

## PLANNING COMMITTEE AGENDA - 23rd April 2019

### Applications of a non-delegated nature

<u>Item No.</u>	Description
01.	18/02000/FULL - Erection of extensions to existing farm shop at Exe Valley Farm Shop, Thorverton, Exeter. <b>RECOMMENDATION</b> Refuse permission.
02.	18/01691/FULL - Erection of a dwelling with associated access at 3 - 4 East End, Poughill, Crediton. <b>RECOMMENDATION</b> Refuse permission.
03.	19/00337/HOUSE - Installation of a dormer window on front elevation to provide first floor accommodation and formation of a raised decking area to rear at 5 Broomhill, Tiverton, Devon. <b>RECOMMENDATION</b> Grant permission subject to conditions.

Application No. 18/02000/FULL

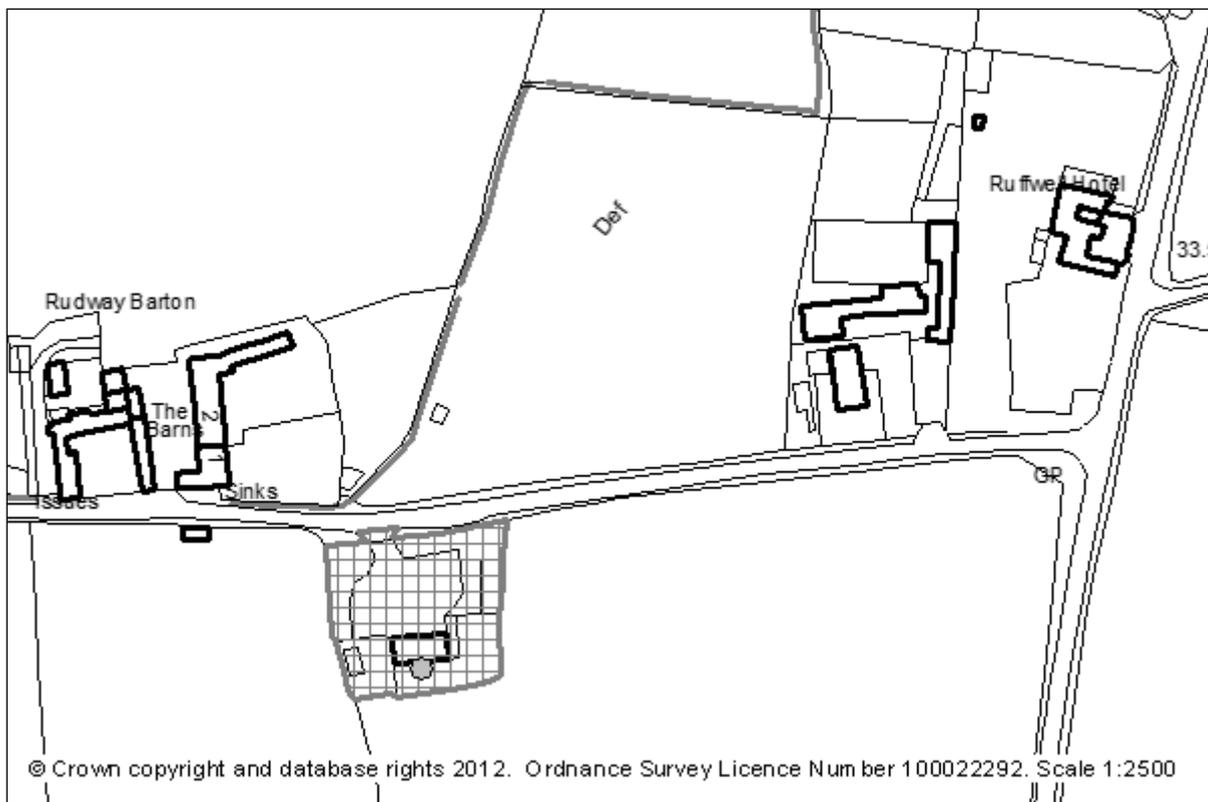
Grid Ref: 294245 : 101531

Applicant: Mr Ross May

Location: Exe Valley Farm Shop  
Thorverton  
Exeter  
EX5 5NB

Proposal: Erection of extensions to existing farm shop

Date Valid: 6th December 2018



## **APPLICATION NO: 18/02000/FULL**

### **MEMBER CALL-IN**

This application has been called in via Cllr Deed and confirmed with the Chair of Planning Committee Cllr Colthorpe as there is currently no elected member to represent the Silverton ward. It has been called in so the acceptability of the proposal can be assessed by the planning committee.

