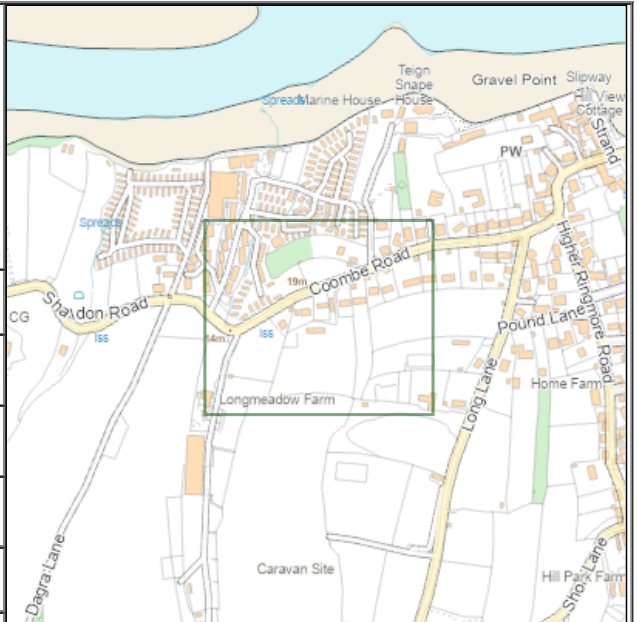


Planning Committee Report

Chairman: Cllr. Colin Parker

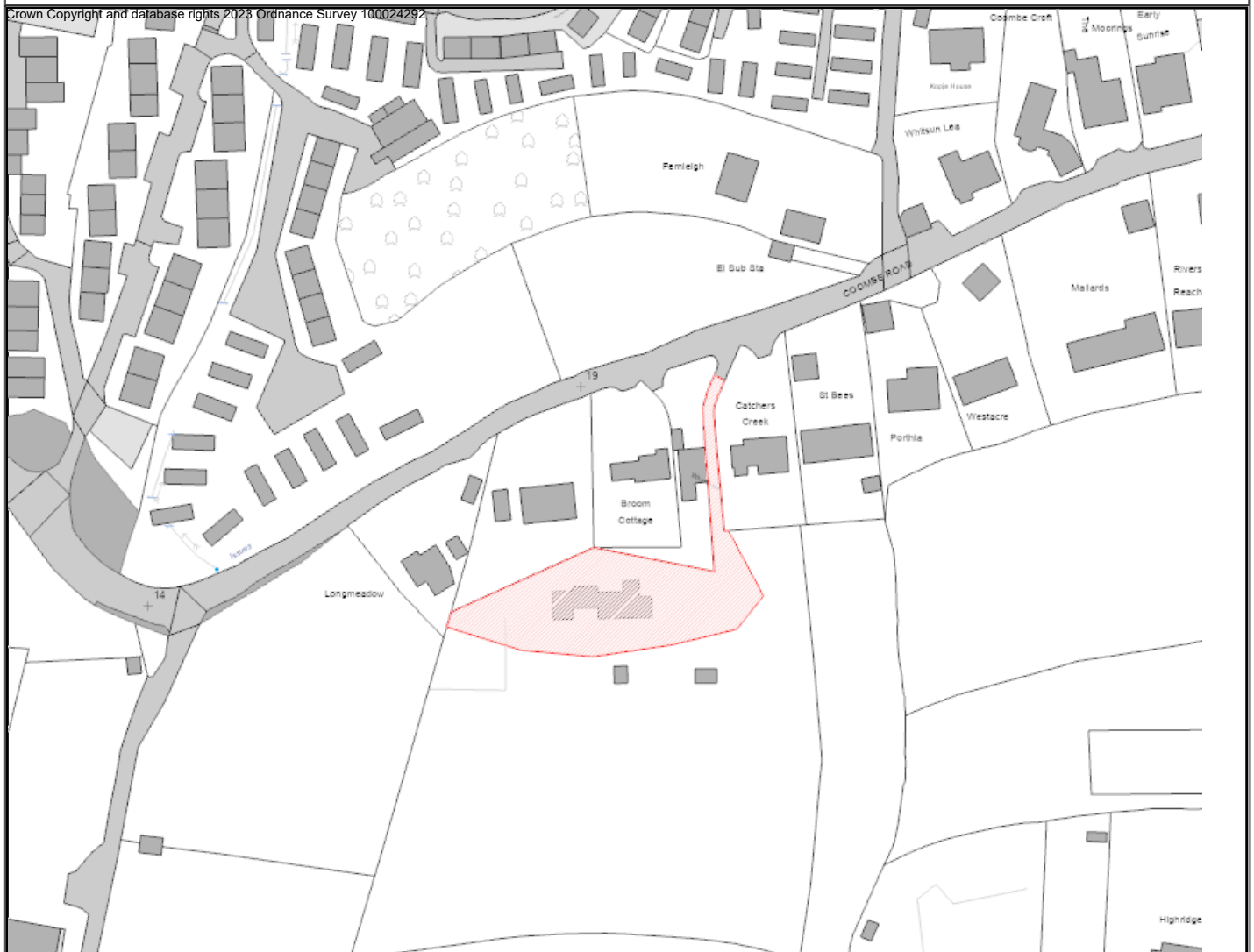
Date	18 July 2023
Case Officer	Artur Gugula
Location	Broom Park Coombe Road Shaldon Devon TQ14 0EX
Proposal	Dwelling and change of use of land to domestic curtilage (Revised scheme)
Applicant	Mr & Mrs Winsborrow
Ward	Shaldon And Stokeinteignhead
Member(s)	Cllr Chris Clarance
Reference	22/01808/FUL



