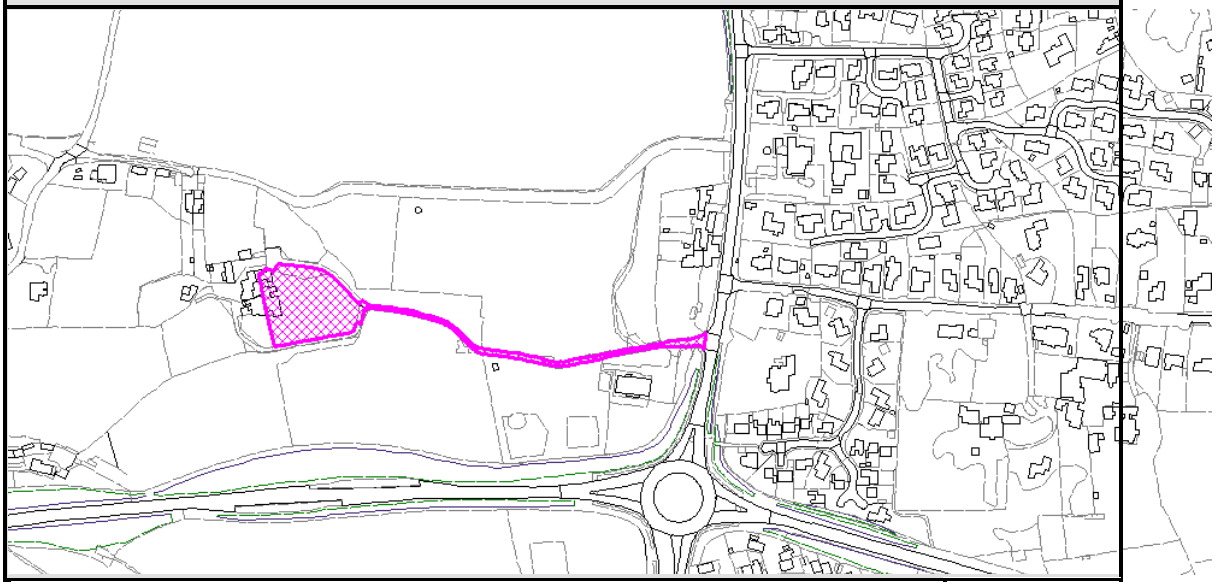
Committee Report – 30 March 2023

Application Number:	1/0071/2023/FUL
Registration date:	26 January 2023
Expiry date:	23 March 2023
Applicant:	Mr Sullivan
Agent:	Fearnley Lott Architects
Case Officer:	Mr Peter Stapley
Site Address:	Fordlands, Heywood Road, Northam, Bideford, Devon, EX39 3QA
Proposal:	Extension and alterations to existing dwelling including new garage and driveway
Recommendation:	Grant



Reason for referral:

The application has been called-in by Ward Member Cllr Manley for the following reason:

'*The planned installation of a flat roof, combined with the increased height of the party wall, would have a detrimental effect on the amenity of the neighbouring properties, the proposal being overlooking and overshadowing. This is contrary to Local Plan 2031 policies DM01 (Amenity Considerations) and DM25 (Residential Extensions and Ancillary Development). Further, the plans for the garage would have a detrimental visual impact on the house, an unlisted heritage asset, contrary to policy DM07 (Historic Environment). The scale of the proposed garage is, contrary to policy DM04 (Design Principles). The associated driveway would diminish the amenity value of the lawn.'*

Relevant History:

Application No.	Description	Status	Closed
1/0039/2019/FUL	Sub-division of dwelling and conversion of outbuilding to create one residential dwelling	PER	21.03.2019
1/0039/2019/FUL	Sub-division of dwelling and conversion of outbuilding to create one residential dwelling	PER	21.03.2019

Site Description & Proposal

Site Description
The application site (Fordlands) is located in the countryside but is well-related to the development boundary of Bideford, which is designated as a 'Strategic Centre' within the adopted North Devon and Torridge Local Plan. Additionally, the site is located within Northam's Green Wedge.

Whilst not formally designated, the existing building is considered to have historic and architectural interest and therefore is an undesignated heritage asset. In addition to this, the woodland to the east of the site is protected by a Tree Preservation Order (reference: TPO/0056/2015) and the site falls within a Zone 1 Flood Risk meaning it has less than 1 in 1,000 annual probability of river flooding and is consider a low probability of flooding. Albeit, the site does fall within Bideford's Critical Drainage Area.

