

Planning Committee Report

Chairman: Cllr Colin Parker

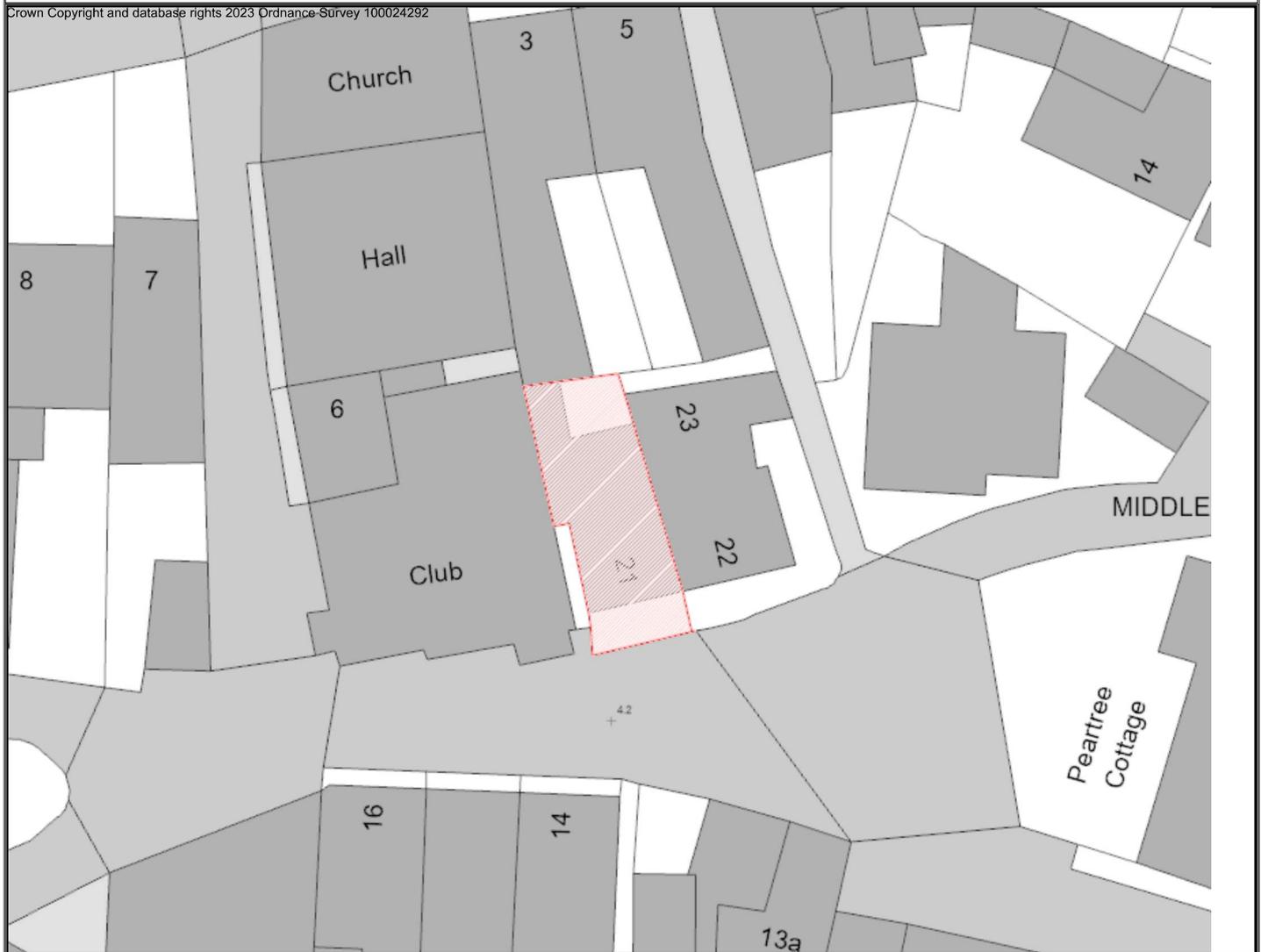
Date	19 September 2023
Case Officer	Niki Warner
Location	21 Dagmar Street Shaldon Devon TQ14 0DU
Proposal	Retention of a first floor rear extension
Applicant	Mr J Hollely
Ward	Shaldon And Stokeinteignhead
Member(s)	Cllr Chris Clarence
Reference	23/01285/HOU



[Online Details and Documents](#)

RECOMMENDATION: PERMISSION REFUSED

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1. REASON FOR REPORT

The application has been called into committee if recommended for refusal by Cllr Clarence who has visited the site and asserts that there is no detrimental impact on it or neighbouring properties.