[Online Details and Documents](#)

RECOMMENDATION: PERMISSION GRANTED

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1. REASON FOR REPORT

1.1. The parish requested the application to be decided by Planning Committee if Officer recommends approval for the following reasons:

- Overdevelopment of the site
- Encroaching on agricultural land
- Impact on neighbours

2. RECOMMENDATION

PLANNING PERMISSION BE GRANTED

Subject to conditions covering the following matters, the precise number, format and wording of which to be delegated to the Business Manager – Strategic Place

Standard Conditions

- Standard 3-year time limit for commencement
- Accordance with approved plans

Prior to commencement conditions

- Details of slab removal/reduction scheme prior to commencement
- Detail of all proposed site levels including cut/fill required and finished floor levels

Prior to installation/implementation conditions

- Details of materials prior to installation
- Landscaping details and management implemented in first planting season following completion and details prior to implementation
- Details of hard surfaces prior to installation
- Details of boundary treatments including retaining wall prior to installation implemented prior to first occupation
- Details and location of ASHP/GSHP to be submitted prior to installation securing implementation and operation prior to first occupation

Compliance conditions

- Obscure glazing on north elevation
- Removal of PD rights for extensions / outbuildings
- Low transmission glazing to be installed
- Limiting external lighting

- Limiting construction timings
- PV panels to be installed and operational prior to first occupation
- Installation of EV charging point prior to first occupation

3. DESCRIPTION

The site

- 3.1. The application site is situated to the southern side of Coombe Road within the settlement limits of Shaldon. The proposed dwelling would be situated to the south of existing dwellings, Broom Cottage, Longmeadow and Rogues Roost, bounded by agricultural field to the south. Aerial view of site in Figure 1 below.

