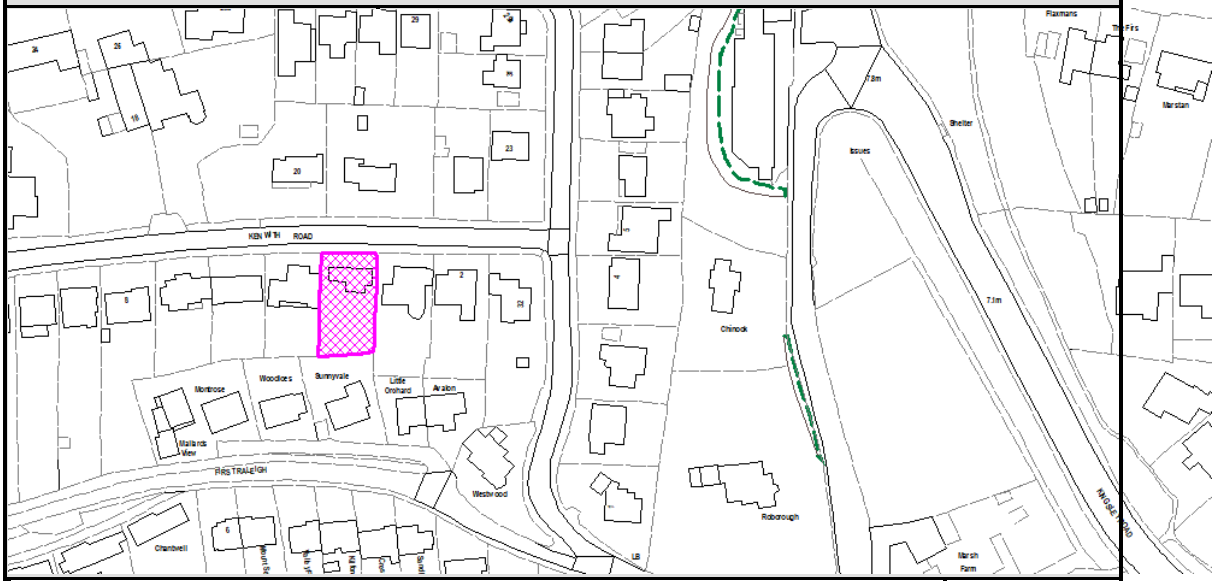
Committee Report – 30 March 2023

Application Number:	1/0120/2023/FUL
Registration date:	8 February 2023
Expiry date:	5 April 2023
Applicant:	Mr Payne And Ms Clark
Agent:	Mr Alan Kingdon
Case Officer:	Mr Peter Stapley
Site Address:	4 Kenwith Road, Bideford, Devon, EX39 3NW,
Proposal:	Proposed extensions and alterations
Recommendation:	Grant



Reason for referral:

This application has to be determined by Planning Committee as the applicant is an employee at Torridge District Council.

Relevant History:

No relevant site history.

Site Description & Proposal

Site Description
The application site (4 Kenwith Road) is located within the development boundary of Bideford, which is designated as a 'Strategic Centre' within the adopted North Devon and Torridge Local Plan (NDTLP). The site is not located within any other allocated land designation and there are no designated heritage assets within close proximity.

The site is located within the residential area of Bideford and consists of a two-storey detached dwelling situated within a sizeable plot. The principal elevation is to the north and the main private amenity space is to the rear of the property. There is on-site parking to the front of the dwellinghouse.

The site is neighboured by the residential properties to the east, south and west, with the public, unclassified (Class R), highway to the north.

Proposed Development
The application seeks full planning permission for the erection of a two-storey rear extension to provide additional living accommodation on the ground floor with a bedroom above; a single-storey porch extension; a single-storey side extension, to the rear and an increase in height to the garage; and a raised terraced area to the rear of the property.

The two-storey rear extension will extend beyond the rear elevation by approximately 3.85 metres, with a width of 5.15 metres. The ridge and eaves height will match the existing dwelling, with a height of 6.5 metres and 5 metres, respectively, from the finished floor level of the dwelling.

The proposed entrance porch will measure approximately 2.15 metres in length by 4 metres in width, with an eaves height of 2.4 metres and a maximum height of 2.8 metres.

