

## Committee Report – 12th January 2023

**Application Number:** 1/0845/2022/FUL

**Registration date:** 27 September 2022

**Expiry date:** 22 November 2022

**Applicant:** Mr Tim Hooper

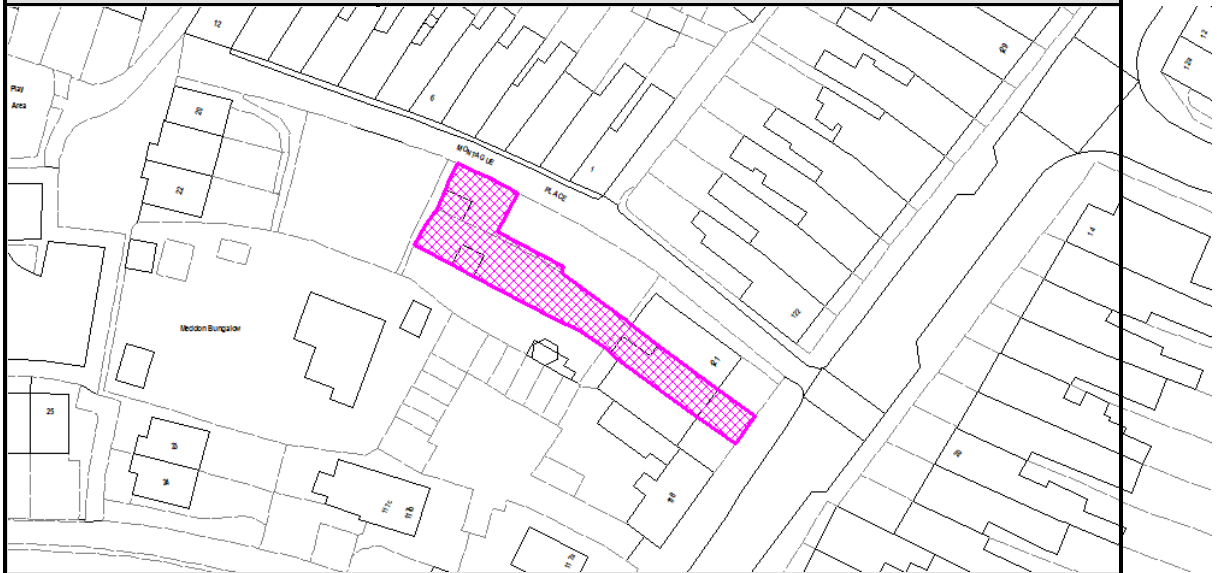
**Agent:** Mr Matt Payne

**Case Officer:** Sarah Boyle

**Site Address:** 120 Clovelly Road,  
Bideford,  
Devon,  
EX39 3BY

**Proposal:** Erection of ancillary annexe

**Recommendation:** Grant



## Reason for referral:

The application has been called in by Councillor Brenton if the Planning Officer is minded to approve for the following reason:

'The planning proposal shows that the annexe would not be attached to the main building and therefore contrary to policy DM25.'

## Relevant History:

Application No.	Description	Status	Closed
1/1146/2021/FUL	Erection of dwelling	WDN	09.03.2022

## Site Description & Proposal

### Site Description

The application site is located in the development boundary of Bideford, which is designated as a Strategic Centre in the North Devon and Torridge Local Plan (NDTLP). The host dwelling '120 Clovelly Road' is a terraced property in a built-up residential area. The dwelling faces on to Clovelly Road which is a classified highway and the garden subject to the planning application is to the northwest of the dwelling. Montague Place is to the north of the site and there is a car park to the west, adjoining the site to the north and south are neighbouring gardens.

### Proposed Development

The application seeks planning permission for the erection of an ancillary annexe in connection with the main host dwelling '120 Clovelly Road, Bideford.' The annexe will consist of two bedrooms, a bathroom and a sitting room/kitchenette area, but will share access, parking and amenity space with the host dwelling. The application seeks permission for a new access off of Montague Place.

## Consultee representations:

### Bideford Town Council:

RESOLVED: That the application is approved on the proviso that the annexe is 'tied' to the existing property in order that it cannot be sold as a separate dwelling.