The application site measures approximately 0.35 hectares and consists of a late 19th Century residential property, which has subsequently been sub-divided into three dwellings. The existing dwelling is a four-bed, two-storey dwelling, with the principal elevation and private amenity space to east and south of the building. The site is accessed from the public, classified highway approximately 265 metres to the east of the site, via a shared access track.

Proposed Development
The application seeks full planning permission for the following works:

- The demolition of existing conservatory on the east elevation and a replacement single storey extension, measuring approximately 6.4 metres in width by 4.9 metres in length with an eaves height of 3.1 metres and a ridge height of 4 metres and a roof lantern to the height of 4.5 metres;
- The erection of a two-storey extension on the east elevation, measuring approximately 4.15 metres in width by 5.6 metres in length with an eaves height of 7.6 metres and a ridge height of 9.8 metres both to match the existing;

- The demolition of the existing sunroom on the south elevation and a replacement single storey extension, measuring approximately 4.8 metres in width by 4.75 metres in length with a flat roof to the height of 3.8 metres and a parapet to the height of 4.7 metres;
- Various internal alterations; and
- The erection of a single storey garage and storage building to the east of the dwelling, measuring a maximum of 9.4 metres in width by 19.7 in length, with a flat roof to the height of 3 metres and a floor area of approximately 135 square metres.

The proposed extensions will be of a design similar to the original dwellinghouse and will be constructed with the following materials: white painted render elevations; natural slate roof tiles; single ply flat roof sections; and black casement windows.

The proposed garage will be constructed with the following materials: natural stonework walls; single ply membrane roof; and timber garage door.

Consultee representations:

Northam Town Council:
Northam Town Council recommends that the proposal be refused, on the grounds that:
The planned installation of a flat roof, combined with the increased height of the party wall, would have a detrimental effect on the amenity of the neighbouring properties, the proposal being overlooking and overshadowing. This is contrary to Local Plan 2031 policies DM01 (Amenity Considerations) and DM25 (Residential Extensions and Ancillary Development).

Further, the plans for the garage would have a detrimental visual impact on the house, an unlisted heritage asset, contrary to policy DM07 (Historic Environment). The scale of the proposed garage is, contrary to policy DM04 (Design Principles). The associated driveway would diminish the amenity value of the lawn.

The Environment Agency:
No representation received.

Conservation Officer:
The proposed extension to the east elevation appears to be within an area already altered and this would not harm the traditional appearance of this elevation. It is noted that the proposal seeks to alter the multipane windows from Georgian style to victorian double pane sliding sash. This does alter the traditional appearance but this is not the principal elevation although it is most visible when approaching up the drive.

The grounds have already been altered by the subdivision but the creation of a new access and garage is accepted as the former coach house is no longer used for parking and is not as convenient for access.

It is a shame to lose the sloping roof detail over the south elevation as the additions now proposed appear to be more 1930's in inspiration than Georgian to match the overall house. While this is not so visually intrusive on the east elevation it is more visually discordant on the south elevation.

Overall with consideration of the windows construction and materials and the details of how they will be fitted then there are no observations of the proposals as they are submitted.

Representations:

Number of neighbours consulted:	4	Number of letters of support:	1
Number of representations received:	2	Number of neutral representations:	0
Number of objection letters:	1		

The public representations received by the Local Planning Authority are summarised below:
Objection Comment

- Impact on undesignated heritage asset;
- Impact on residential amenity;
    - Overshadowing;
    - Loss of privacy;
- Ecology; and
- Detailing of neighbouring roof slope and Party Wall.

Supportive Comment

- Design and character impact.

Policy Context:

North Devon and Torridge Local Plan 2011-2031:
ST01 (Principles of Sustainable Development); ST03 (Adapting to Climate Change and Strengthening Resilience); ST04 (Improving the Quality of Development); ST06 (Spatial Development Strategy for Northern Devon's Strategic and Main Centres); ST07 (Spatial Development Strategy for Northern Devon's Rural Area); ST10 (Transport Strategy); ST14 (Enhancing Environmental Assets); ST15 (Conserving Heritage Assets); NOR10 (Green Wedge); DM01 (Amenity Considerations); DM02 (Environmental Protection); DM04 (Design Principles); DM05 (Highways); DM06 (Parking Provision); DM07 (Historic Environment); DM08 (Biodiversity and Geodiversity); DM08A (Landscape and Seascape Character); DM25 (Residential Extensions and Ancillary Development).

