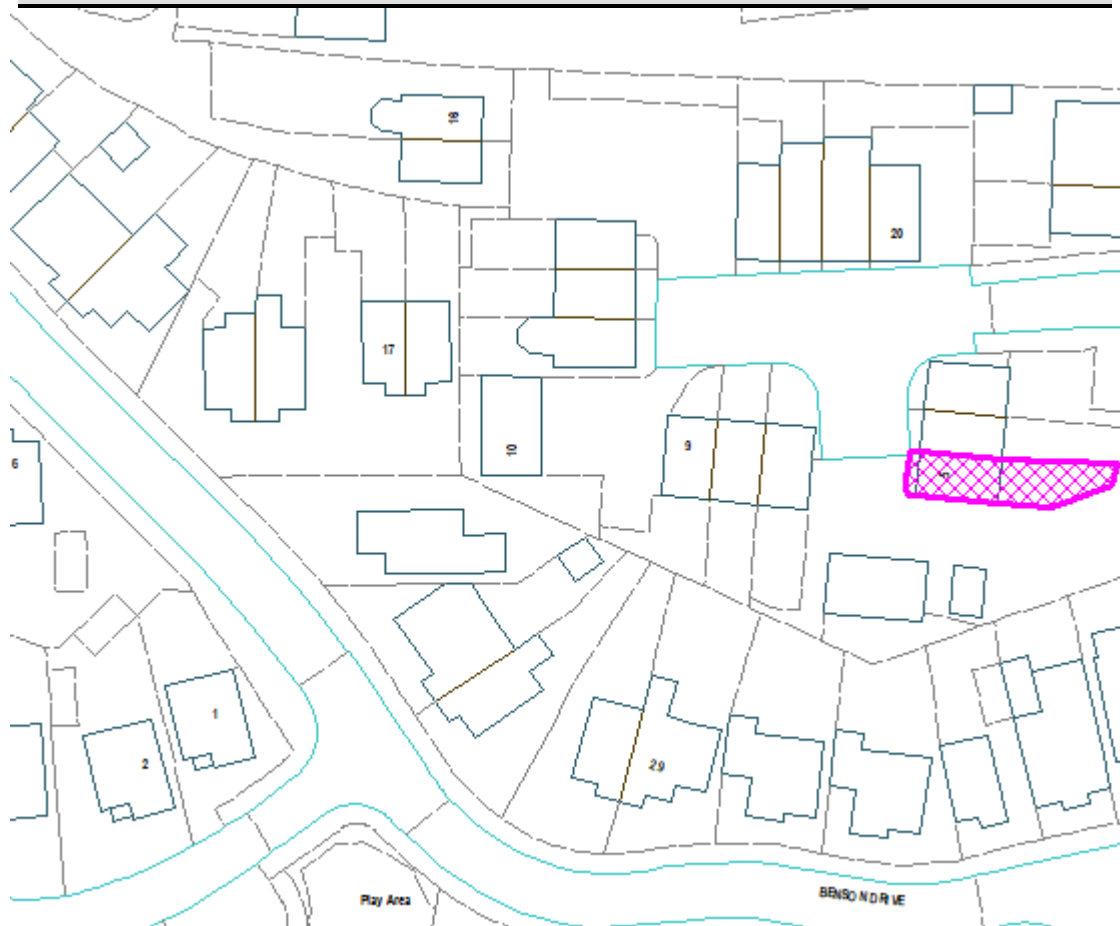


Committee Report – 25.07.24

Application Number:	1/0374/2024/FUL
Registration date:	30 May 2024
Expiry date:	25 July 2024
Applicant:	Mr And Mrs Copp
Agent:	Jenkinson Potts Construction Ltd
Case Officer:	Mary-Ellen Whalley
Site Address:	5 Dane Court, Northam, Bideford, Devon, EX39 1UA,
Proposal:	Erection of two storey rear extension and additional first floor window
Recommendation:	Grant



Reason for referral:

The application has been called in by Councillor Hames as Ward Member so that members can consider the amenity impact of the proposed extension on the neighbouring resident.

Relevant History:

Application No.	Description	Status	Closed
1/0832/2000	RESIDENTIAL DEVELOPMENT	PER	03.10.2000
1/0111/2003	ERECTION OF 110 DWELLINGS, GARAGES AND ROADWAYS	PER	17.09.2003
1/0546/1974	NEW SECONDARY SCHOOL	PER	13.08.1975
1/1272/1975	HOUSING DEVELOPMENT BURROUGH FARM, NORTHAM	PER	03.02.1976
1/0998/1978	PROPOSED SECONDARY SCHOOL	PER	29.01.1980

Site Description & Proposal

Site Description

The site is located within the urban settlement of Northam. It is an end of terrace two-storey dwellinghouse with the provision of driveway parking to the front of the property and a rear garden. The nearest neighbouring dwelling is 4 Dane Court attached to the northern elevation of the property.

Proposal

The application seeks full planning permission for the erection of a two-storey rear extension to the east elevation of the property.

