

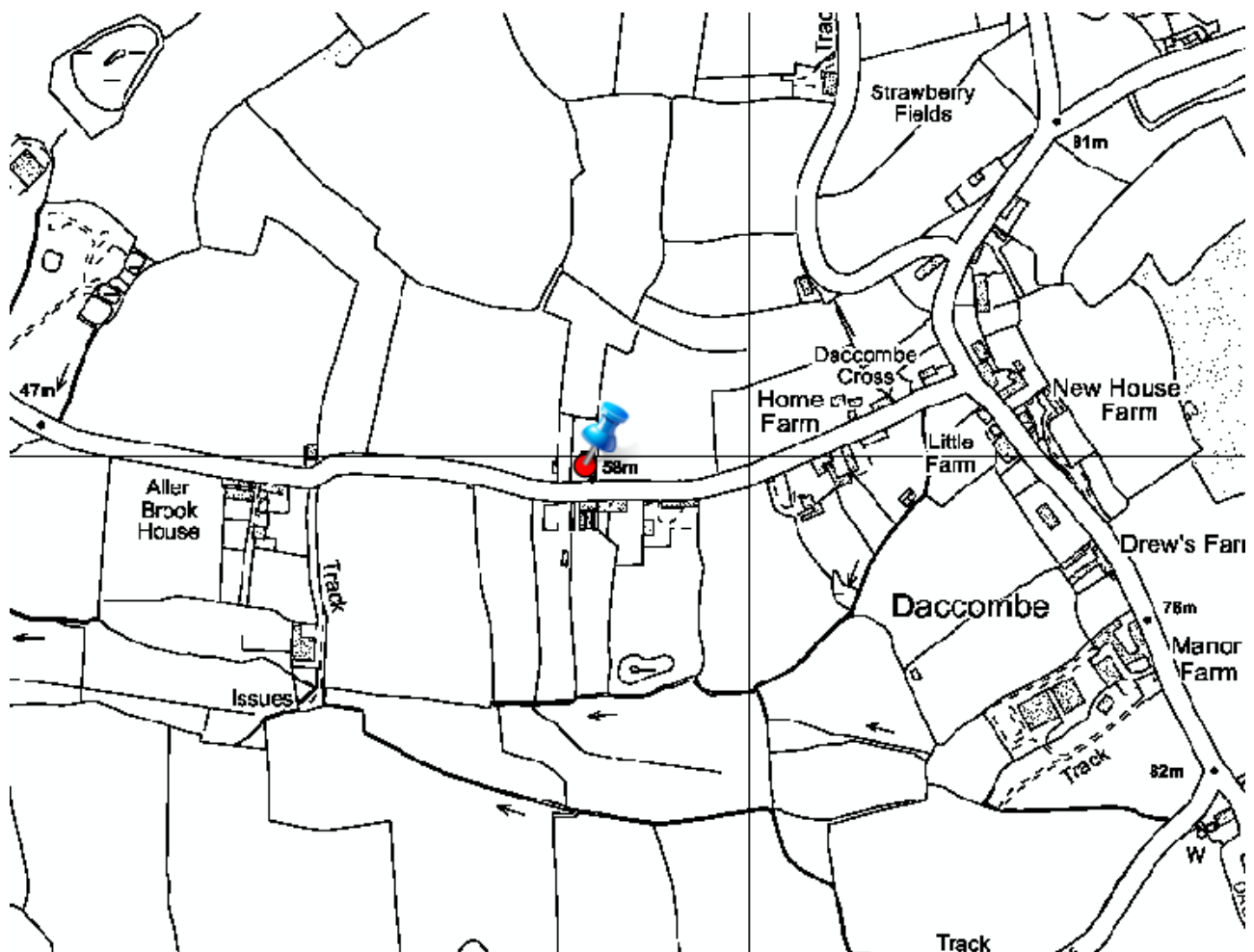
# PLANNING COMMITTEE REPORT

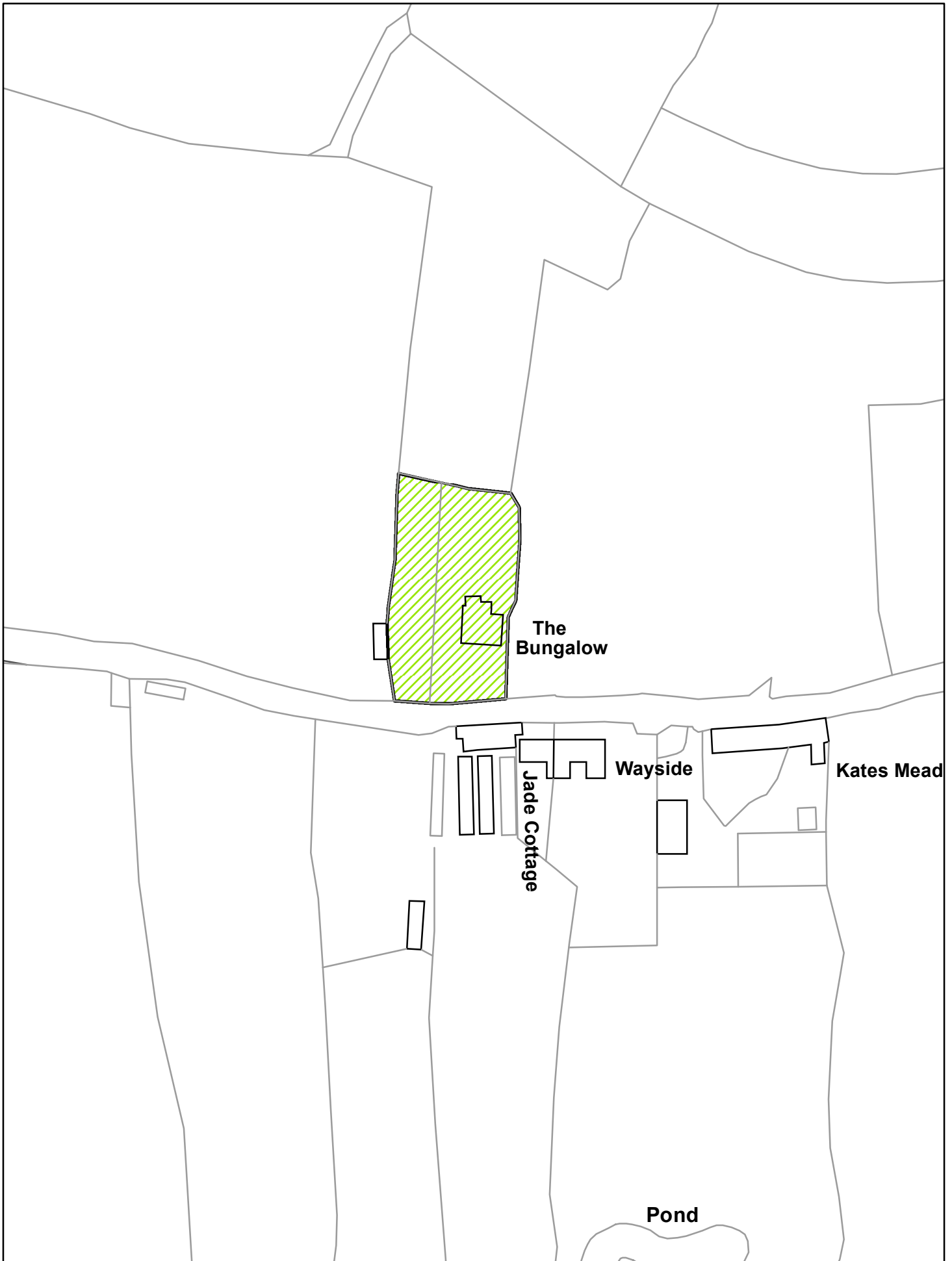
## 19 March 2019

CHAIRMAN: Cllr Dennis Smith



<b>APPLICATION FOR CONSIDERATION:</b>	<b>COFFINSWELL - 18/01844/FUL - The Bungalow, Dacombe - Replacement dwelling, detached garage and garden room</b>	
<b>APPLICANT:</b>	<b>Mrs Spokes</b>	
<b>CASE OFFICER</b>	<b>Claire Boobier</b>	
<b>WARD MEMBERS:</b>	<b>Councillor Haines Councillor Cook</b>	<b>Kerswell With Combe</b>
<b>VIEW PLANNING FILE:</b>	<a href="https://www.teignbridge.gov.uk/planning/forms/planning-application-details/?Type=Application&amp;Refval=18/01844/FUL&amp;MN">https://www.teignbridge.gov.uk/planning/forms/planning-application-details/?Type=Application&amp;Refval=18/01844/FUL&amp;MN</a>	





## 1. REASON FOR REPORT

Councillor Haines has requested that this application be referred to Planning Committee if the Case Officer is recommending approval because of concerns about the height of the proposed new dwelling, given the reply from the agent that there is no excavation to lower it. There is also concern that this is a raised site and the bulk of the two storey building will adversely affect the visual amenity of the area.

[Case Officer Note: Since this request was made revised plans were received which now show excavation works to lower both the proposed dwelling and the garden room on the site to seek to address the concerns raised. However, as no communication has been received to withdraw the request for this case to be referred to Planning Committee the application is still referred to Planning Committee for determination.]