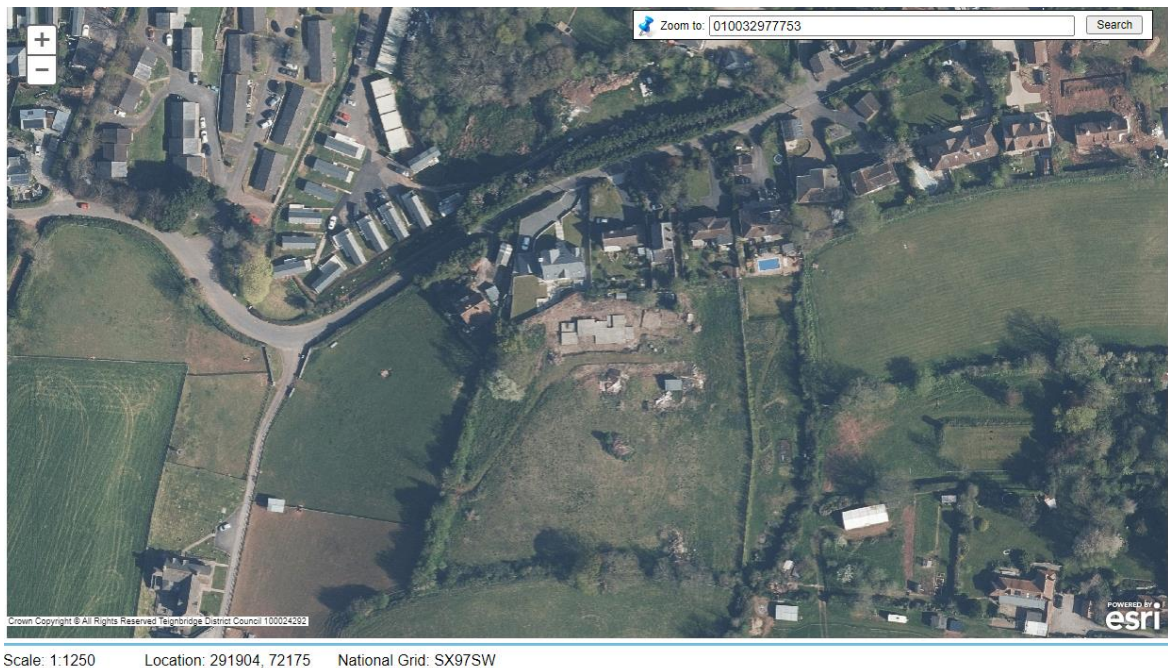


Figure 1: Aerial view of the site.

The proposal

- 3.2. The proposal seeks consent for a new two storey 5-bedroom dwelling with a double cross gable design. The development would include the erection of a new garage and associated hard landscaping as well as an extension to the residential curtilage compared to the existing consent. Part of the existing slab is proposed to be reduced in height (circa 600mm) to provide a patio. New boundary treatments and hedge planting on the north boundary is also proposed. The site layout as proposed is shown in Figure 2 below.