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 in the determination of this application are:

1. Principle of Development;
2. Impact on Character and Appearance;
3. Impact on Residential Amenity;
4. Access, Parking and Highways;
5. Foul and Surface Water Drainage;
6. Impact on Wildlife and Ecology; and
7. Conclusion.

1.0 Principle of Development

1.1 Section 38 (6) of the Planning and Compulsory Act 2004 states that key consideration in the determination of a planning application is the development plan. Applications should be determined in accordance with the development plan unless material planning considerations indicate otherwise. For the purpose of the development plan the statutory development plan is comprised of the North Devon & Torridge Local Plan 2011-2031 (NDTLP).

1.2 In planning terms, the site is located outside, but adjacent to, the development boundary of Bideford which is designated as a 'Strategic Centre' in the adopted North Devon and Torridge Local Plan (NDTLP), and therefore is guided by Policy ST07(4) of the plan. Policy ST07 (4) sets out that development in the countryside should be limited to that which is enabled to meet local economic and social needs, rural building reuse and development that is necessarily restricted to a countryside location.

1.3 Policy NOR10 aims to resist development within the green wedge that would lead to or contribute towards the coalescence of the settlements of Bideford and Northam.

1.4 Policy DM25 offers broad planning policy support for ancillary development and extensions for residential properties, beyond which are enabled through permitted development, as long as it meets three tests:

(a) The form, scale, setting and design of the proposal respects the existing development, its context, setting and surroundings;
(b) Adequate residential amenity space and parking provision being maintain; and
(c) There being no significant adverse impact on the amenity of the occupants of neighbouring properties.

1.5 As set out above, the application site is located within the countryside however the proposal is for extensions and alterations to an existing dwellinghouse, therefore it is considered acceptable in principle and justified for its countryside location, provided the criteria (a)-(c) as set out within Policy DM25 is met. In addition, the proposal must also comply with all other material planning considerations.

2.0 Impact on Character and Appearance

The Local Plan policies on design are relevant - Policy ST04 (Improving the Quality of Development) and Policy DM04 (Design Principles), which both aim to achieve high quality, inclusive and sustainable design.

2.1 Policy ST04 supports development proposal that achieve high quality inclusive and sustainable design to support the creation of successful, vibrant places. Design 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.

2.2 Policy DM04 supports developments with good design and the policy seeks to guide overall scale, density, massing, height, landscape, layout, materials, access and appearance of new developments. It seeks not just to manage land use but support the creation of successful places and respond to the challenges of climate change. The policy lists 13 design principles that proposals must meet in order to be supported by the policy.

2.3 Policy DM08A seeks to protect the landscape and seascape character stating 'developments should be of an appropriate scale, mass and design that recognises and respects landscape character of both designated and undesignated landscapes and seascapes; it should avoid adverse landscape and seascape impacts and seek to enhance the landscape and seascape assets wherever possible. Development must take into account and respect the sensitivity and capacity of the landscape/seascape asset, considering the cumulative impact and the objective to maintain dark skies and tranquillity in areas that are relatively undisturbed.'

2.4 Policy ST15 of the NDTLP, states that 'great weight will be given to the desirability of preserving and enhancing northern Devon's historic environment by:

(a) Conserving the historic dimension of the landscape;
(b) Conserving the cultural, built, historic and archaeological features of national and local importance and their setting, including those that are not formally designated;
(c) Identifying and protecting locally important buildings that contribute to the area's local character and identity; and
(d) Increasing opportunities for access, education and appreciation of all aspects of northern Devon's historic environment, for all sections of the community.

2.8 Policy DM07 of the NDTLP requires that all proposals affecting heritage assets should be accompanied by sufficient information, in the form of a Heritage Statement, to enable the impact of the proposal on the significance of the heritage asset and its setting to be properly assessed. The policy also outlines that proposals that conserve and positively enhance the heritage asset and their setting will be support and where there is unavoidable harm to heritage assets and their settings, proposals will only be supported where the harm is minimised as far as possible.