## 2. RECOMMENDATION

PERMISSION BE GRANTED subject to the following conditions:

1. Standard 3 year time limit for commencement;
2. Development to be carried out in accordance with approved plans;
3. Parking to be provided and retained prior to first occupation of the dwelling;
4. Removal of Permitted Development Rights for additional outbuildings, enlargements of the roof of the dwelling and extensions;
5. Landscaping condition for boundary treatment details to be agreed and retained;
6. Sample of stone to be used and roofing slate to be agreed prior to installation;
7. Notwithstanding the submitted application details, the roofing material for the garden room, dwelling and garage shall be natural slate;
8. Garden room shall be used ancillary to the dwelling and shall not be let, leased or disposed of separately from the dwelling;
9. The recommendations and precautions in the ecological survey shall be followed and the ecological enhancement measures in the form of a small roof void in the detached garage shall be implemented;
10. The protective barrier around trees to be retained on site as shown on the submitted tree plan shall be erected prior to commencement of any development on site including the demolition of the existing bungalow, site clearance and bringing materials and machinery onto site and shall be retained on site until the works have been completed and all materials associated with the works and machinery have been removed from site;
11. Construction Management Plan.

## 3. DESCRIPTION

### The Site and Proposal

- 3.1 The application site relates to a plot of land which currently has a single storey bungalow on it with an existing access from a rural lane which runs between Coffinswell and Dacombe. There is also a derelict detached building to the rear of the existing bungalow which is shown to be retained on the submitted plans.

- 3.2 The site is in an elevated position relative to the road and also to properties to the south of the site and is the first dwelling on the northern side of the road on the approach into Dacombe from Coffinswell.
- 3.3 The dwelling is viewed in isolation with the nearest dwellings to the east being separated from the site by agricultural land and are approximately 200 metres from the site.
- 3.4 The site is located in an Area of Great Landscape Value.
- 3.5 Planning consent is sought for the demolition of the existing dwelling house on site known as 'The Bungalow' and for its replacement with a new dwelling, as well as an ancillary garden room to the rear of the new dwelling and a detached garage to the front of the new dwelling and associated parking to the front of the dwelling.

