ST06 permits development providing it is of a nature and scale which is appropriate to the function of the existing site.

Policy DM25 requires extensions to be in keeping in terms of scale and character of the 'host' dwelling, and to protect the amenity of adjacent properties.

In this instance the proposed minor alterations to the property and the creation of a patio area to the west elevation, relocation of steps, the extension of the patio area to the eastern elevation, creation of

a garden store below and internal configuration to the ground floor of the property are considered to be appropriate for and proportionate to the existing dwelling. The proposal accords with Policies ST06 and DM25. Therefore, proposal is acceptable in principle, subject to other Policy considerations.

2. Character and Appearance

Policy DM25 requires ancillary development to be in keeping in terms of scale and character of the 'host' dwelling, and to protect the amenity of adjacent properties.

Policy DM04 requires new development to be well related to existing buildings and their surroundings in terms of design, scale and materials, and to be sympathetic to the character and appearance of the local area.

The proposed materials to be used in the development are the same as the existing material. It is therefore not considered to have a significant impact on the character and appearance of the area.

Therefore, it is considered that the proposal is in accordance with Policies DM25 and DM04.

3. Neighbouring Amenity

Policy DM01 requires development to maintain amenity appropriate to the locality and not to result in a significant loss of amenity for the occupiers of neighbouring dwellings.

Policy DM25 of the NDTLP seeks to support proposals for ancillary development 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.

There were no comments received from the Town Council or any third parties. The construction of a patio area to the western elevation and the conversion of a window to patio doors will overlook the highway and driveways of neighbouring properties and is therefore not considered to have an impact on neighbouring private amenity. There are no new windows on any elevations where they previously existed. The extended first floor patio area to the eastern elevation is in close proximity to the western elevation of 58 Donn Gardens but there are no windows in this elevation. The other changes proposed are not considered to have any impact on neighbouring amenity.

Therefore, it is considered that the proposed development will not result in significant amenity harm thus accords with Policy DM01.

4. Highways and Parking

Policy DM05 and DM06 requires development to provide well designed, safe vehicular access that provides adequate parking and considers the needs for all highway users and safety.

There are no changes proposed to the available parking or the access to the highway from the dwelling. Therefore, it is considered to accord with Policies DM05 and DM06.

5. 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 ST14 and DM08, which require development to maintain or where possible enhance biodiversity and mitigate the potential loss of habitats. Policy ST14 promotes the addition of providing net gain where possible through management, expanded network of designated sites and green infrastructure.

The minor scale of the development means that it does not trigger the requirements for an Ecology Report as indicated by the submitted Wildlife Trigger List. Therefore, the development is considered

to not result in any harm to wildlife and thus is deemed to remain in accordance with the above policies.

Conclusion

In conclusion the proposed development would not cause significant harm to the character and appearance of the existing dwelling, amenities of nearby dwellings, highways and parking or ecology. Therefore, the proposal would be in accordance with the NDTLP Policies ST06, ST14, DM01, DM04, DM05, DM06, DM08 and DM25.

Human rights

Consideration has been given to the Human Rights Act 1998.

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.

Plans Schedule

Reference	Received
1172 31A	07.11.2022
1172 30A	07.11.2022
1172 01	27.09.2022

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.