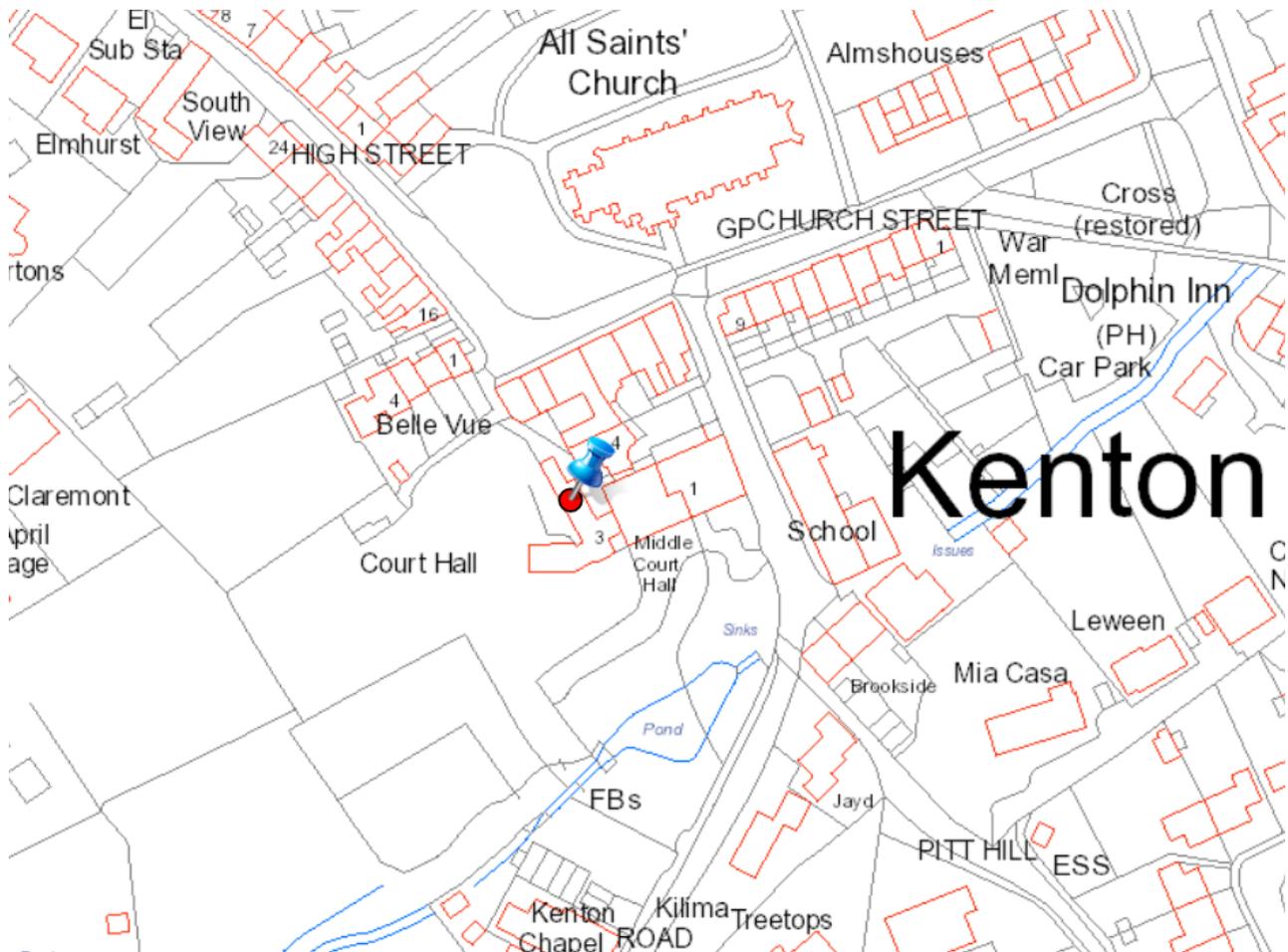


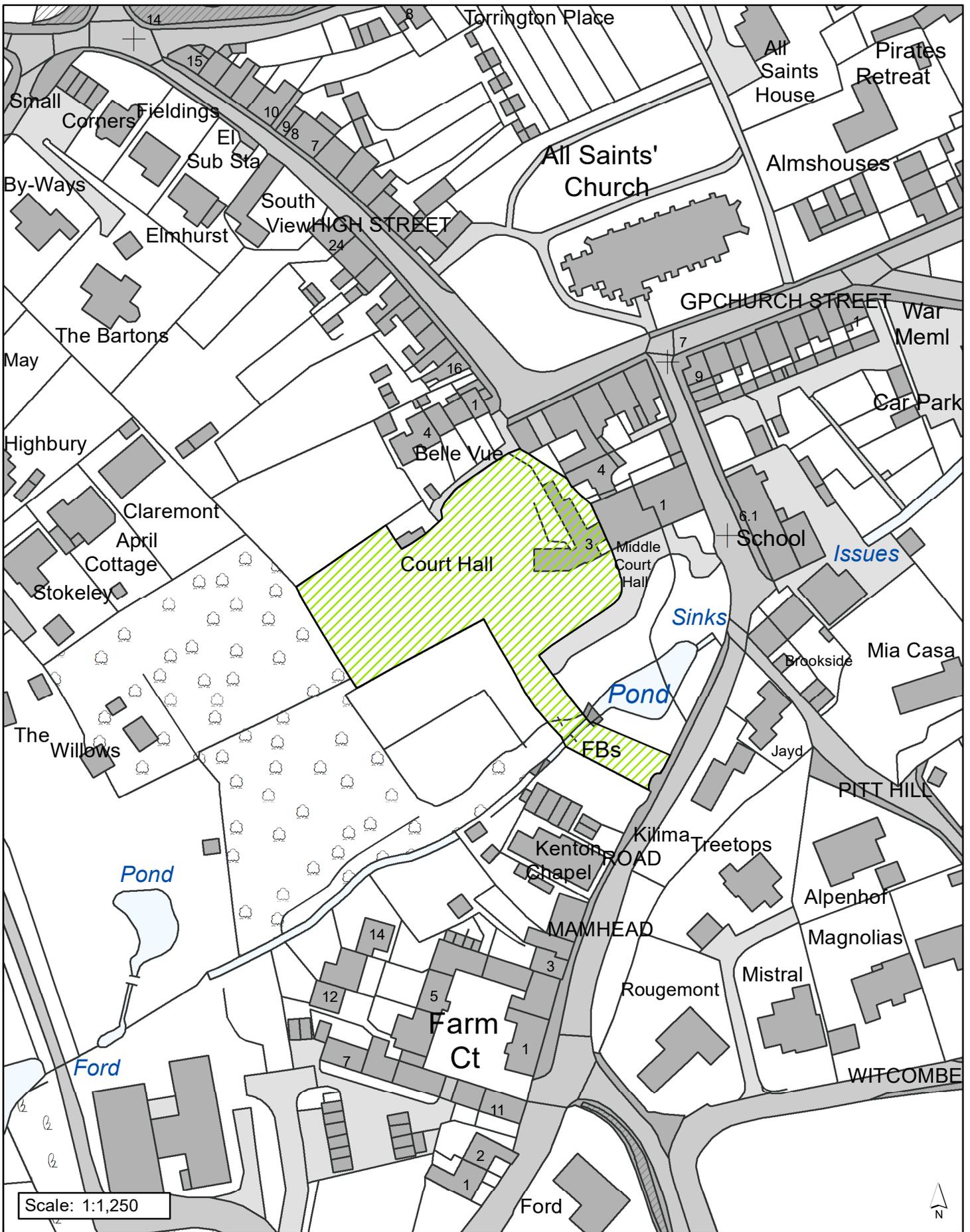
PLANNING COMMITTEE REPORT

CHAIRMAN: Cllr Mike Haines



APPLICATION FOR CONSIDERATION:	KENTON - 21/00308/HOU - Little Court , Mamhead Road - Formation of new detached outbuilding/garage with workshop	
APPLICANT:	Mr & Mrs Barnes	
CASE OFFICER	Gary Crawford	
WARD MEMBERS:	Cllr Alan Connett	Kenton With Starcross
VIEW PLANNING FILE:	https://www.teignbridge.gov.uk/planning/forms/planning-application-details/?Type=Application&Refval=21/00308/HOU&MN	





**21/00308/HOU -- Little Court, Mamhead Road,
Kenton EX6 8NA**



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1. REASON FOR REPORT

Councillor Connett has recommended that this application be referred to the Planning Committee because he considers that the proposal is out of keeping with the Kenton Conservation Area and will have a significant effect on the amenity of neighbouring properties. He considers that the proposal is contrary to the Kenton Neighbourhood Plan Policies KBHE1 & 2 and K ENV 3 and WE8c of the Teignbridge Local Plan.