#### Principle of Development

- 3.6 The site is located within designated open countryside where Policy S22 (Countryside) of the Teignbridge Local Plan 2013-2033 manages the types of development that will be acceptable. It does however make an allowance under criterion (a) for replacement dwellings in the Countryside. As the proposal replaces an existing dwelling on the site it would in principle be acceptable under Policy S22 of the Teignbridge Local Plan 2013-2033 subject to the proposals being consistent with the provisions and policies of the Local Plan. The proposal also includes a garden room in a detached structure proposed as ancillary living accommodation, Policy S22 would not support the use of this building as an independent dwelling in this location and it would not be of a size that would be suitable for use as a permanent dwelling it is therefore recommended that if minded to approve the garden room a condition be imposed to ensure that it is retained ancillary to the use of the dwelling and not let, leased or otherwise disposed of separately from the dwelling.
- 3.7 Furthermore, Policy WE8 (Domestic Extensions, Ancillary Curtilage Buildings and Boundary Treatments) of the Teignbridge Local Plan 2013-2033 permits in principle ancillary domestic curtilage buildings subject to the design and materials being complementary; the scale being appropriate; the proposals not resulting in an overdevelopment of the site or overbearing impact on the occupiers of neighbouring properties and the streetscene; and the proposal not having an adverse impact on residential amenity or result in a net loss of any trees, hedgerows or other key features which contribute to the character and amenity of the property or area.

#### Impact on the Character and Appearance of the Area

- 3.8 Concern has been raised in representations received about the proposed design being of modern design compared with the traditional buildings in Dacombe; that the materials proposed are not rural in character and are out of keeping with the area, particularly the concrete tiles proposed, (originally proposed cladding which has since been omitted from the scheme) and the use of uPVC. Concern is also raised about the scale of the proposal and larger footprint of the dwelling combined with the garage and ancillary garden room compared with the footprint of the existing bungalow on site and the dominant nature of the proposal given the elevated nature of the site and increase in height of the proposed dwelling compared with the existing bungalow on site.

- 3.9 During the consideration of this application the design of the proposal has been revised significantly.
- 3.10 The side of the property which is most visible when driving into Dacombe has been broken up with the use of a single storey lean-to and the loss of some of the first floor accommodation previously proposed; the cladding previously proposed to the gable has been omitted due to the Case Officer's concern that this material did not reflect those found locally and this has been replaced by the inclusion of local stone facing to the gables on the south and north elevations and to the single storey lean-to proposed.
- 3.11 It is considered that this and the reduction in width of the dwelling has resulted in an improved composition and, providing that the local stone matches that found in the immediate area. This will help to assimilate the development into the hamlet.
- 3.12 Due to concern about the elevated nature of the site, revised plans were also received which show the land excavated to lower the position of both the dwelling and the garden room on the site to reduce its visual impact given the height difference between the existing single storey bungalow and proposed two storey dwelling which assists in reducing the impact of the height of these structures when viewed from the road.
- 3.13 It is recommended that, if minded to approve, a condition be imposed for a sample of the stone to be agreed prior to installation to ensure that it is compatible with the local stone found in Dacombe.
- 3.14 The application form states that the windows would be uPVC and the roof would consist of concrete tiles. Having visited the area the predominant roofing material for non-thatched properties in the hamlet appears to be slate. It is recommended that, if minded to approve, a condition be imposed that the roofing material shall be a natural slate for the dwelling, garage and garden room and that a sample of the slate to be used shall be agreed prior to installation to ensure that the development assimilates within the surrounding built environment. This is particularly important given that the roofscape of the buildings will, due to the elevated nature of the site, be visible within the wider landscape. It is therefore important to ensure that the roofing material is high quality and will assimilate well with the surrounding built environment. Whilst it is recognized that the existing property has a tiled roof, the tiles used are more akin to roofing materials found within towns and are not compatible with the materials generally found in the hamlet. This application therefore offers the opportunity to improve the materials used and to assimilate the development into its surroundings: it is for this reason that it is recommended a high quality slate be secured by condition.
- 3.15 With regard to the use of uPVC, the site is not located within a Conservation Area and it is considered that, given that the existing property has uPVC windows, it would be difficult to insist on the use of timber in this case. It is considered that provided high quality materials are achieved for the walls and roof on balance uPVC would be acceptable.
- 3.16 The development will, due to its isolated location and elevated position, be an imposing dwelling in the landscape, however its scale and massing is considered to not result in an overdevelopment of this site and the excavation proposed to lower