2.9 The NPPF also strongly emphasis the need for well-designed places, in which Part 12 of the Framework is solely dedicated to the achieving well-design places. Paragraph 130 of the NPPF notes 'the creation of high-quality buildings and places is fundamental to what the planning and development proves should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work, and helps make development acceptable to communities.' Part 12 of the framework lists 6 key design principles that are required to be met in order to demonstrate the design is of high quality.

2.10 In addition to the above, paragraph 203 of the NPPF states "*the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing application that directly and indirectly affect non-designated heritage assets, a balance judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset."*

2.11 It is noted that the building as a whole is not included on the Council's Local List of Non-Designated Heritage Assets. However, National Planning Policy Guidance makes clear that *"local planning authorities may also identify non-designated heritage assets as part of the decision-making process"* and Historic England's advice on non-designated heritage assets states "*non-designated heritage assets may also be identified by the local planning authority during the decision-making process on planning applications, as evidence emerges. Any such decisions to identify non-designated heritage assets need to be made in a way that is consistent with the identification of non-designated heritage assets for inclusion in a local heritage list, properly recorded, and made publicly available, for instance through an addition to a local heritage list, and through recording in the Historic Environment Record (HER).*" The building has been screened as part of the decision-making process and the HER has been made publicly available, through the Council's Website.

2.12 The proposed development is for the following works:

- The demolition of existing conservatory on the east elevation and a replacement single storey extension, measuring approximately 6.4 metres in width by 4.9 metres in length with an eaves height of 3.1 metres and a ridge height of 4 metres and a roof lantern to the height of 4.5 metres;
- The erection of a two-storey extension on the east elevation, measuring approximately 4.15 metres in width by 5.6 metres in length with an eaves height of 7.6 metres and a ridge height of 9.8 metres both to match the existing;
- The demolition of the existing sunroom on the south elevation and a replacement single storey extension, measuring approximately 4.8 metres in width by 4.75 metres in length with a flat roof to the height of 3.8 metres and a parapet to the height of 4.7 metres;
- Various internal alterations; and
- The erection of a single storey garage and storage building to the east of the dwelling, measuring a maximum of 9.4 metres in width by 19.7 in length, with a flat roof to the height of 3 metres.

2.13 The proposed extensions will be of a design similar to the original dwellinghouse and will be constructed with the following materials: white painted render elevations; natural slate roof tiles; single ply flat roof sections; and black casement windows. Additionally, the proposed garage will be constructed with the following materials: natural stonework walls; single ply membrane roof; and timber garage door.

2.14 Northam Parish Council were consulted during the application process and commented that the proposed scale and design of the garage would be detrimental to the character of the dwellinghouse and therefore recommended the application be refused. In addition to this, a public representation was received objecting to the proposed scheme, more specifically the harm of the proposed development to the undesignated heritage asset.

2.15 A public representation was received supporting the proposed development, with respect to the benefits of the proposal on the overall character of the building.

2.16 The Council's Conservation Officer was consulted on the proposed development and stated: *"the proposed extension to the east elevation appears to be within an area already altered and this would not harm the traditional appearance of this elevation. It is noted that the proposal seeks to alter the multipane windows from Georgian style to victorian double pane sliding sash. This does alter the traditional appearance but this is not the principal elevation although it is most visible when approaching up the drive.*

2.17 *The grounds have already been altered by the subdivision but the creation of a new access and garage is accepted as the former coach house is no longer used for parking and is not as convenient for access.*

2.18 *It is a shame to lose the sloping roof detail over the south elevation as the additions now proposed appear to be more 1930's in inspiration than Georgian to match the overall house. While this is not so visually intrusive on the east elevation it is more visually discordant on the south elevation.*

2.19 *Overall with consideration of the windows construction and materials and the details of how they will be fitted then there are no observations of the proposals as they are submitted."*

2.20 While modest in scale, the proposed development is of a high-quality architectural design and is considered to be sympathetically designed in relation to the existing dwelling and the context of the surrounding area. The proposal would not result in an overdevelopment of the site with adequate levels of private amenity space being retained.