The proposal includes an increase to the height of the garage attached to the side of the dwelling, with an eaves height of 2.1 (+0.2) metres and a ridge height of 3.2 (+0.7) metres. Additionally, the proposal includes the addition of an extension to the rear of the garage measuring approximately 2.4 in width by 2.35 metres in length with a maximum eaves height of 2.7 metres and a ridge height of 3.9 metres.

The extension will be constructed using the following materials; painted rendered brickwork, natural slate roof tiles and white uPVC for the windows, all to match the existing dwelling.

Consultee representations:

Northam Town Council:
Northam Town Council recommended that this proposal be granted permission.

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 temporary disturbance 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.

South West Water:
With reference to the planning application at the above address, the applicant/agent is advised to contact South West Water if they are unable to comply with our requirements as detailed below.

Asset Protection
Please find attached a plan showing the approximate location of a public 200mm sewer in the vicinity. South West Water will need to know about any building work over or within 3 metres of a public sewer or lateral drain.

We will discuss with you whether your proposals will be affected by the presence of our apparatus and the best way of dealing with any issues as you will need permission from South West Water to proceed.

Further information regarding South West Water's build over of sewers process can be found on our website via the following link:

www.southwestwater.co.uk/buildover

Representations:

Number of neighbours consulted:	5	Number of letters of support:	0
Number of representations received:	0	Number of neutral representations:	0
Number of objection letters:	0		

No public representations received.

Policy Context:

North Devon and Torridge Local Plan 2011-2031:
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); ST10 (Transport Strategy); ST14 (Enhancing Environmental Assets); BID (Bideford Spatial Vision and Development Strategy); DM01 (Amenity Considerations); DM04 (Design Principles); DM05 (Highways); DM06 (Parking Provision); DM08 (Biodiversity and Geodiversity); 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 Highway Safety;
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 within the development boundary of Bideford, which is designated as a 'Strategic Centre' and is guided by Policy ST06 within the NDTLP. The policy states that Bideford will provide a focus for housing and employment development. The policy supports sustainable development opportunities that will increase the self-containment and achieve a balanced development to enable the town to meet its own needs and those of the surrounding area. The Bideford Spatial Strategy (BID) states that developments will seek to maximise the positive benefits that it can achieve, whilst respecting the sensitive landscape and environmental setting of the town, its heritage, community spirit and sense of place.

1.3 NDTLP Policy DM25 offers broad planning policy support for extensions of residential dwellings, 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, it 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.

1.4 Bideford Town Council were consulted on the proposed development and recommended approval.

1.5 As stated above, the application site is located within the development boundary of Bideford, therefore the proposed alterations and extension to the existing residential dwelling, known as 4 Kenwith Road, would be acceptable in principle under these policies, provided the criteria (a)-(c) as set out within Policy DM25 is met and if it complies with the other material planning considerations.

2.0 Impact on Character and Appearance

The NDTLP 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 The NPPF also strongly emphasises the need for well-designed places, in which Part 12 of the Framework is solely dedicated to the achieving of well-designed 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.

2.4 The proposal if for the erection of a two-storey rear extension to provide additional living accommodation on the ground floor with a bedroom above; a single-storey porch extension; a single-storey side extension, to the rear and an increase in height to the garage; and a raised terraced area to the rear of the property.

2.5 The two-storey rear extension will extend beyond the rear elevation by approximately 3.85 metres, with a width of 5.15 metres. The ridge and eaves height will match the existing dwelling, with a height of 6.5 metres and 5 metres, respectively, from the finished floor level of the dwelling.

2.6 The proposed entrance porch will measure approximately 2.15 metres in length by 4 metres in width, with an eaves height of 2.4 metres and a maximum height of 2.8 metres.

2.7 The proposal includes increase the height of the garage attached to the side of the dwelling, with an eaves height of 2.1 (+0.2) metres and a ridge height of 3.2 (+0.7) metres. Additionally, the proposal include the addition of an extension to the rear of the garage measuring approximately 2.4 in width by 2.35 metres in length with a maximum eaves height of 2.7 metres and a ridge height of 3.9 metres.

2.8 The extension will be constructed using the following materials: painted rendered brickwork, natural slate roof tiles and white uPVC for the windows, all to match the existing dwelling.