Consultee representations:

Northam Town Council (1st response):

Northam Town Council recommended that the proposal be refused permission on the grounds that it would have an impact on the amenity of neighbouring properties to the north leading to a loss of light in the gardens and into the dwellings.

Northam Town Council (2nd response):

Northam Town Council did not consider that the amendments amounted to a significant change and resolved to recommend that the proposal be refused permission on the same grounds as previously stated, those being that it would have a negative impact on the amenity of neighbouring properties to the north leading to a loss of light in the gardens and into the dwellings.

Northam Town Council (3rd response):

Northam Town Council recommended that the proposal be refused permission on the same grounds as previously stated, those being that it would have a negative impact on the amenity of neighbouring properties to the north leading to a loss of light in the gardens and into the dwellings.

South West Water (1st response):

Asset Protection

Please find attached a plan showing the approximate location of a public Foul 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

Should you require any further information, please contact our Asset Protection Team via email: DeveloperServicesAssetProtection@southwestwater.co.uk.

Surface Water Services

The applicant should demonstrate to your LPA that its prospective surface run-off will discharge as high up the hierarchy of drainage options as is reasonably practicable (with evidence that the Run-off Destination Hierarchy has been addressed, and reasoning as to why any preferred disposal route is not reasonably practicable):

1. Water re-use (smart water butts, rainwater harvesting, grey flushing toilets)
2. Discharge into the ground (infiltration); or where not reasonably practicable,
3. Discharge to a surface waterbody; or where not reasonably practicable,
4. Discharge to a surface water sewer, highway drain, or another drainage system; or where not reasonably practicable,
5. Discharge to a combined sewer. (Subject to Sewerage Undertaker carrying out capacity evaluation)

No surface water strategy details were provided with this planning application. Please note that a discharge into the ground (infiltration) is South West Water's favoured method and meets with the Run-off Destination Hierarchy. Should this method be unavailable, SWW will require clear evidence to demonstrate why the preferred methods listed within the Run-off Destination Hierarchy have been discounted by the applicant. For Highway run off please contact the Highway Authority to agree disposal method.

South West Water (2nd response):

Considering the revised site plan which details surface water drainage to a soakaway as well as intended water reuse, South West Water has no further concerns in this regard.

Please note that our observations with regards to the proximity of the onsite dedicated foul sewer still stand.

Representations:

Number of neighbours consulted:	9
Number of representations received:	3
Number of objection letters:	1

Number of letters of support:	1
Number of neutral representations:	1

1 support comment:

- Improve appearance of area
- Space needed by family

1 general comment:

- Concerns regarding light

1 objection comment:

- Overlooking of property to south with new first floor window on southern elevation

Policy Context:

North Devon and Torridge Local Plan 2011-2031:

ST04 (Improving the Quality of Development); ST06 (Spatial Development Strategy for Northern Devon's Strategic and Main Centres); ST14 (Enhancing Environmental Assets); 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 are as follows:

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

1. Principle of Development

The application is located within the development boundary of Northam which is designated as a Main Centre; therefore, 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.

In addition, Policy DM25 provides in principle support for ancillary development and extensions to residential dwellings.

In this instance, the proposed development is considered to be appropriate for, and proportionate to, the original property. It is a rear two-storey extension to provide one additional bedroom on the first floor and a family room on the ground floor. The proposal accords with Policies ST06 and DM25, therefore it is acceptable in principle, subject to other policy considerations.

2. Character and Appearance

Policies DM04 and ST04 of the NDTLP, require new development to be of high-quality design, including being well related to their surroundings, be of an appropriate scale, including quality materials, and to be sympathetic to the character and appearance of the local area.

Policy DM04 goes into further details by stating that proposals should be appropriate and sympathetic in terms of scale, density, massing, height, layout, appearance, fenestrations, materials and relationships to buildings and landscape features in the local neighbourhood.

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.

Over the course of the application, the pitch of the roof to the extension was amended as part of the proposal to minimise the impact on the impact of light received by the window of the property to the north. This is now not symmetrical but as it is at the rear of the property and not highly visible in the wider streetscape, and there are other properties within this development with non-uniform gables at the front of their properties, it is considered acceptable. As part of further amendments to the scheme, the size of the first-floor window on the southern elevation has been reduced and is now more in scale with the other windows on this elevation.

The proposed development's scale, design and materials to be used would be in keeping with the character, appearance and setting of the dwellinghouse and the surrounding urban setting as the walls are proposed to be render, the roof concrete tiles and windows and doors uPVC as existing.

Therefore, it is considered that the proposal is in accordance with Policies ST04, DM04 and DM25 of the NDTLP.