2.21 In addition to the above, the site is located within the countryside at an elevated position and at a distance from the main built form of Bideford. There are limited views of the site from the public highway (A39) and public rights of way, however extensive views of the south elevation are afforded to the site from the built-up residential area, known as Raleigh Hill. The extension to the south elevation is considered to be small-scale and is designed to minimise the impact to the character of the dwelling from distant views within the landscape. The two-storey extension and replacement single storey extension will provide a betterment to the east elevation and is not clearly visible from distant views of the site.

2.22 When assessing the harm to the non-designated heritage asset, Paragraph 203 of the NPPF states "*a balance judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset."* There have been a number of modern additions to the building and the existing sunroom on the south elevation is neither of high-quality design nor is it part of the original building fabric. On this basis, the proposed extension on the south elevation would not result in harm to the significance of the heritage asset and is, in the opinion of the case officer, a betterment to the overall character and appearance of the dwelling.

2.23 In addition to the above, the permitted development rights of the dwelling are considered to remain intact and therefore certain developments can be carried out without express permission from the Local Planning Authority. On this basis, the alteration of the windows on the east elevation could be carried out under permitted development.

2.24 The proposed garage is constructed to the rear of an existing high garden stonewall. The proposal includes increasing the height of the garden wall by approximately 0.7 metres and provides a double garage door, measuring 5 metres in width with a height of 2.3 metres and is of a timber finish.

2.25 In light of the above, it is the opinion of the case officer that the proposed garage and storage building would be similar to the existing context and therefore would have a minimal impact on the character and appearance of the undesignated heritage asset.

2.26 Taking account the above, the proposed extension and alterations are of high-quality design and would not significantly erode or harm the character of the undesignated heritage asset or the countryside character of the site. Consequently, the proposed development is in accordance with policies ST04, ST15, DM04, DM07 DM08A and DM25 of the NDTLP and the NPPF.

3.0 Impact on Residential Amenity

3.1 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 the existing or allocated uses.

3.2 Policy DM04 also aims to ensure the amenities of existing and future neighbouring occupiers are safeguarded. 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.

3.3 In addition to this, 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.

3.4 Part H1 of the National Design Guide states that '*good design promotes quality of life for the occupant and users of buildings. This includes function […] comfort, safety, security, amenity, privacy, accessibility and adaptability.'*

3.5 The application site is located within the countryside but consists of a sub-divided dwelling and therefore is neighboured by residential properties to the west. Northam Parish Council recommended that the application is refused on the basis that the proposed development would create unacceptable overlooking and overshadowing on the neighbouring property and the proposed driveway diminishing the amenity value of the lawn. In addition to this, a public representation was received from the neighbouring property which raised concerns with the potential loss of privacy and loss of light from overshadowing.

3.6 The proposed development is for the following works:

- The demolition of existing conservatory on the east elevation and a replacement single storey extension, measuring approximately 6.4 metres in width by 4.9 metres in length with an eaves height of 3.1 metres and a ridge height of 4 metres and a roof lantern to the height of 4.5 metres;
- The erection of a two-storey extension on the east elevation, measuring approximately 4.15 metres in width by 5.6 metres in length with an eaves height of 7.6 metres and a ridge height of 9.8 metres both to match the existing;
- The demolition of the existing sunroom on the south elevation and a replacement single storey extension, measuring approximately 4.8 metres in width by 4.75 metres in length with a flat roof to the height of 3.8 metres and a parapet to the height of 4.7 metres;
- Various internal alterations; and
- The erection of a single storey garage and storage building to the east of the dwelling, measuring a maximum of 9.4 metres in width by 19.7 in length, with a flat roof to the height of 3 metres.

3.7 The south elevation, which is considered the most sensitive elevation with regards to the neighbouring properties and includes the replacement of the existing sunroom with the provision of a single storey extension and a parapet party wall. The impacted space of the neighbouring property at ground floor is the main lounge for the dwelling, with a bedroom at first floor level.

3.8 Firstly, it is not considered that the proposed extension will increase the overlooking and loss of privacy for the neighbouring property given the proposal does not introduce any additional window openings on the south elevation. A condition is included to prevent the flat roof element from being used as a balcony or roof terrace.

3.9 Secondly, the Parish Council raised concerns that the proposed driveway will diminish the amenity value of the lawn. The dwelling benefits from approximately 0.31 hectares of amenity space to the south and east and the proposed driveway measures approximately 140 square metres of additional hard-standing. In light of this, it is considered that sufficient amenity space is retained for the enjoyment of the occupants.