2. RECOMMENDATION

PERMISSION BE GRANTED subject to the following conditions:

1. Standard 3 year time limit for commencement of development;
2. Development to be carried out in accordance with the approved plans;
3. Prior to its installation, a sample or details of the slate to be used on the building shall be submitted to and approved in writing by the Local Planning Authority
4. The building shall not be occupied at any time other than for purposes ancillary to the residential use of the host dwelling.

3. DESCRIPTION

The Application Site

- 3.1 The application site, Little Court, Mamhead Road, Kenton, relates to a two storey residential property which is attached to the Grade II listed Middle Court and Court Hall. The host property features extensive grounds within a walled garden and the property is accessed via both Mamhead Road to the south and from gated entrance off a private way from the corner of Church Street and High Street to the north east of the plot. The application site is located within the Kenton Conservation Area and the Grade I listed All Saints Church is located approximately 45m to the north east of the site.

The Application

- 3.2 This application seeks permission for the erection of a detached outbuilding which would be formed of three grouped blocks in an 'L shape' consisting of a store, a workshop and a car port. The new building would be situated on a gravelled area within the walled garden of Little Court, to the north west of the host property. The building would be sited 1.68m from the boundary wall at its closest point.
- 3.3 The store block and car port would have a combined depth of 9.2m and a width of 6.2m. The workshop block would be 3.25m in depth and 4.6m in width. The store block would feature a hipped roof and would measure 4.1m at ridge height. The workshop block would feature a hipped roof with a parapet wall and would measure 3.6m in height at its highest point. The car port would feature a mono-pitched roof which would measure 2.4m at its highest point. The materials to be used on the new building would be natural slate on the roof, painted render and reclaimed brick for the walls, and, timber doors and windows. The applicant's agent has confirmed during the course of the application that the ridge of the proposed outbuilding would be a red clay angled ridge tile to match the appearance of the main building.

Planning History

3.4 Relevant site history:

- 10/03514/FUL: Two storey rear extension, raising roof of garage, single storey bathroom extension and formation of large bay to existing drawing room. Approved 23/12/2010.
- 11/01617/FUL: Extensions and alterations (revised scheme). Approved 15/8/2011.
- 11/01618/CON: Demolition of section of garden wall. Approved 15/8/2011.
- 11/01740/FUL: Rebuilding of collapsed garden wall, strengthening of section of existing garden wall and provision of new vehicular access. Refused 15/8/2011.
- Appeal against the refusal of 11/01740/FUL: Allowed 17/1/2012.
- 11/02818/FUL: Rebuild and strengthening of garden wall. Approved 4/11/2011.
- 11/02820/FUL: Drawing room extension and roof alteration. Approved 4/11/2011.
- 20/00640/FUL: Formation of detached outbuilding/garage with workshop & attic room storage. Refused 15/12/2020 for the following reasons:
 1. The proposed outbuilding, by reason of its excessive height, would result in a visually intrusive addition within the Conservation Area which would fail to protect or enhance the character and appearance of the Kenton Conservation Area, contrary to Policies EN5 (Heritage Assets), WE8 (Domestic Extensions, Ancillary Domestic Curtilage Buildings and Boundary Treatments), S1 (Sustainable Development Criteria) and S2 (Quality Development) of the Teignbridge Local Plan 2013-2033 and Policy KBHE 2 (Safeguarding Heritage Assets and the Conservation Area) of the Kenton Neighbourhood Plan.
 2. The proposed outbuilding, by reason of its height, scale and proximity to the front gardens of the properties in Belle View, would result in a significantly harmful overbearing impact upon the front garden of No.3 Belle View. As such, the proposal would be contrary to Policies WE8 (Domestic Extensions, Ancillary Domestic Curtilage Buildings and Boundary Treatments) and S1 (Sustainable Development Criteria) of the Teignbridge Local Plan 2013 – 2033.
- APP/P1133/D/21/3266504: Appeal against the refusal of 20/00640/FUL. Dismissed 18/3/2021.