2. RECOMMENDATION

Refusal for the following reasons:

- 2.1 The Extension, by virtue of its height and the inclusion of a clear glazed large openable window has an unacceptable impact on 3 and 5 Fore Street by virtue of their loss of privacy and the increase in overlooking that would occur. The proposal is contrary to Policies S1, S2 and WE8 of the Teignbridge Local Plan.
- 2.2 The Extension, by virtue of its position, design and scale, would cause harm (less than substantial) to designated heritage assets including the setting of Listed Buildings (3 and 5 Fore Street) and the character and appearance of the Conservation Area. There are no public benefits to outweigh the harm caused and the proposal is therefore contrary to policies S2 and EN5 of the Teignbridge Local Plan and the NPPF.

3. DESCRIPTION

- 3.1 21 Dagmar Street is a modest two storey semidetached cottage within Shaldon Conservation Area, built in cob and stone with a slate roof. The plan form is that of a single room cottage, with a lean to extension onto a small rear yard.
- 3.2 The property is attached to 22 Dagmar Street to the front and 23 Dagmar Street to the rear of the eastern elevation and to brick built Conservative Club at the rear of the western elevation.
- 3.3 The rear yard backs onto the rear gardens and yards of No 3-5 Fore Street, which are both Grade II Listed.
- 3.4 The attached 23 Dagmar Street is a similar property with a first floor rear addition with a pitch roof and central valley gutter on a smaller scale to the one proposed here.
- 3.5 During the previous application, 22/01804/HOU, a site visit was conducted and it was observed that the build was underway and unacceptable, the chimney, which is an important characteristic had been knocked down, and a mock chimney has been installed.

4. APPLICATION PROPOSAL

- 4.1 This application sees to retain and complete the built extension, which was commenced without approval. As such, we are obligated to consider the application as a proposal in the same manner as one that works had not commenced. That the works have started, does not mitigate any harm.

Planning History

4.2 **10/03106/PE** Proposed 1st floor extension **PE RESPONSE SENT**

- a. This preliminary enquiry, made by the current applicant, advised that a first floor extension might be acceptable subject to materials and finishings being of a correct traditional composition, which was stated as being cement free lime render.

4.3 **22/01804/HOU** First floor rear extension **PERMISSION REFUSED**

- a. due to a lack of clarity in the drawings and the relationship with neighbouring properties that meant harm to the surrounding heritage assets and Shaldon Conservation Area could not be ruled out,
- b. due to the use of materials that would be harmful to the conservation area, including cedar cladding, which has been removed from the current proposal

5. KEY CONSIDERATIONS

The site is located within the Shaldon settlement limits and subject to Policy WE8, extensions are usually acceptable in principle – subject to consideration of the wider provisions of the Development Plan and other Material Considerations.

5.1 Heritage issues -impacts on the setting of Listed Buildings and the Conservation Area

- 5.1.1 In accordance with caselaw heritage issues are to be given a great weight in decision making as a result of the fact that there is an explicit legislative requirement to preserve heritage assets, including their setting.
- 5.1.2 The site is within close proximity to listed buildings including: 3 and 5 Fore Street, which are both Grade II listed. This development would be within the setting of both and visible from both properties. Numbers 3 and 5 Fore Street are assessed (in the Conservation Area Appraisal) as making an outstanding contribution to the Conservation Area.
- 5.1.3 The Conservation Officer has assessed that the works are harmful to both the character of Shaldon Conservation Area and to the setting of the Listed Buildings.
- 5.1.4 The scale of the proposal does not sit comfortably with the existing built environment and the difference in height with the extension to 23 Dagmar Street is jarring, the view from the listed buildings is cluttered. The plans do not clearly coincide with the development as undertaken – the chimney is a different form, the window appears in a different location and scale, the rooflights are inconsistently detailed etc.
- 5.1.5 In coming to a decision the council must be mindful of the duty as set out in sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings, their setting and features of special architectural or historic interest which they possess and to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area, and have give it considerable importance and weight in the planning balance.

5.1.6 Having done so, officers consider the proposal should be refused.

5.2 Impact on residential amenity

5.2.1 An objection has been received has been received outlining that the window on the northern elevation (rear) would severely and adversely affect the privacy of neighbours.

5.2.2 The overlooking and loss of privacy created by this development is considered in Policy S1 of the Teignbridge Local Plan as one of the sustainable development criteria.

5.2.3 This part of Shaldon has an especially tight grain with the organic development of the area leading to very close relationships between properties. This does not however automatically mean that there is a high level of overlooking or intervisibility between properties at the moment and as can be seen from the elevations, 21 Dagmar Street does not currently benefit from any first floor rear windows.