3.10 Finally, with respect to the overshadowing, the proposal includes a high-level parapet party wall. There is an existing two-storey element on the south elevation of the existing dwelling which would overshadow the sunroom in the early morning of the summer months (May-September). It is not disputed, that the proposed parapet will increase the overshadowing of the adjacent lounge area, the test for Policy DM01 is to assess whether the harm to the amenities of the occupants would be significant.

3.11 After an analysis of the site, given the massing of the existing building; orientation of the site; level of window openings within the space; and existing overshadowing from vegetation, it is considered that the extent of overshadowing would be limited to a brief period in the morning throughout the year. As such, the proposed parapet will not have a harmful impact for a considerable period of the day (approximately late morning – dusk) and therefore the harmful impact on the occupants is not considered to be significant.

3.12 In light of the above, the impacts of the proposed development are not considered to be significantly detrimental to visual or residential amenity and would be suitably designed for the intended purposes. As such the development is in accordance with policies DM01, DM04 and DM25 of the NDTLP.

4.0 <u>Access, Parking and Highways</u>

4.1 Paragraph 111 of the NPPF advises 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.

4.2 Policy ST10 of the NDTLP, sets out the transport strategy for Northern Devon. It aims to reduce the environmental and social impact of transport by ensuring that access to new developments is safe and appropriate.

4.3 Policy DM05 of the NDTLP relates to highways and states:

(1) All development must ensure the safe and well-designed vehicular access and egress, adequate parking and layouts which consider the needs and accessibility of all highway users including cyclists and pedestrians.

(2) All development shall protect and enhance public rights of way, footways, cycleways and bridleways and facilitate improvements to existing or provide new connections to these routes where practical to do so.

4.4 In addition to this, Policy DM06 of the NDTLP relates to parking provision and states:

(1) Development proposals will be expected to provide an appropriate scale and range of parking provision to meet anticipated needs, having regard to:

(a) Accessibility and sustainability of the site;

(b) Availability of public transport;

(c) Provisions of safe walking and cycle routes; and

(d) Specific sale, type and mix of development.

(2) Proposals must encourage the use of sustainable modes of transport through careful design, layout and integration of the existing built form.

4.5 The application site is accessed from the public highway via a private access track to the east of the site. The dwelling does not currently have the provision of garage, with vehicular parking and turning on the sizeable hard-surfaced area to the east of the dwelling. The proposal is for the provision of a garage and storage building to the east of the existing dwelling, measuring approximately 135 square metres.

4.6 In light of the above, it is considered that the proposed development would not result in a severe cumulative impact on the road network or highway safety and therefore is in accordance with Policies DM05 and DM06 of the NDTLP and the NPPF.

5.0 Foul and Surface Water Drainage

5.1 Policy ST03 of the NDTLP notes that development should 'adopt effective water management including Sustainable Drainage Systems, water quality improvements, water efficiency measures and the use of rainwater'. In addition, Policy DM04 notes development should provide effective water management including Sustainable Drainage Systems, water efficiency measures and the reuse of rainwater.

5.2 The NPPF and Planning Practice Guidance provide further advice on foul drainage, with a hierarchical approach being used. The Planning Practice Guidance notes that new development should aim to discharge foul water into the public sewer; however, if this not possible then a package treatment plant may be used. However, if a package treatment plant is not possible to use, then a septic tank will be considered. Justification for the use of alternative drainage systems other than mains drainage is required.

5.3 The site is located within Bideford's Critical Drainage Area; however it does falls within a Zone 1 Flood Risk and therefore it has less than 1 in 1,000 annual probability of river flooding and is consider a low probability of flooding.

5.4 The proposal includes the provision of two new surface water soakaways on the site. A critical Drainage Area Surface Water Management Report was submitted alongside the application. Given the scale of development and the extent of land ownership, the Council is reasonably confident the proposed drainage provisions are sufficient and is in accordance with policies ST03 and DM04 of the NDTLP.

6.0 Impact on Wildlife and Ecology

6.1 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 NDTLP through Policies DM08 and ST14 which state that all developments must ensure that the importance of habitats and designated sites are taken into account.