Main issues

3.5 The main issues for consideration are:

- The principle of the development/sustainability;
- Impact upon setting of listed buildings and the character and appearance of the Conservation Area;
- Impact of the development on the residential amenity of the occupiers of surrounding properties.

Principle of the development/sustainability

- 3.6 The application site is located within the Kenton settlement limit as depicted in the Local Plan 2013. Policies S1A, S1, S21A and WE8 of the Local Plan are permissive of minor developments within residential curtilages such as extensions and outbuildings, subject to policy criteria being met. Thus, the principle of development is deemed acceptable, subject to compliance with other relevant policies of the Local Plan.

Impact upon setting of listed buildings and the character and appearance of the Conservation Area

- 3.7 Planning permission was previously refused under reference number 20/00640/FUL for the erection of a two storey outbuilding to the north west of Little Court. One of the reasons for the refusal of application 20/00640/FUL was that it was considered that the excessive height of the outbuilding would result in a visually intrusive addition within the Conservation Area which would fail to protect or enhance the character and appearance of the Kenton Conservation Area. An appeal against the refusal of application 20/00640/FUL was subsequently dismissed by the Planning Inspectorate as the Inspector agreed that as the new building would extend above the top of the garden wall and would be visible from some neighbouring properties and part of the churchyard, the proposal would intrude into the glimpsed views of the garden and the countryside from the churchyard. As such, the Inspector concluded that the proposal would fail to preserve the setting of the Church of All Saints and would not preserve or enhance the character or appearance of the Conservation Area.
- 3.8 The two storey outbuilding previously proposed under application 20/00640/FUL measured 5.8m in height and was proposed to be sited only 255mm from the northern boundary wall at its closest point. The building proposed under the current application is single storey in height and would be sited 1.68m from the northern boundary wall at its closest point and would measure 4.1m at its highest point. Due to the single storey nature of the proposed outbuilding, the majority of the new building would be screened by the boundary wall which surrounds Little Court and would therefore not be visible from the public realm. Furthermore, it is considered that the materials to be used for the new building are acceptable and are appropriate for the Conservation Area. However, it is acknowledged that the roof of the proposed store and workshop elements of the building would extend above the top of the boundary wall and are therefore likely to be visible from within the Kenton Conservation Area, from within the churchyard of the Grade I listed All Saints Church and from some neighbouring properties.
- 3.9 In dismissing the appeal against the refusal of application 20/00640/FUL, the Inspector commented that 'seeing a development does not by itself amount to an adverse impact'. As such, given that the building proposed under the current application would be sited considerably further away from the northern boundary wall of Little Court than the building previously proposed under application 20/00640/FUL and the current proposal is significantly lower in terms of its height than the building previously proposed under application 20/00640/FUL, it is considered that the building currently proposed would be much less visually intrusive when viewed from within the Conservation Area and from neighbouring properties than the building previously proposed under application 20/00640/FUL. In addition, due to the siting of the outbuilding within the plot of Little Court and the positioning of the existing buildings within Church Street, it is likely that the proposed new outbuilding would not be visible when viewed from the churchyard of

the Church of All Saints. Furthermore, the Council's Conservation Officer has been verbally consulted on this application and she had raised no objections to the proposal, subject to confirmation of the ridge details of the new building.

- 3.10 It is therefore considered that, on balance, the current proposal would not adversely affect the character or appearance of the Conservation Area. It is also deemed that the proposal would not adversely affect the setting of the Grade I listed Church of All Saints. As such, it is considered that the proposal would not be in conflict with Policies EN5 (Heritage Assets), WE8 (Domestic Extensions, Ancillary Domestic Curtilage Buildings and Boundary Treatments), S1 (Sustainable Development Criteria) and S2 (Quality Development) of the Teignbridge Local Plan or with Policies KBHE 1 (Quality Design within the Parish), KBHE 2 (Safeguarding Heritage Assets and the Conservation Area) and K Env 3 (Locally Important Views) of the Kenton Neighbourhood Plan.
- 3.11 In coming to this decision the council must be mindful of the duty as set out in section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving the listed building, its setting and features of special architectural or historic interest which it possesses, and have given it considerable importance and weight in the planning balance.
- 3.12 The council must be mindful of the duty as set out in section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area, and have given it importance and weight in the planning balance. In the absence of any identified harm, the related provisions in the NPPF are not engaged.