### Environmental Protection Officer:

The following consultation response is provided by the Environmental Protection Team in relation to the above application.

The Environmental Protection Team has no objection in principle. However, 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.

### Devon County Council (Highways):

Standing Advice.

## Representations:

Number of neighbours consulted: 2

Number of letters of support: 0

Number of representations received: 10  
Number of objection letters: 9

Number of neutral representations: 1

9 objection comments and 1 neutral comment have been received for the application detailing the following:

#### **Objection comments**

- Overlooking
- Blocking of Light/ Daylight reduction
- Impact on character and appearance
- Access to house and during building works
- Blocking of Montague Place for vehicles
- Ecology/Environmental
- Noise
- Residential Amenity
- Planning Precedent
- Drainage
- Traffic/Highways - Emergency Services access
- Privacy
- Value/Sale of Property

#### **Neutral Comment**

- Personal Circumstances
- Need of Applicant and family requiring the annexe

All of the material considerations detailed will be discussed in the relevant sections of the Officers 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); DM05 (Highways); DM06 (Parking Provision); DM08 (Biodiversity and Geodiversity); ST14 (Enhancing Environmental Assets); DM02 (Environmental Protection);

#### **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
3. Impact on Residential Amenities
4. Highways
5. Ecology
6. Other Matters
7. Conclusion

1. Principle of Development

The application site lies within the development boundary of Bideford which is designated as a Strategic Centre in the North Devon and Torridge Local Plan (NDTLP) therefore policy ST06 should apply. Policy ST06 states that development will be supported within the development boundaries of

the Strategic Centres (Bideford), it 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 and annexes as long as it is of a form and scale which respects the existing context, setting and surroundings. However, it does require an annexe accommodation to be:

"Physically attached to the main house and be commensurate in scale with the needs of the intended occupants".

In this instance the applicants have provided justification for an annexe (proof of dependant relatives), however the proposal is not physically attached to the main dwelling as they are looking to build the annexe in the garden of the host dwelling. The Town Council have requested that a condition is attached to ensure that the annexe is tied to the host dwelling and therefore cannot be used as an independent dwelling. If the application is approved, it is considered reasonable to apply a condition of this nature. Due to the constraints of the site, an extension to the dwelling would not be achievable without having a significant impact on neighbouring dwellings due to the topography of the land. Therefore, in this instance, and given the need for the annexe has been demonstrated, it is considered for the development to be separate to the dwelling.

Therefore, in principle the proposal is deemed broadly acceptable in terms of Policies ST06 and DM25, however, a condition will be applied preventing the building being used as an independent dwelling.

## 2. Impact on Character and Appearance

Policies ST04 (improving the quality of development) and DM04 (design considerations) of the NDTLP, requires new developments to be of a 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 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 planning permission for the erection of an ancillary annexe, and access in connection with the main host dwelling '120 Clovelly Road, Bideford.' The annexe will consist of two bedrooms, a bathroom and a sitting room/kitchenette area, but will share access, parking and amenity space with the host dwelling. The application seeks permission for a new access off Montague Place.

The annexe would be constructed of timber boarding for the elevations, natural slate for the roof and upvc for windows and doors. The vehicle access would be tarmac/gravel.

The annexe has been designed in a sympathetic way which would read as an outbuilding in the garden. The openings are minimal, with the main opening being directed to the shared garden space with the main dwelling. The scale and form are commensurate to the needs of the intended occupier of the annexe. The access and amenity space will be shared with the host dwelling and will not be used independently.

After visiting the site and assessing the plans, and supporting information it is considered that the form, scale and design of the proposal would not have a significant impact on the character and appearance of the area and therefore it complies with Policies ST04, DM04, 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.

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. Policy DM25 also notes that the extension of a residential dwelling will be supported as long as there is no significant adverse impact on the amenity of the occupants of neighbouring properties.

Nine objection comments and one neutral comment has been submitted in relation to the application of which have been summarised in the representation section of the report.

