

**Planning Committee Report**

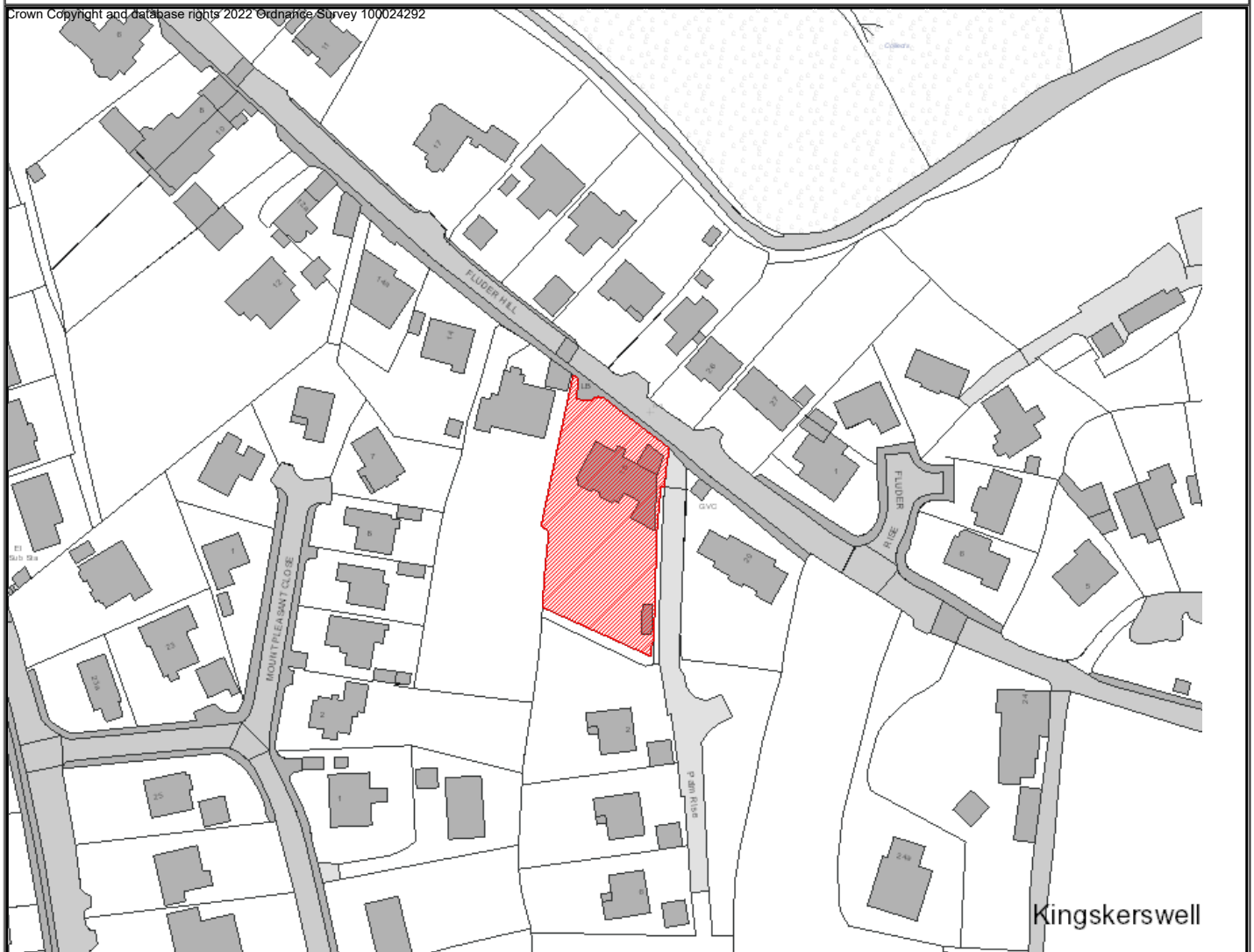
**Chairman: Cllr. Linda Goodman-Bradbury**

<b>Date</b>	22 March 2022
<b>Case Officer</b>	Jennifer Joule
<b>Location</b>	18 Fluder Hill Kingskerswell Devon TQ12 5JD
<b>Proposal</b>	First floor extension above and alterations to existing car port. Loft conversion to include dormer window to north west elevation, addition of cladding and rooflights
<b>Applicant</b>	Bone
<b>Ward</b>	Kerswell-with-Combe
<b>Member(s)</b>	Cllr Mike Haines, Cllr Sheila Cook
<b>Reference</b>	21/02624/HOU



[Online Details and Documents](#)

**RECOMMENDATION: PERMISSION REFUSED**



## **1. REASON FOR REPORT**

This application has been brought to Committee as the applicant is related to a Local Planning Authority Officer. Officers have reviewed the Scheme of Delegation and consider the application is required to be considered by the Planning Committee despite the recommendation for refusal.