6.2 The local planning authority also has a duty under Section 40 of the Natural Environment and Rural Communities (NERC) Act 2006 to have regard to biodiversity in exercising its functions. This duty includes the requirement to have regard to protected species.

6.3 Development proposals should avoid adverse impacts on existing features as a first principle and enable net gains by designing biodiversity features and enhancements and opportunities for geological conservation alongside new developments, however where adverse impacts are unavoidable, they must be adequately and proportionately mitigated.

6.4 A Preliminary Ecological Appraisal Report was undertaken in September 2022, by Orbis Ecology and a report submitted alongside the application. It concluded that the adjacent coach house is a roost for Lesser Horseshoe Bats, however *"the eastern section of the main*

house does not appear to be used by roosting bats, and the absence of potential roost features means it has negligible suitability" and "*there are no impacts predicted to nesting birds."*

6.5 The proposed development is for extensions and alterations to the existing dwellinghouse and the provision of a garage and storage building. The proposal does not include alterations to the coach house and the existing dwelling has been assessed to have no nesting birds or bats.

6.6 In light of the above, the proposed development would not result in a significant adverse effect towards any protected habitats or species and therefore the proposed development is considered to be in accordance with Policies ST14 and DM08 of the NDTLP.

6.7 Notwithstanding the above, given the presence of bats within the site, an informative has been attached to this permission, which states that if any Bats or Protected Species are detected, work must cease immediately, and the appropriate authorities notified. Failure to do so may result in legal proceedings.

7.0 Other Matters

7.1 An objection comment was received by the Council in which some of the concerns raised will not have been addressed previously in this report. The following section will attempt to clarify these matters.

7.2 Party Wall:
The public representation also raised concerns over the detailing of the parapet wall and the impact to the neighbouring properties roof slope. The proposed development would appear to alter the Party Wall, however the finished detailing of the proposed parapet wall and the neighbouring roof slope would be a matter for consideration within the Party Wall Agreement, in accordance with the Party Wall etc. Act 1996.

7.3 In light of the above, the impact on the Party Wall is not a material planning consideration and therefore is not considered within the determining of this application.

8.0 Conclusion

8.1 The proposed development is considered to result in an acceptable impact on the character and appearance of the surrounding area and the undesignated heritage assets; would not result in a harmful impact on the amenities of the neighbouring properties; provides suitable access, parking and turning; and the development would not result in a harmful impact on protected species.

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 external finish materials for the proposed garage door shall be timber only, unless otherwise agreed in writing by the Local Planning Authority. The materials shall be installed before the development hereby permitted is brought into use and shall thereafter be retained as such.

Reason: To ensure that the materials, hereby considered to be acceptable, are used for the development.

4 The roof space of the single storey extension on the south elevation, as show on approved plan 21 090 01, shall not be used as a roof terrace/balcony.

Reason: In the interest of residential amenity.

Plans Schedule

Reference	Received
21 090 01	23.01.2023
21 090 02 B	20.03.2023
21 090 05	23.01.2023

Informatives

01. All bats and their roosts are fully protected under the Wildlife and Countryside Act 1981 (as amended by the Countryside and rights of Way Act 2000) and are further protected by under Regulation 39(1) of the Conservation (Natural Habitats &c.) Regulations 1994. Should any bats or evidence of bats be found prior to or during development, work must stop immediately and English Nature be contacted for further advice. This is a legal requirement under the Wildlife and Countryside Act 1981 (as amended) and applies to whoever carries out the work. All contractors on site should be made aware of this requirement and given the relevant contact number of Natural England, which is via the Bat Conservation Trust on 0845 1300 228.

02. Should any protected species be discovered during the development the applicant is advised to seek further information on licensing from Natural England whose contact details are listed below:

General and licensing enquiries : Tel: 0845 601 4523 (Local rate) or by email
-General queries and wildlife management licensing email : wildlife@naturalengland.org.uk
-European protected species mitigation licensing email: EPS.mitigation@naturalengland.org.uk
-Science and conservation licensing: email: wildlife.scicons@naturalengland.org.uk

Statement of Engagement

The National Planning Policy Framework (paragraphs 38) requires local planning authorities to work positively and proactively with applicants to achieve sustainable development. Throughout the application process guidance has been given to the applicants and all outstanding issues have been identified.