The application seeks the erection of an annexe to be used in connection with the main host dwelling and has been designed for the needs of the intended occupants. It is acknowledged that the proposal will be adjacent Montague Place, however it has been proposed as a single storey unit with minimal openings and the openings facing the existing residential properties on Montague Place will be the front door and a window which is for a hallway. The main living accommodation openings will face towards the shared garden to the southeast and over the carpark to the northwest of the site. It is therefore considered that there would be limited concerns with regards to overlooking and privacy so as to ensure compliance with Policy DM01.

Third parties have raised concerns over impact on neighbouring house values; it should be noted that this is not a material planning consideration.

After assessing the plans and visiting the site, your Officer considers that the annexe has been designed to allow the needs of the intended occupant to be met whilst limiting the harm on neighbouring properties. The addition of the annexe will still leave a suitable amount of private amenity space for all occupants involved and due to the topography and layout of the garden on site it is considered that the addition of the proposed development would not increase the harm that already exists on private amenity space. In light of the above, it is considered that the proposal is in accordance with Policy DM01 of the NDTLP.

#### 4. Highways

Paragraph 110 of the National Planning Policy Framework indicates that access should be safe and suitable for all users. Paragraph 111 proceeds to advise that development should only be prevented or refused on transport grounds if there would be an unacceptable impact on highways safety, or the residual cumulative impacts on the road network would be severe. In addition, Paragraph 112 notes that development should minimise the scope for conflict between pedestrians, cyclists and vehicles, respond to local character and design standards, allow for the efficient delivery of goods, and access by service and emergency vehicles.

Policy DM05 of the NDTLP relates to highways, and notes:

- (1) All development must ensure safe and designed vehicular access and egress, adequate parking and layouts which consider the needs and accessibility of all highways users including cyclists and pedestrians.
- (2) All development shall protect and enhance existing public rights of way, footpaths, cycle ways and bridleways and facilitate improvements to existing or provide new connections to these routes where practical to do so.

In addition, policy DM06 of the NDTLP relates to parking provision, and notes that developments will be expected to provide adequate parking depending on the needs of the scheme.

Devon County Council Highways have been consulted and have responded that the application should be dealt with under standing advice. The application is proposing a new access and turning area off Montague Place which will then exit on to Clovelly Road which is a classified highway. Objection comments have been received on the impact of the proposal on the highway. The parking proposed will be off-road which is limited in this area and will also provide the required access to the

annexe for the intended occupant as this is not achievable through the main house. The access and parking will be utilised by the main dwelling and annexe. The plans submitted detail that it would provide adequate space for the proposed works. After visiting the site and assessing the plans in conjunction with the objection comments, your Officer considers that the proposed works and access are in accordance with policies DM05 and DM06 of the NDTLP.

## 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 DM08 and ST14 which state that development proposals should conserve and, where possible, enhance biodiversity interests.

The application has been accompanied by a wildlife trigger list which did not trigger the requirement for an ecology report to be submitted. It is considered that the proposal complies with Policies DM08 and ST14 of the NDTLP.

## 6. Other Matters

Environmental Protection have been consulted on the application and have commented the following:

'The following consultation response is provided by the Environmental Protection Team in relation to the above application.

The Environmental Protection Team has no objection in principle. However, 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.'

If the application is approved, it is considered reasonable to apply a condition to limit the hours relating to construction works.

## 7. 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. The proposed siting of the annexe detached from the main dwelling has been justified in this instance.

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 Construction works and delivery of materials shall not take place other than between 07:00hrs and 19:00hrs Monday to Friday, 08:00hrs and 13:00hrs Saturdays only with no works permitted on Sundays and Bank Holidays.

Reason: To protect the amenities of neighbouring properties.

- 4 The accommodation hereby permitted shall be used solely as an annexe, ancillary to the existing dwelling known as '120 Clovelly Road'; sharing the access, parking and external amenity space of that dwelling, and not as an independent dwelling.

Reason: As the creation of a separate residential unit would be contrary to the policy ST06 and DM01 of the North Devon and Torridge Local Plan.

- 5 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 windows shall be installed in any of the elevations of the development hereby permitted, without the further grant of planning permission.

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

- 6 Provision shall be made within the site for the disposal of surface water so that none drains on to any County Highway.

Reason: In the interest of public safety and to prevent damage to the highway.

## Plans Schedule

Reference	Received
0026-P001 G	19.09.2022

## 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.