Principle of development

- 3.3. The proposal site is located mostly within the settlement limits of Shaldon defined within Local Plan Policy S21A. The Policy sets out that development is permitted in principle within settlement limits providing that other relevant policies of the Local Plan are complied with.
- 3.4. Policy S21 applies specifically to the villages within the District including Shaldon and sets out that the villages are appropriate locations for limited development which meets their social and economic needs, protects their rural character and is consistent with the need to minimise travel. The policy also sets out that proposals will only be permitted where it can be demonstrated that it will not have adverse impact on the integrity of the South Hams SAC.
- 3.5. In considering the principle of the development of one dwelling in this location it is important to consider the planning history of the site which forms a significant material planning consideration. Currently, the site accommodates foundations/slab which have been constructed under outline planning consent 07/03216/OUT (allowed on appeal) and subsequent reserved matters approval 09/01147/REM referred to thereafter as 'approved dwelling'. It is understood that no further work took place on the dwelling following the construction of the slab. In any case the approved dwelling works have been subject to a certificate of lawfulness approval under 21/00346/CLDE which established that the development has commenced lawfully and can be implemented. On that basis, it is considered that there is a genuine fallback position of a dwelling being constructed on the site. Given the planning status of the site it is considered that the principle of development for one dwelling in this location is acceptable.
- 3.6. The proposal also seeks permission for change of use of part of adjacent agricultural land to domestic curtilage. The reasoning for this will be set out further in the report. In any case the part of the land proposed to change use formally falls outside of the defined settlement limits of Shaldon and thus, shall be regarded as development in the open countryside. Consequently, in assessing the acceptability of this part of the proposal in principle it is necessary to apply provisions of Policy S22. The policy sets out that development in the open countryside will be strictly managed and sets out the uses permitted in principle. Proposals for extensions or change of use to domestic curtilage are not specifically precluded within the policy. A change of use of land to domestic curtilage does not result in any presumptions in the future for the creation of a new dwelling. Taking this and the extent of land for which the change is sought into account, in this instance the relatively modest incursion beyond the existing settlement boundary is considered acceptable. This is subject to compliance with other the requirements of Policy S22 and other relevant policies of the Local Plan. It is also considered appropriate to assess the betterment of the scheme compared to the approved dwelling specifically in relation to impact on neighboring properties and carbon emission reduction measures. This assessment is made as part of following sections in this report.
- 3.7. It is also acknowledged that the proposed change of use would encroach on land which falls within the Local Plan Undeveloped Coast designation and is subject to the provisions of Policy EN2. The policy seeks protection, maintenance and enhancement of the character and landscape of the undeveloped coast. The policy also sets out that development which would have a detrimental effect on the character of the undeveloped coast and estuaries will not be permitted.

Furthermore, the policy sets out criteria which new development shall comply with otherwise it would be regarded as inappropriate. Criterion (a) is permissive of minor alterations in line with Policy WE8 which relates to householder development. In this instance when considering if the development is appropriate in an Undeveloped Coast location it is necessary to consider the fallback position of the approved dwelling. If the approved dwelling was to be delivered a proposal for extension to the domestic dwelling would be considered under provisions of Policy WE8 and other relevant policies. In any case such would likely be considered acceptable in principle for the purposes of Policy EN2. The principle is applied in the same way to this application. The assessment of the visual impact will be undertaken further in the report.

Impact on character of the area

- 3.8. The proposal seeks permission for a large two storey 5-bedroom dwelling with a detached garage. The dwelling features a double crossed gable design with hipped roofs on the north elevation and balcony gables to the south. The proposed footprint of the building is approximately 220sqm. To the north of the dwelling some of the existing slab is to be utilised as a patio with the level reduced by approximately 600mm. The remainder of the slab is to be removed. The dwelling is to incorporate a range of materials including render, timber cladding, natural stone and standing seam metal cladding. The roof is proposed to incorporate a mixture of standing seam and natural slate.
- 3.9. The general character of the area (mainly Coombe Road) is typical of an edge of village location where properties are aligned along the road. There are various styles of dwellings within the area however most are now relatively large detached 2/3 storey properties. On the south side of the road properties are set back from the frontage into the sloping (up) topography. The street scene is dominated by access drives, vegetation and low-level boundary walls which are mostly rendered. The prevailing facing material is render however a wide range of materials is present including, timber cladding, brick, and stone.
- 3.10. There are a number of properties in the vicinity which have undergone significant re-modeling or have been re-placed featuring a similar palette of materials to the proposal. These include Greenloaning, Stocklea, Roges Roost, Whare Pini and Darwin.
- 3.11. Policies S1 and S2 of the Local Plan seek for new proposals to maintain the character of the area as well as integrate well with the site's context. Policy EN2 seeks for developments to protect, maintain, and enhance the distinctive character of the local landscape and seascape. Whilst the proposal is for a large dwelling with a mixture of materials it is considered that this is consistent with the general character of the area. The impact on the immediate street scene will be limited as the dwelling is located behind the existing line of properties. On that basis views of the site are likely to be obscured by existing development and the undulating landscape. Potential for wider views of the site have also been considered given that the site is located at the rural edge of the village with the dwelling sited on higher ground than the existing properties. The potential for most significant views is from across the Estuary to the north. It is considered that whilst the dwelling will be visible it will be seen in a cluster with existing development and thus would not result in an unacceptable harmful impact to the wider landscape.