the dwelling and garden room are considered to provide mitigation for the additional storey proposed for the dwelling compared with the existing single storey bungalow. Therefore, subject to appropriate materials being secured, it is considered that this development can assimilate into the surrounding environment and can become a feature building on the approach into the hamlet of Dacombe.

- 3.17 It is not considered that a refusal on the basis of the increased height of the dwelling compared with the bungalow would be justified particularly given that dwellings in the immediate vicinity on the southern side of the road are two storey and that the existing bungalow with its elevated position above the road already has a dominating impact on the approach into the hamlet. The now proposed excavation to lower the dwelling would only result in the two storey dwelling being marginally higher than the existing bungalow on site. Furthermore, the addition of single storey detached outbuildings in the form of a garden room and garage is not assessed at the scale proposed to be overbearing and dominant in the wider landscape to an extent to justify a refusal though they will be visible given the elevated nature of the site.
- 3.13 Overall, as a result of the revisions made to the design, siting and materials during the course of the consideration of the application, Officers do not consider that there is adequate justification for refusal of the proposals on visual amenity grounds or on the grounds that the proposed development would harm the Area of Great Landscape Value in which the site falls subject to high quality materials being secured by condition. It is also recommended that a condition be applied removing Permitted Development Rights for further outbuildings, extensions or alterations to the roof of the dwelling to retain control over further activity on the site to provide an overdevelopment of the site in the interests of the character and appearance of the rural landscape the site lies within.

#### Residential Amenity Considerations

- 3.14 Concern has been raised in representations received about the proposals being overbearing and having a dominating impact on the dwellings to the south due to the elevated nature of the site and the increased height of the dwelling compared with the existing single storey bungalow on the site. Concern has also been raised about loss of privacy to the dwellings opposite on the southern side of the road as a result of the increased height. It has been suggested in the representations received from neighbouring residents that reducing the ground level through excavating the site in order for the dwelling to sit at road level rather than elevated above the road level as the existing dwelling is would help to mitigate these concerns. This concern has been taken on board by the applicant who has provided revised plans which lower the position of both the dwelling and garden room on the site by reducing the ground level through excavating the site to reduce the visual impact of the additional storey proposed for the dwelling compared with the existing bungalow and of the new garden room.
- 3.15 The existing bungalow is imposing given its position in isolation from other dwellings and the elevated nature of the site above the road and properties to the south. Whilst the introduction of a two storey dwelling on this site will clearly be a visual change from the modest bungalow currently on the site it is not considered that the scale and massing of the proposed dwelling would warrant a refusal on overbearing or loss of light grounds to the occupiers of neighbouring residential properties given the separation distance to properties to the south across the lane

and to properties to the east (nearest being approximately 200 metres from the site) particularly given that the dwelling and garden room is now to be sited at a lower level than originally proposed.

- 3.16 Loss of privacy concerns have been raised by residents to the south but these properties are off-set from the application property and it is not therefore assessed that the proposal would result in an unacceptable level of overlooking/loss of privacy given that there would be no direct window to window relationship between the application property and neighbours to the south. The property would look over the neighbouring land to the south on which a stable block submitted by the same applicant as for this application was recently granted.
- 3.17 The proposal also includes the introduction of two new single storey buildings, a detached garage to the front of the property and a detached garden room to the rear of the property. Given the location of these structures it is not assessed that they would harm the residential amenity of neighbouring occupiers in terms of having an overbearing impact, resulting in loss of light or an unacceptable level of overlooking/loss of privacy particularly given that the proposed position for the garden room has been lowered through a proposed reduction in ground level during the course of the consideration of this application.
- 3.18 It is considered that the proposed excavation of the site to set the dwelling and garden room at a lower level will assist with addressing the perception of overlooking and the dominant impact of the proposals, having assessed the scheme as submitted, on balance, it is considered that a refusal of planning consent on residential amenity grounds could not be justified and/or an argument of refusal on residential amenity be sustained at appeal.