5.2.4 The application proposals would both move the 2 storey element of the property significantly closer to the listed buildings to the north and would introduce a large first floor window – significantly altering the environment and experience for existing residents.



(view from 5 Fore Street towards Dagmar Street)

5.2.5 It is assessed by officers that the large window detailed on the application plans would harm the residential amenity of particularly 3 but also 5 Fore Street. The window is intended to serve a new bedroom and whilst it is also shown to benefit from a rooflight, officers consider that it would likely need to be obscured and fixed shut in order to be acceptable. This would not however remove all concerns as overlooking and overbearing impacts can be felt in part through subjective perception and the presence of a large window – even if obscure – in such close proximity to property boundaries is considered harmful.

5.2.6 Whilst an appeal against our decision is pending and there are differences between the proposals, Officers recently refused an application for a second storey on the rear outshot at 5 Fore Street due to residential amenity concerns for neighbours (21/01021/HOU).

5.2.7 Officers believe that the introduction of the window and the increase in height of the wall plate to higher than the base of the chimney, within 4 m of the property boundary, would overall lead to an overbearing impact and unacceptable impacts on neighbouring amenity.

5.3 Drainage

Clarity was requested in the previous application about whether the guttering will go and how that related to the surrounding buildings / ownerships etc. The elevational drawings say there will be hidden guttering but this is not detailed. This could be conditioned.

5.4 Ecology

5.4.1 An Ecological report was submitted

5.4.2 The building was classified as having negligible potential to support roosting bats and nesting birds

5.4.3 No evidence of nesting birds was found

5.4.4 No further survey work is needed.

5.4.5 Mitigations required:

5.4.6 The proposed extension should incorporate 1 bird box. An integrated bird box should be included in the design. The box should be located as high as possible just under the roof eaves on the northwest elevation. A positive determination would require the addition of a condition.

5.4.7 POLICY DOCUMENTS

- Teignbridge Local Plan 2013-2033:
- S1A Presumption in favour of Sustainable Development
- S1 Sustainable Development Criteria
- S2 Quality Development
- S21A Settlement Limits
- S22 Countryside
- WE8 Domestic Extensions, Ancillary Domestic Curtilage Buildings and Boundary Treatments
- EN5 Heritage Assets
- EN8 Biodiversity Protection and Enhancement
- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- National Design Guide

6. CONSULTEES

TDC Conservation Officer – record of discussion

- 6.1 The conservation officer reviewed this application at the point of resubmission and felt that an unjustified increase in roof height and the increased clutter to the roof shapes would constitute *less than substantial harm*. In this instance this harm is deemed to be to the setting of Listed Assets 3 and 5 Fore Street and harm to the Conservation Area.
- 6.2 NPPF paragraph 200 states that any harm to, or loss of the significance of a designated heritage asset (from its alteration, destruction or from development within its setting) should require clear and convincing justification.
- 6.3 No justification to offset the harm is considered in the application or offered. The NPPF outlines at 202 that: Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 6.4 The Conservation officer felt that Heritage Statement was inadequate and that a refusal would also be warranted on this basis as it has failed to consider the history and significance of the setting of the Listed Buildings or the Conservation Area.
- 6.5 It was also considered that development as undertaken does not match the character of the original and does not resemble that shown in the drawings.
- 6.6 No details have been submitted with regards to the material or composition of the windows or rooflights, the windows will need to be painted timber and if approved a condition should be added. The previous application did state that these would be painted timber. If double glazing is proposed this should be slimline conservation grade glazing units. A section of the windows will need to be submitted and approved prior to installation.
- 6.7 No details are shown in the application form regarding the rainwater goods, but these must be round profile and metal.

7. REPRESENTATIONS

- 7.1 1 objection has been received in respect of the proposed development raising the following summarized points:
- 7.1.a Concern over the insertion of the new first floor window on the rear (north elevation) which would overlook the gardens of 3 and 5 Fore street and the rear of these houses and ensuing overlooking and loss of privacy
- 7.1.b Loss of light to the gardens of 3 and 5 Fore Street
- 7.1.c Extensions to existing dwellings should not affect the amenity of neighbours
- 7.1.d An inadequate 'Heritage Statement' that fails to examine the historic background, the importance of the setting, the contribution of the existing buildings to the conservation area, the impacts on the listed buildings 3 and 5 Fore Street

8. SHALDON PARISH COUNCIL'S COMMENTS

No objection

9. 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.

10. 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.

11. CARBON/CLIMATE IMPACT

This modest proposal would have limited impacts on the property's carbon footprint. If recommended for approval, enhanced carbon reduction would be weighed against design and heritage concerns and appropriate conditions / informatives applied.

12 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