3.12. Furthermore, in respect of quality of development consideration has been given to the recent planning history on the site and one of the reasons for refusal on application reference 22/01331/FUL. The second refusal reason sets out the following:

The proposed new dwelling would be contrary to the existing urban grain and pattern of development of Coombe Road and would result in development that would be incompatible with the distinct local character of the surrounding area. Due to the height, depth, width and siting of the new dwelling would appear very cramped within the plot and the proposal would result in an overdevelopment of the site. The proposal would be contrary to Policies S1 (Sustainable Development Criteria) and S2 (Quality Development) of the Teignbridge Local Plan 2013-2033.

3.13. The current proposal seeks to address the above by setting the dwelling back from the northern boundary by approximately 5.7m. The overall height and depth of the dwelling remains unchanged however it is considered that the setting back of the dwelling is sufficient to appropriately address the cramped appearance compared to the refused scheme. The setting back results in the need for change of use of land to residential curtilage. With the proposed extension to the domestic curtilage, it is considered that the site plot is sufficiently generous to accommodate the proposal. Consideration should also be given to the fallback prospect of the approved dwelling which would be sited on a very similar footprint to the refused scheme (albeit would be smaller in its scale).

3.14. In respect of the overall impact of the proposal on the character of the area and quality of development it is considered that the proposal accords with the provisions of Policies S1, S2 and WE8 of the Local Plan.

3.15. In order to ensure high quality design and compliance with the above policies it is appropriate to secure the following details via conditions:

- Details of facing and roofing materials
- Details of soft landscaping and its management
- Details of hard surfaces
- Details of boundary treatments including retaining wall on the south boundary
- Details of proposed site levels, finished floor levels and cut/fill

Impact on residential amenity of neighboring properties

3.16. In respect of assessing impact of the proposal on neighboring properties it is important to identify the properties which could be affected. These are located adjacent to the northern boundary. In respect of Longmeadow and Catchers Creek it is considered that due to the angle and separation distance there would be no unacceptable impact on their amenity.

3.17. The other three closest properties are Rouges Roost, Broom Cottage, and Whimbrel with separation distances from the proposal of approximately 20m, 31m and 30m respectively at the closest points. The impact on privacy as a result of overlooking, overbearing and outlook are the necessary residential amenity

considerations in this instance and have been raised as concerns in the submitted public representations.

- 3.18. Policy S1 sets out the basis for assessing proposals against the sustainable development criteria. In this case criterion (e) seeks for new development to perform well in respect of their impact on residential amenity including privacy outlook and natural light.
- 3.19. It is also noted that the submitted public representations have brought attention to specific elements included in the 2018 consultation draft Teignbridge Design Guide (TDG). It shall be noted that the document has not been adopted as a Supplementary Planning Document (SPD) or Development Plan Documents (DPD) thus holds very limited weight in decision making. In any case some of the principles set out within the document can be used as guidance and advice with the details aligned to relevant Local Plan Policies that in general seek to deliver Quality Design.
- 3.20. In respect of assessing overbearing impact and outlook on properties located to the north (Roges Roost, Broom Cottage and Whimbrel) it is necessary to pay attention to the separation distance in the context of the mass and height of the proposal. The proposed dwelling at the closest point would be located 20.8m away from Roges Roost. The height of the proposed dwelling to the ridge of the gable/hip is 6.4m however it shall be noted that these high points are set back further from Roges Roost (24.6m) due to the hipped roofs of the projecting cross gables. The eaves height and thus the highest point located closest to Roges Roost is 4.1m. It is noted that the proposal achieves the 20m separation advised within the TDG to allow sufficient privacy. The TDG also suggests that the minimum separation distance between 2 buildings should be twice the building height with allowance for level change. It has been suggested in one of the contributions that the level difference is approximately 4m. On that basis, the highest closest point with adjustment for levels would be 8.1m. The figure multiplied by two gives a suggested separation distance of 16.2m. In addition, considering the highest ridge point with levels adjustment and multiplied by two would result in a suggested separation distance of 20.8m. In both cases the separation distance is greater than 20m as well as greater than that advised with level change adjustment.
- 3.21. The consideration of overall massing is also important. The north elevation of the dwelling has been designed to minimise the number of windows in the interest of privacy. In order to reduce the overbearing impact of a relatively blank wall material change and pattern has been introduced, including timber cladding, standing seam metal cladding, stone facing and render. In addition, the projecting cross gables feature hipped roofs to move height away from the northern boundary. The LPA is also mindful of the fallback position of the approved dwelling with the current scheme assessed on the basis to ensure that no greater impact is created. Whilst the height of the proposed dwelling would be greater than that of the approved the length would remain the same. The application submission included a comparative cross-section showing the proposal with the approved dwelling overlay (Figure 3). It is considered that the proposed dwelling will have no greater impact than the approved dwelling. The ridge height does not exceed the approved ridge height. The proposed eaves are located in line with approved ridge and are set 2.3m below the approved ridge. The setting back of the dwelling away from the boundary helps to reduce the overbearing impact whilst allowing for a