Officers therefore conclude that the scheme would not cause adverse harm to the residential amenity of the occupiers of neighbouring dwellings. It is, however, recommended that a Construction Management Plan be agreed to agree hours of construction and where construction materials and construction vehicles will be parked/stored during construction works given the narrowness of the adjacent lane, proximity of dwellings to the site and rural nature of the area.

#### Impact on Listed Buildings

- 3.19 There are a number of listed buildings in Dacombe, with the nearest being a linhay, barn and property known as Apple Acre to the east on the northern side of the lane and Home Farm also to the east of the site but on the southern side of the lane which are all Grade II listed.
- 3.20 In coming to this decision the Council must therefore 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.
- 3.21 Given the separation distance of the site from these listed buildings it is not considered that the proposal would have an adverse impact on their setting to warrant a refusal of the application on heritage grounds.

### Highway Safety Considerations

- 3.22 Concern has been raised in representations received about the suitability of the access without improved visibility splays to serve the proposed development.
- 3.23 Whilst this concern is noted, the proposal is for a replacement dwelling for an existing dwelling on the site and therefore would not result in a significant increase in vehicle movements from the site.
- 3.24 A refusal on the basis of an inadequate access is not considered justified given that the proposal uses the existing access and does not increase the number of dwellings on site compared with the existing situation.
- 3.25 Devon County Council Highways have been consulted and have raised no objections on highway safety grounds.
- 3.26 The proposal improves the existing arrangement by providing adequate space on site to turn in order to enter and exit the site in forward gear and also makes provision for adequate on-site parking provision both to the front of the property and in the designated garage.
- 3.27 If minded to approve, a condition is recommended for this on-site parking provision to be made available prior to occupation of the dwelling and thereafter retained for the parking of vehicles to ensure that there is adequate on-site parking provision to reduce pressure to park on the lane adjacent to the site and a condition is also recommended to restrict the use of the garden room to being used ancillary to the dwellinghouse to prevent it being let, leased or otherwise disposed of as a separate planning unit.
- 3.28 Whilst the concern that the proposal would exit onto a lane with limited visibility is noted, the test in the NPPF is whether or not there would be 'severe' harm and it is not considered that there is the evidence to suggest that the proposal would cause severe harm given that the intensity of the likely vehicle movements would be comparable to the previous use of the bungalow on the site.
- 3.29 Subject to the above recommended conditions being applied, if Members are minded to approve, it is not considered that a refusal on highway safety grounds would be justified in this case.

### Impact on Biodiversity

- 3.30 A Bat Building and Emergence Survey Report has been submitted with this application. Evidence of lesser horseshoe bats was found in the roof void of the existing bungalow, however no bats were recorded emerging from the property during the emergence survey.
- 3.31 The bat droppings found were assessed as being evidence of an opportunistic individual and perhaps as a night roost. No entrance point for lesser horseshoe bats was found during the building assessment and it has been concluded that a singleton bat accessed the roof void through an open window and through the open loft hatch. It is concluded that the roost is no longer present and the demolition of the bungalow does not require a European Protected Species Licence. The report



contains a mitigation strategy and also recommends ecological enhancements to benefit lesser horseshoe bats in the form of a roof void in the detached garage.

- 3.32 No evidence of breeding birds was recorded during the assessment.
- 3.33 No objection is therefore raised on ecological grounds provided that a condition is attached to secure the mitigation and enhancement measures as set out in the submitted report.