Impact of the development on the residential amenity of the occupiers of surrounding properties

- 3.13 The second reason for the refusal of application 20/00640/FUL was that it was considered that the proposed outbuilding, by reason of its height, scale and proximity to the front gardens of the properties in Belle View, would result in a significantly harmful overbearing impact upon the front garden of No.3 Belle View. However, in dismissing the appeal against the refusal of application 20/00640/FUL, whilst the Inspector acknowledged that the proposed building 'would have an adverse effect upon the outlook' from the bottom part of the front garden of No.3 Belle View, he considered that this effect 'would not be so great as to result in an overbearing or oppressive impact'. As such, the Inspector concluded that the building proposed under reference number 20/00640/FUL 'would not seriously harm the living conditions of neighbouring residents' and there would be no conflict with the provisions of Policy WE8(c) of the Teignbridge Local Plan.
- 3.14 Given that the building proposed under the current application is 1.7m less in height than the building which was previously proposed under application 20/00640/FUL and given that the proposed outbuilding would be sited 1.68m from the boundary wall at its closest point, it is considered that the building would not result in any significantly harmful overbearing or overshadowing impacts upon any neighbouring properties. As such, it is deemed that the current proposal would not be in conflict with the provisions of Policy WE8(c) of the Teignbridge Local Plan.

Conclusions

- 3.15 The proposed development is considered to be acceptable and therefore it is recommended that planning permission be granted subject to conditions.

4. POLICY DOCUMENTS

Teignbridge Local Plan 2013-2033

S1A (Presumption in Favour of Sustainable Development)

S1 (Sustainable Development Criteria)

S2 (Quality Development)

S21 (Villages)

S21A (Settlement limits)

S23 (Neighbourhood Plans)

WE8 (Domestic Extensions, Ancillary Domestic Curtilage Buildings and Boundary Treatments)

EN5 (Heritage Assets)

Kenton Neighbourhood Plan

National Planning Policy Framework

National Planning Practice Guidance

5. CONSULTEES

TDC Conservation Officer: Has verbally raised no objections but has asked for details of the ridge of the new building to be provided.

6. REPRESENTATIONS

A site notice was erected and neighbouring properties have been consulted via letter.

Five letters of objection and two letters of comment have been received which raised the following planning issues:

- The roof line of the new building will be substantially higher than the boundary wall.
- The proposed development does not fit in the conservation area or the village plan.
- Overbearing.
- Overshadowing.
- Impact on outlook.

7. TOWN / PARISH COUNCIL'S COMMENTS

Kenton Parish Council has objected to this planning application on the following grounds:

1. The proposed development will still overtop the historic boundary wall by nearly 1m, and despite the suggestion to the contrary in the application, will be publically

visible from the High Street. Residents of Belle Vue will still have these proposed buildings in their sight line.

2. The footprint of the proposed buildings has increased to 58sq m from the 51.2sq m of the previous application (20/00640) which was already considered to be discordant with the surrounding buildings in the Kenton Conservation Area.

3. The Kenton Conservation Area Character Assessment states that any building application within or affecting the setting of the conservation area must demonstrate how the proposal will contribute positively to the character of the area and the setting of the nearby buildings. The above points indicate that this has not been demonstrated.

4. The Parish Council considers that this application does not meet policy WE8c) of the Teignbridge Local Plan (2014) or policy KHBE2 of the Kenton Neighbourhood Development Plan (2018).

8. COMMUNITY INFRASTRUCTURE LEVY

This development is not liable for CIL because it is less than 100m² of new build that does not result in the creation of a dwelling.

9. ENVIRONMENTAL IMPACT ASSESSMENT

Due to its scale, nature and location this development will not have significant effects on the environment and therefore is not considered to be EIA Development.

10. CARBON/ CLIMATE IMPACT

As a householder application, an informative will be added to any permission granted, encouraging the use of sustainable construction techniques.

11. HUMAN RIGHTS ACT

The development has been assessed against the provisions of the Human Rights Act, and in particular Article 1 of the First Protocol and Article 8 of the Act itself. This Act gives further effect to the rights included in the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests / the Development Plan and Central Government Guidance.

Business Manager – Strategic Place