new design and accommodation of two stories. It is considered that the proposal would allow for sufficient view of sky to avoid infringement on outlook and perception of being overbearing. On that basis the proposal does not result in greater impact than the approved dwelling.

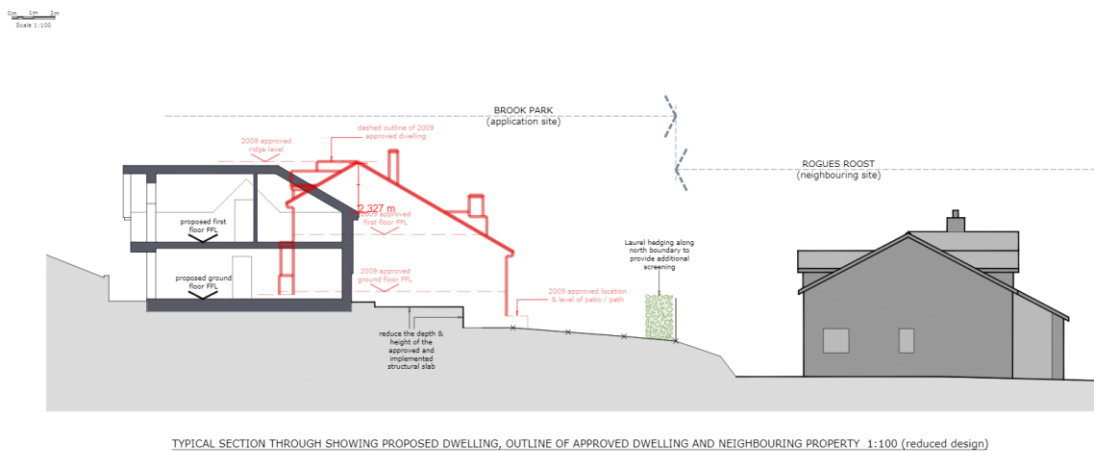


Figure 3: Comparative cross section submitted as part of the revised plans.