#### Land Drainage/Flood Risk

- 3.34 The application site is in Flood Zone 1 and in an elevated position, in flood control terms it is therefore a suitable site for development.
- 3.35 Surface water is proposed to be disposed of by connection to the main sewer and the applicant has advised that they intend to connect to the existing septic tank located across the road from the property.

#### Impact on Trees

- 3.36 Concern was raised in a representation received about the impact on the development on a copse of trees on the site and asking for consideration to be given to protecting these.
- 3.37 A Tree Protection Plan has been submitted during the course of the consideration of this application and the Council's Arboricultural Officer advises that there are no arboricultural objections to the proposal as no significant trees within and adjacent to the site will be adversely affected provided that the submitted Tree Protection Plan is made an approved document.
- 3.38 If minded to approve, it is recommended that the Tree Protection Plan be an approved document and a condition be applied for the tree protection measures to be put into place prior to the commencement of any development on site including bringing materials onto the site and that the measures remain in place until construction work is complete and all construction materials and machinery have been removed from the site in the interests of protecting retained trees.

#### Summary and Conclusion

- 3.39 It is considered that the development accords with the relevant provisions and policies of the Local Plan and with the NPPF and therefore Officer recommendation is one of conditional approval for the proposed development.

## **4. POLICY DOCUMENTS**

### Teignbridge Local Plan 2013-2033

S1A (Presumption in favour of Sustainable Development)

S1 (Sustainable Development Criteria)

S2 (Quality Development)

S22 (Countryside)

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

EN2A (Landscape Protection and Enhancement)

EN5 (Heritage Assets)  
EN8 (Biodiversity Protection and Enhancement)  
EN11 (Legally Protected and Priority Species)  
EN12 (Woodlands, Trees and Hedgerows)

National Planning Policy Framework

National Planning Practice Guidance

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990

## 5. **CONSULTEES**

Devon County Council Highways - The County Highway Authority originally recommended that the Standing Advice issued to Teignbridge District Council is used to assess the highway impacts, on the above application.

Following a request from Councillor Dewhirst the Devon County Council Highway Officer looked at this planning application and it was advised that the Highway Authority has no objections and that standing advice would still apply to this application.

Arboricultural Officer - There are no arboricultural objections to the proposal as no significant trees within and adjacent to the site will be adversely affected.

The submitted tree protection plan should be made an approved document.

## 6. **REPRESENTATIONS**

8 comments and 12 objections have been received.

The comments make the following summarised comments (see case file for full representations):

1. The side that will have most visual impact when driving into Dacombe, is improved as it is broken into different levels and is therefore less bland, and the inclusion of local stone facing will hopefully sit more harmoniously in the settlement;
2. The height still appears to overpower adjacent houses, and it look as if there has been no attempt to lessen this by excavating the ground floor level to nearer the height of the road;
3. The roof would be more in keeping with the majority of non-thatched houses in Dacombe if slate was used rather than the concrete tiles proposed;
4. It would be better to see timber framed windows rather than UPVC as this would have a more rural feel;
5. Surprised to see there appears to be no input from the Highways department;
6. Change in elevation from a bungalow to a two storey building is a major concern especially given that the site is already greatly elevated in comparison to the south side of the lane;
7. Use of both sympathetic building materials and design will add not only to the natural landscape of the valley but to a house which is in keeping to the size and look of other houses in the hamlet. Any negative, overbearing buildings with unsympathetic designs will adversely impact on the character and appearance of the valley here at Dacombe;

8. The fact that the proposed new dwelling will be the first house visible when entering the cluster of homes comprising the hamlet of Dacombe, approaching from Coffinswell. The replacement of 'The Bungalow' offers the opportunity to reflect the atmosphere and ambiance of Dacombe. The plans do not do this in their current form. Most properties in Dacombe are listed, which demonstrates the special nature of the hamlet. A slate roof, wooden window frames, a lowered building and a building with more character would be more suitable;
9. Would ask that attention is given to entering and exiting vehicles, and that a splayed entrance is required;
10. It is important that building materials are used to maintain a vernacular appearance and enhance if possible the nature of the village;
11. Stone to be used should be local stone;
12. Welcome the applicant lowering overall building height and listening to feelings of nearby residents;
13. Would wish to see new native hedging planted on roadside edge
14. Perhaps the entrance and exit could be a little further down the road away from the bend where visibility is better?