## **2. RECOMMENDATION**

This application is recommended for refusal for the following reason:

By virtue of the scale, position and design of the proposed first floor garage extension, the proposal will be both out-of-keeping with the street scene and sit at odds with the design of the host dwelling, no. 18 Fluder Hill. It will therefore conflict with Policies S2 and WE8 of the adopted Teignbridge Local Plan.

## **3. DESCRIPTION**

- 3.1. The application site comprises a large, detached dwelling located on a residential street in the south east of Kingskerwell.
- 3.2. The dwelling dates from the early 20<sup>th</sup> Century but has been subject to a number of subsequent extensions and modifications.
- 3.3. To take advantage of the expansive views from the site, the principal windows and frontage of the dwelling face south, away from the public highway. The front door of the dwelling is located on the western elevation and the garage is to its north east, adjacent to the public highway.
- 3.4. The site lies within the Bat SAC Landscape Connectivity Zone 2019 and the settlement limit of Kingskerwell. It is subject to no other policy designations.
- 3.5. The proposed alterations to the dwelling have three key components:
  - A first floor extension to the garage, adjacent to the public highway, for use as a games room.
  - A new dormer window to the west-facing elevation, to extend two bedrooms on the second floor of the property.
  - The insertion of two rooflights to the east-facing roof slope, to serve a new en-suite and extended bedroom at second floor level.

## **4. ASSESSMENT AGAINST PLANNING POLICIES**

- 4.1 The key planning policies considered to be of relevance to this application are:
  - S1 Sustainable Development Criteria
  - S2 Quality Development
  - S7 Carbon Emissions Targets
  - S16 Kingskerwell
  - WE8 Domestic Extensions, Ancillary Domestic Curtilage Buildings and Boundary Treatments

- EN3 Carbon Reduction Plans
- EN8 to EN11 Biodiversity Protection and Enhancement

4.2 The key planning considerations are the impact upon the character and visual amenity of the area, comprising impact on both the street scene and the host dwelling itself, the ecological impact of the scheme, and the provision for carbon reduction measures.

Impact upon the character and visual amenity of the area

4.3 The first floor extension to the garage is considered to be the key negative design feature and is the reason this application has been recommended for refusal.

4.4 There are no concerns with the third element of the proposal – the rooflights to the east-facing part of the roof. No overlooking from these windows is considered likely to arise, and the rooflights are relatively low impact modifications in visual terms.

4.5 The second floor dormer extension to the western elevation is not considered such a negative design feature that it forms a reason for refusal of the application. There are already two very similar dormer extensions on this dwelling and a third is not considered to materially impact the overall appearance of the dwelling and the street scene.

4.6 Policy S2 Quality Development sets out the following expectations for new development:

*New development will be of high quality design, which will support the creation of attractive, vibrant places. Designs will be specific to the place, based on a clear process which analyses and responds to the characteristics of the site, its wider context and the surrounding area, creating a place with a distinctive character and taking account of the following objectives:*

*a) integrating with and, where possible, enhancing the character of the adjoining built and natural environment*

4.7 Policy WE8 sets out the following requirements:

*To ensure existing dwellings can be adapted and improved while complementing the character of existing residential areas and protecting the living conditions of neighbours, minor developments within residential curtilages such as extensions, outbuildings, other means of enclosure and renewable energy installations will be permitted if:*

*a) the design and materials are complementary to the existing building;*

*c) the scale is appropriate to the existing building and would not:*

*i. overdevelop the site or result in the provision of insufficient amenity space*

*ii. result in the undue loss of outlook or light to habitable rooms of neighbouring properties*

*iii. reduce the level of privacy enjoyed by neighbouring properties*

*iv. have a dominant or overbearing impact on neighbouring properties or the street-scene*

*d) there is no net loss of any trees, hedgerows or other key features (e.g. stone boundary walls) which contribute to the character and amenities of the property and/or area;*

*e) compensatory provision for car parking, garaging, cycle storage, and refuse and recycling areas displaced by the development can be made where necessary; and*

*f) it can be demonstrated that the proposals are in a location that will not affect the integrity of the South Hams SAC.*

- 4.8 During the determination period for this application the Case Officer contacted the agent and advised that there was concern with a number of features of the proposal including the materials, scale, position and design of the garage upward extension. Subsequent amendments were submitted which overcame the concern with the proposed materials (a standing seam metal roof was amended to slate to match the host dwelling). The other factors (scale, position and design) remain the recommended reasons for refusal of the application.
- 4.9 There is concern with the impact of the development on both the street scene and the host dwelling. Each factor is considered in turn as follows.