- 3.22. Considering the above in respect of overbearing impact and loss of outlook in the context of Broom Cottage and Whimbrel it is concluded that there would be no greater impact from the proposal than that of the approved dwelling and thus it is considered acceptable. This is due to the separation distances being greater and the properties being located at an angle to the north-east overall reducing the perception of the mass of the proposed building.
- 3.23. In considering the impact on privacy of the neighbouring properties the proposal has been revised to arrange balconies and most windows looking to the south away from other properties. The number of windows on the south elevation has been minimised as well as mostly serving rooms which are not bedrooms or other main living areas. In any case a condition requiring all windows on the south elevation to be obscured is recommended.
- 3.24. The proposal also incorporates the finished floor levels to be lower than those of the approved dwelling. Concerns have been raised in respect of potential overlooking from the patio to the north of the proposed dwelling. The separation from the patio to Rogues Roost, Broom Cottage and Whimbrel would be approximately 15m, 25m and 26m respectively. The distances are considered appropriate given that it is proposed to reduce the patio level by 600mm (the existing slab to be utilised for part of the patio). In addition a 1.8m fence with a hedge along the northern boundary is proposed which will allow to introduce further mitigating separation. The scheme for reduction of the slab, details of the fence and details/management of the hedge are all recommended to be secured via condition.
- 3.25. Consideration is also given, to the impact of the garage which is single storey in nature and thus because of existing boundary treatments will not result in unacceptable impact on residential amenity of the neighboring properties.
- 3.26. Finally, in respect of impact of overshadowing the previous refused application (22/01331/FUL) included a sun-path analysis (within the Planning Statement) which demonstrates that the scheme did not result in significant increase in

overshadowing of neighboring properties compared to the approved dwelling
Whilst there is no sun-path analysis for the current scheme it is considered due to being set back any impact will be reduced and thus acceptable.

- 3.27. Consequently, for the reasons above the proposal is considered acceptable in respect of criterion (e) of Policy S1 bearing in mind the fallback position of the approved dwelling.
- 3.28. In the interest of neighboring amenity on a sensitive plot as well as to ensure the appearance of the dwelling is consistent with the character of the area it is considered necessary to impose a condition removing permitted development rights for alterations and extensions to the building as well as incidental outbuildings.

Ecology and biodiversity

- 3.29. The proposal site is located adjacent to but not within Cirl Bunting Breeding Territories and the South Hams SAC Landscape Connectivity Zone. Some concerns have been raised in respect of the increased area of glazing compared to the approved dwelling however it is considered that such can be sufficiently mitigated via a condition requiring low light transmission glazing to be installed. Due to the location adjacent to the above areas on the edge of an open countryside location it is also required to limit the external lighting and limit the construction work to avoid work beyond dusk. The proposed hedge on the northern boundary is considered to bring biodiversity enhancement with details of its management secured via a landscaping condition.

3.30. Highway and traffic safety

- 3.31. The proposal utilises an existing access off Coombe Road with a driveway between Whimbrel and Catchers Creek. The access has been created to serve the approved dwelling. There is sufficient turning spaces in front of the garage. It is considered that there is sufficient parking to serve the dwelling. Given that the access is existing with a fallback position of serving the approved dwelling the proposal is considered acceptable in highway and traffic safety terms.

Flood risk and drainage

- 3.32. The proposal is located within Flood Zone 1 and is not within any Critical Drainage Area or other surface water flooding area for concern. On that basis there are no in principle concerns raised in respect of flood risk and drainage relating to the development. The submitted detail indicate that 3 soakaways will be utilised to accommodate surface water from the development. The viability of the infiltration has been established as part of the approved scheme therefore the proposed surface water strategy is considered acceptable. It is also indicated that foul water will be connected to the main sewer. Overall, the proposal is acceptable in flood risk and drainage terms in compliance with Policy EN4.

Carbon/climate change

- 3.33. The proposal is subject to requirements of Policies S7 and EN3 which set the LPA's carbon emissions reduction targets and the need for developments to demonstrate how that will be achieved. The submitted plans and supporting information include a range of measures to address the requirements of the

policies which include use of ground/air source heat pumps and installation of solar PV on the dwelling and garage. The implementation of these is recommended to be secured via appropriate conditions.

- 3.34. In addition, the proposal would be constructed to the latest Building Regulations requirements. This is of particular importance when comparing the proposal against the fallback approved dwelling. The Devon Building Control Partnership has confirmed that the approved dwelling benefits from a 'live' Building Regulations application commenced in 2010 and thus would be assessed against the regulations from 2010. On that basis given the much-increased standard to the latest regulations the proposed dwelling would result in much improved efficiency especially relating to the carbon footprint of the building during operation
- 3.35. Finally, Policy S9 seeks for new developments to promote electric vehicle charging infrastructure and thus it is appropriate to secure via condition the installation of one charging point within the site to serve the development.