2.9 While modest in scale, the proposed development 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. Additionally, the proposed two-storey extension is to the rear of the property and therefore there would be limited harm to the street scene.

2.10 As such, the design and form are considered to be appropriate when seen against the scale of the existing dwelling and its surrounding context, and as a result is considered to be compliant with policies ST04, DM04 and DM25 of the NDTLP.

3.0 <u>Impact on Residential Amenity</u>

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 if 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 proposed extension extends beyond the rear elevation by approximately 3.85 metres, with the ground level sloping significantly to the south. The neighbouring properties to the east and west, are situated further south within their plots and given the orientation of the site, it is

considered that there would be no harm to neighbouring properties from overshadowing. The distance from the rear extension and the neighbouring property to the south is approximately 25 metres. Given there is sufficient distance and the significant change in ground level, the proposed extension would not have a significant harmful amenity impact.

3.6 The proposal includes the provision of a raised terraced to the rear of the property at a height of 1.15 metres. During the Case Officer's site visit, it was noted that there is already considerable overlooking of the rear gardens, due to the site levels, design of the dwellings, low boundary treatments and existing balcony terraces. As a result, your Officer is confident that the proposal would not result in any significant adverse impacts on the amenities of occupiers of nearby dwellings in terms of overlooking, loss of privacy, dominance, overshadowing, and loss of daylight or sunlight, above that already established. As such the development is in accordance with policies DM01, DM04 and DM25 of the NDTLP.

4.0 Access, Parking and Highways

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 proposal includes increasing the height of the existing attached garage. The proposal does not impact on the existing parking or highway access and would not result in a significant increase in volume of traffic to the site.

4.6 Furthermore, the application site is considered a sustainable urban location with many of the desired services and access to public transport routes within walking distance, as defined by the National Design Guide.

4.7 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 ST10, DM05 and DM06 of the NDTLP.

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 fall 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 A brief critical drainage statement was provided for consideration. It states, *"the existing rainwater system will be used and new soakaways provided."* The location of the proposed soakaways has not been provided and it is the opinion of your Officer that any soakaway could not be provided on the site in accordance with Building Regulations (a distance of more than 5 metres from the built form and 2.5 metres from any boundary) and therefore surface water would likely be discharged into sewers.

5.5 The scale of the development is minor and therefore the level of additional surface water is likely to be minimal. In addition to this, South West Water were consulted on the proposed development and did not raise any concerns with the proposed drainage scheme.

5.6 Notwithstanding the above, South West Water did state *"with reference to the planning application at the above address, the applicant/agent is advised to contact South West Water if they are unable to comply with our requirements as detailed below.*

5.7 Asset Protection:
Please find attached a plan showing the approximate location of a public 200mm sewer in the vicinity. South West Water will need to know about any building work over or within 3 metres of a public sewer or lateral drain.

5.8 We will discuss with you whether your proposals will be affected by the presence of our apparatus and the best way of dealing with any issues as you will need permission from South West Water to proceed."

5.9 It is clear from the proposed plans that the approximate location of the public sewer is a sufficient distance as to not be affected by the development. Given the scale of development and the comments received by South West Water, the Council is reasonably confident the proposed drainage provisions are sufficient and 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 The applicant has provided a wildlife trigger list which triggered a Wildlife Report to be submitted as the application includes works to the roof. The applicant submitted an accompanying statement and photos to show the site, roof and eaves. After considering the report and reviewing the photos and information provided, it is considered that due to existing fascias appearing to be tight fitting, the application site being within an urban setting, and the building being well used, there is unlikely to be any protect species nesting and present. Therefore, it is unlikely that any protected species (such as bats) will be harmed by the development, or any habitat lost.

6.5 As such, the proposal is considered to fulfil the above statutory duties and the provision of policies DM08 and ST14 and the requirements of the NPPF. Albeit 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 Conclusion

7.1 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, suitable access, parking and drainage can be provided 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 not 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
22/0143/02 REV B	15.03.2023
22/0143/03	08.02.2023

Informatives

01. The applicant is advised to contact South West Water if they are unable to comply with the requirements as detailed in the consultee comment received by South West Water on the 15th February 2023.

02. 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.

03. 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.