The objections received raise the following summarised objections/concerns (see case file for full representations):

1. The size of the new development will overlook the properties opposite given its elevated position and two storey scale leading to loss of privacy. If the property could be positioned lower into the ground, this would restrict the degree of overlooking;
2. The new proposed roof height is considerably higher than the present bungalow and, given that this is an already-elevated site, will be overbearing and will dominate the look of the hamlet and surrounding fields;
3. If the site could be excavated to match the existing road then the overbearing and dominate impact of the proposed dwelling could be alleviated;
4. The size and look of the current proposition does not feel in keeping with the current area. There is little in the design that suggests it would sit gracefully into the landscape like the buildings in the hamlet currently do;
5. The use of concrete roof tiles and cladding is inappropriate (case officer note: cladding has since been removed from the scheme);
6. Concerned about the modern design and use of modern materials in a rural location;
7. Concern about the safety of exiting the property as the driveway is on a bend and cuts through the land which makes a clear view up and down the lane difficult;
8. The garage and garden room are outside the footprint of the existing bungalow and should not be allowed;
9. This application would alter the village and there are no other properties of this type;
10. The garden room height is the same as that of the house, how can this be allowed when there is no existing property in this position?
11. The height of the dwelling should be similar to the existing. If a two storey building is sought this should be in the form of a chalet-style dormered roof to keep the height down or the site excavated before building;
12. The garden room is too large, will be a permanent feature and is modern in design;
13. We note that the developer's agent has given 'extra cost' as a reason for not wishing to excavate the site. Costs should not be a concern of the Planning Office;
14. Footprint of the replacement dwelling combined with new garage and garden room is considerably larger than the existing;
15. The impact on the landscape will be in direct opposition to Policy EN2A;

16. Pleased to see reduction in height to main residence but would like to see more evidence of materials used to allow the property to blend in with others in the village;
17. Garden room is not a replacement building, although there is an old structure at rear of bungalow this is not near the prominent chosen location. Therefore, still object to its position, design, use and materials which are out of keeping in Dacombe;
18. Revisions to the plans do not adequately address height concerns previously raised with buildings;
19. Footprint considerably larger than existing when you include garden room and garage;
20. Concern septic tank across road not useable in current condition and that provision should be made within property boundaries.

## **7. PARISH COUNCIL'S COMMENTS**

### Coffinswell Parish Council:

Whilst the Parish Council has no objection to the application in principle, the outstanding points detailed above must be addressed by the planning authority, along with comments already raised previously when considering this application:

- Concerns were raised regarding what the garden room is replacing as there was originally a much smaller building on a different position. Any additional buildings should only be used ancillary to the main dwelling
- The height reduction of the garden room is appreciated; however, this will increase soil movement and this should be considered within the recommended development plan
- Materials being used for the garden room should be more in keeping with the surrounding landscape
- New drainage arrangement plans have not been made available and the Parish Council's concerns regarding the application for a stable on the other side of the road remain. It is understood that the plans are to use the existing septic tank in the opposite field, but clarification is required as to whether this will be upgraded to a treatment plant given its age and lack of information within the plans. A new treatment plant should be located within the curtilage of the bungalow
- Increase in boundary to the east side has been noted.

## **8. COMMUNITY INFRASTRUCTURE LEVY**

The proposed gross internal area is 327.32 sq m. 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 133 sq m. The CIL liability for this development is £51,059.82. This is based on 194.32 net m<sup>2</sup> at £200 per m<sup>2</sup> and includes an adjustment for inflation in line with the BCIS since the introduction of CIL.

## **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.

**Business Manager – Strategic Place**