Planning balance

- 3.36. In accordance with the review of the proposal above it is considered that it would result in no greater harm than the established fallback position of the approved dwelling and thus is in accordance with the relevant policies of the Local Plan. In addition, the new proposal will bring greater benefits in respect of climate change mitigation at the operational stage compared to the approved scheme.
- 3.37. It is considered that very limited harm would be resultant from encroachment of part of the domestic curtilage onto open countryside and Undeveloped Coast land beyond the settlement boundary of Shaldon. In this case such is afforded very limited weight as the proposal broadly accords with the provisions of Policy EN2. Compliance with other provisions of the Local Plan, the established fallback position and climate change mitigation measures proposed are all given significant weight.
- 3.38. Consequently, in the absence of other relevant material planning considerations the benefits and circumstances of the scheme as well as compliance with the development plan outweigh the very limited harm resultant from the change of use of the land. Therefore, subject to suggested conditions approval is recommended.

4. POLICY DOCUMENTS

Teignbridge Local Plan 2013-2033

- S1A Presumption in favour of Sustainable Development
- S1 Sustainable Development Criteria
- S2 Quality Development
- S7 Carbon Emission Targets
- S9 Sustainable Transport
- S11 Pollution
- S21A Settlement Limits
- S22 Countryside
- EN2 Undeveloped Coast
- EN3 Carbon Reduction Plans
- EN8 Biodiversity Protection and Enhancement

- EN11 Legally Protected and Priority Species
- EN12 Woodlands, Trees and Hedgerows

National Planning Policy Framework

National Planning Practice Guidance

5. CONSULTEES

Devon Building Control

- Confirmation of live Building Regulation application for approved dwelling
- Commencement on site on 8th December 2010
- Further approved dwelling works would be subject to Building Regulations enforced in 2010

TDC Biodiversity Officer

Initial comment dated 2nd November 2022

- Reduction of windows desirable
- Conditions requested as below
- Timings of work conditioned
- Limiting external lighting
- Low transmission glazing

Response to revised plans 18th April 2023

- Laurel hedge acceptable
- No objection to change of use of land

6. REPRESENTATIONS

6.1. There have been 7 letters of objection received raising the following points as summarised:

- Unreasonable overlooking from windows and balconies to the north (prior to revisions)
- Harmful impact from increase in scale and height to the properties on the northern boundary
- Minimum separation as set out within the guidelines cannot be achieved utilising the existing slab
- Existing foundations/slab excessive
- Dwelling will not integrate into surroundings due to height and towering impact
- Proposal fails to meet separation guidelines in respect of privacy
- Overdevelopment of small backland plot
- Height, mass and scale is overbearing
- Raised garden patio utilising existing slab causing overlooking
- Proposed landscaping scheme counter productive
- Proposal fails to reflect local design
- Proposal encroaches on the undeveloped coast
- Further letter in response to the applicants letter from the occupiers of Rogues Roost received raising no new issues otherwise not covered within the report

7. TOWN / PARISH COUNCIL'S COMMENTS

7.1. Shaldon Parish Council has raised the following comments as summarised:

- Object on the basis of overdevelopment, impact on neighbours, declassification of part of the land
- Request to go to Planning Committee
- Response to revised scheme raising the same objections

8. COMMUNITY INFRASTRUCTURE LEVY

The proposed gross internal area is 380.16 sqm. The existing gross internal area in lawful use for a continuous period of at least six months within the three years immediately preceding this grant of planning permission is 0. The CIL liability for this development is £112,934.56. This is based on 380.16 net m² at £200 per m² and includes an adjustment for inflation in line with the BCIS since the introduction.

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. 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