#### Impact on the street scene

- 4.10 The position of the proposed two-storey accommodation is immediately adjacent to the public highway and will be particularly visible when leaving Kingskerswell and travelling south east up Fluder Hill.
- 4.11 The dwellings on Fluder Hill are of a variety of ages, but the surrounding properties to no. 18 are all detached with large plots and with the principal dwelling set back from the highway. There are a number of single-storey garage developments to the front of the dwellings, but there are no two-storey ancillary structures with large and prominent living accommodation, as is hereby proposed.
- 4.12 Policy S2 requires proposals to integrate with and, where possible, enhance the character of the adjoining built environment. Policy WE8 requires proposals to not have a dominant or overbearing impact on the street scene.
- 4.13 This proposal is considered out-of-character with Fluder Hill and unsuitable within this location: it is too large, and set too close to the highway, to integrate with or enhance the characteristics of the street scene. It will introduce a new, incongruous development form to Fluder Hill. As a result of conflict with Policies S2 and WE8 it is therefore recommended for refusal.
- 4.14 The Case Officer is aware of a similar proposal at no. 27 Fluder Hill (immediately opposite to this site), which the LPA are currently in the process of determining and that has also raised a number of concerns amongst officers.

#### Impact on the host dwelling

- 4.15 In addition to the impact on the street scene, Policy WE8 requires proposals to complement the existing host dwelling.

- 4.16 The design of the proposed enlarged garage is such that it is set apart from, and accessed separately from, the main part of the dwelling. It will therefore appear as a small two-storey property set immediately adjacent to but at odds with the host dwelling. The large expanse of glazing and bi-fold doors to the western elevation of the proposal do not match the style of the main dwelling, particularly the existing appearance of the northern and western elevations which can be seen from the public highway. Unfortunately it is therefore considered that the proposal would be at the expense of the cohesiveness of the design of the overall property, and that it does not blend with, or complement, the character of the overall building.
- 4.17 The design is therefore neither complementary to the existing building (as is required by Policy WE8) or the street scene (as is required by Policy S2). For these two reasons the application is recommended for refusal.

#### Ecological Impact and Enhancement

- 4.18 An ecological survey of the site was carried out in December 2021. No evidence of bat use was found at the property. The south elevation of the dwelling was found to support regular nesting activity by starlings and possibly house sparrows. To prevent harm to these species, recommendations were made for construction best practice and the timings of works, measures which could be secured through condition were the application approved. Equally, to provide replacement habitat for these birds, suitable nesting bird boxes are recommended in the ecology report and could be secured through condition.
- 4.19 The application initially proposed the removal of the small area of hedge between the highway and proposed first floor extension to the garage. However, this element of the scheme was removed when revised plans were submitted, and it is now proposed to retain but reduce the size of this area of hedge. The retention of this small soft landscaping feature is welcomed – both from biodiversity and design perspectives.
- 4.20 Given the small scale nature of this proposal no impact on the integrity of the South Hams SAC is considered likely to arise.

#### Carbon Reduction Measures

- 4.21 The applicant has set out no particular proposals by which the carbon/climate impact of the proposal could be reduced. This is of some concern, given the provisions of Policies S7 and EN3, but does not form a specific reason for refusal of the application as it is likely such measures could be negotiated with the applicant separately and/or secured through condition.

### **5. CONSULTEES**

- 5.1. No responses have been sought.

### **6. REPRESENTATIONS and TOWN / PARISH COUNCIL'S COMMENTS**

- 6.1. No representations or comments have been submitted.

### **7. COMMUNITY INFRASTRUCTURE LEVY**

7.1 This development is not liable for CIL because it is less than 100m<sup>2</sup> of new build that does not result in the creation of a dwelling.

## **8. ENVIRONMENTAL IMPACT ASSESSMENT**

8.1 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.

## **9. CARBON/ CLIMATE IMPACT**

9.1 The application proposes no particular carbon reduction measures or provision for environmental enhancement, a matter of concern as identified above.

## **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**