3. Neighbouring Amenity

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

Northam Town Council were consulted and '*the proposal be refused permission on the grounds that it would have an impact on the amenity of neighbouring properties to the north leading to a loss of light in the gardens and into the dwellings.*' One third party objection was also made regarding the impact of the extension on light received by the property to the north. Subsequently the design of the extension was amended with the inclusion of the windows of the neighbouring property and the application of the 45° line to demonstrate the impact on sunlight on the nearest ground floor window. Following re-consultation with the Town Council they still recommended refusal. However, it is considered that although the Town Council and neighbour comments were re-iterated on the revised drawings, and these comments are of course noted, the information submitted has demonstrated that the impact on light to the neighbouring property would not be so significant as to warrant refusal of the application. It is accepted that the properties have relatively small gardens and therefore there will be some reduction in light within the garden of the property to the north, but this is not considered significant enough to warrant refusal.

The amendment to the design included the addition of a larger window to the first floor of the southern elevation and a subsequent objection was received regarding overlooking. This has been amended to be in line with the size of the other first floor windows on the southern elevation and therefore given the distance to the nearest neighbouring properties and its size is not considered to cause significant overlooking.

The revision of the slope gradient has meant that a portion of the first-floor bedroom would have reduced head height. This would amount to an area 2.65m in length and 0.9m in width however as this is to be used as a bedroom and would still have 2.65m in length by 2.525m in width it is considered an acceptable level of accommodation.

It is therefore considered that the proposed scale and location of development would not cause any significant adverse impact on the amenities of occupiers of nearby dwelling in terms of overlooking, loss of privacy, dominance, overshadowing, or loss of daylight or sunlight.

Therefore, the proposal accords with Policy DM01.

4. Drainage

South West Water provided comments requesting additional information regarding the soakaway for the property. Amended information has been received which meets their requests. The proposed extension is considered to have no harmful impact on drainage and is in accordance with NDTLP Policy ST03.

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 site and green infrastructure.

A Wildlife Trigger List and Ecology statement have been submitted as part of the planning application which concluded there was to be works to the roof. However, as the property is new and has a timber trussed roof covered with under felting and concrete interlocking tiles, and the site is within a residential area, an ecology study was not requested.

A site visit was conducted that considered the nature, scale and context of the site within its immediate surrounding. It was considered following the site visit a further ecological survey was not appropriate nor proportionate for the development giving the existing open nature of the site. Nonetheless, as per informative 1, should any protected species be discovered then the works should cease, and advice should be sought from Natural England and a licenced Ecologist.

Due to the minor scale of the development no ecological enhancement has been required and as this is a householder application is exempt from Biodiversity Net Gain.

Due to the scale and nature of the proposed development, there is not considered to be any harm or impact on protected species, and therefore the proposal is in line with Policies ST14 and DM08 of the NDTLP.

6. Parking

Policies DM05 and DM06 of the NDTLP require development to provide well designed, safe vehicular access that provides parking and considers the need for all highway users and their safety.

The proposed development will result in no difference upon highway safety and provision of car parking and turning within the site as it is the rear of the property. Therefore, it is considered the proposal accords with NDTLP Policies DM05 and DM06.

Conclusion

In conclusion, the proposed development would not cause significant harm to the character and appearance of the existing building, amenity and ecology. Therefore, the proposal would be in accordance with the NDTLP Policies ST04, ST06, ST14, DM01, DM04, DM05, DM06, DM08 and DM25.

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 (including deliveries of construction materials) shall not take place other than between 0700hrs and 1900hrs on Mondays to Fridays, Saturdays between 0800hrs and 1300hrs and at no time on Sundays and Bank Holidays.

Reason: To protect the amenities of neighbouring properties, in accordance with Policies DM01 and DM02 of the North Devon and Torridge Local Plan 2011-2031.

Plans Schedule

Reference	Received
Location Plan	22.04.2024
Existing and proposed site plan	20.06.2024
Proposed elevations	20.06.2024
Proposed floor plans	20.06.2024

Informatives

01. The applicant is advised when carrying out the proposed development it will be necessary to comply with the Wildlife and Countryside Act 1981 and the Conservation of Habitats and Species Regulations 1991.

Should any protected species be discovered during the development the applicant is advised to contact The National Bat Helpline 03451300228 <http://www.bats.org.uk/pages/help.html> or Natural England.

02. **Biodiversity Net Gain**

The effect of Paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for development of land in England is deemed to have been granted subject to the condition (biodiversity gain condition) that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan.

The Planning Authority, for the purposes of determining whether to approve a Biodiversity Gain Plan, if one is required in respect of this permission would be Torridge District Council.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply.

Based on the information available this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because one or more of the statutory exemptions or transitional arrangements are considered to apply.

The Permission which has been granted is for development, which is exempt from the requirements set out within Paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 [Biodiversity Net Gain] being:

Development which is subject of a householder application within the meaning of Article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. A "householder application" means an application for planning permission for development for an existing dwellinghouse, or development within the curtilage of such a dwellinghouse for any

purpose incidental to the enjoyment of the dwellinghouse which is not an application for change of use or an application to change the number of dwellings in a building.

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. The Council has therefore demonstrated a positive and proactive manner in seeking solutions to problems arising in relation to the planning application.