### **RECOMMENDATION**

Refuse permission

### **PROPOSED DEVELOPMENT**

Erection of two extensions to the east and south of the existing Exe Valley farm shop, Silver Street, Thorverton. The extensions would provide the following additional floorspace:

- café/restaurant (187 square metres)
- additional retail floor area (144 square metres)
- office area (131 square metres)
- first floor storage area (136 square metres)

### **APPLICANT'S SUPPORTING INFORMATION**

Planning statement  
Existing and proposed plans

### **RELEVANT PLANNING HISTORY**

92/01883/FULL - WD date 1st February 1993  
permission to sell processed products from farm shop  
09/00685/DET - REC date  
Licensing application  
17/02057/CLU - PERMIT date 15th February 2018  
Certificate of Existing Lawful Use of land and buildings as retail farm shop (A1) car parking, associated outside storage and display for sales areas, internal office and road access in excess of more than 10 years  
18/00512/DET - CLOSED date 10th April 2018  
Licensing application

### **DEVELOPMENT PLAN POLICIES**

#### **National Planning Policy Statement**

#### **Mid Devon Core Strategy (Local Plan 1)**

COR2 Local distinctiveness  
COR9 Access  
COR18 Countryside

### **Mid Devon Local Plan Part 3 (Development Management Policies)**

- DM1 Presumption in favour of sustainable development
- DM2 High quality design
- DM8 Parking
- DM19 Rural shopping
- DM20 Rural employment development

### **CONSULTATIONS**

**Silverton Parish Council** - 20th December 2018 - Support

**Thorverton Parish Council** - 14.02.19

'Thorverton Parish Council is neutral on this application but questions whether there is mains drainage. No further comments'

**Highway Authority** - 03.01.2019

The Highway Authority is happy with the proposed amended plan and has no further observation to make.

**Highway Authority** - 18 December 2018

Observations:

The Highway Authority has no objections in principle to the extension, however the size of the store would necessitate that some 43 parking spaces should be available in accordance with the Mid Devon District Council Parking standard. The Local Planning Authority may wish to see the Tarmac car parked marked out to maximise the available space and confirm available space and that it is sufficient for the store.

Recommendation:

THE HEAD OF PLANNING, TRANSPORTATION AND ENVIRONMENT, ON BEHALF OF DEVON COUNTY COUNCIL, AS LOCAL HIGHWAY AUTHORITY, MAY WISH TO RECOMMEND CONDITIONS ON ANY GRANT OF PLANNING PERMISSION

1. No part of the development hereby approved shall be brought into its intended use until the parking facilities, commercial vehicle loading/unloading area have been provided and maintained in accordance with details that shall have been submitted to, and approved in writing by, the Local Planning Authority and retained for that purpose at all times.

REASON: To ensure that adequate facilities are available for the traffic attracted to the site.

**Historic Environment Team**- 21.12.18

I refer to the above application. The proposed development lies in an area of archaeological potential within a landscape that contains a concentration of prehistoric archaeological sites, ranging from large ditched enclosures, site of settlement and possible funerary activity as well as artefactual material recovered from the plough soil in nearby fields. As such, groundworks for the construction of the proposed development have the potential to expose and destroy archaeological and artefactual deposits associated with the known prehistoric activity. The impact of development

upon the archaeological resource here should be mitigated by a programme of archaeological work that should investigate, record and analyse the archaeological evidence that will otherwise be destroyed by the proposed development.

The Historic Environment Team recommends that this application should be supported by the submission of a Written Scheme of Investigation (WSI) setting out a programme of archaeological work to be undertaken in mitigation for the loss of heritage assets and archaeological interest. The WSI should be based on national standards and guidance and be approved by the Historic Environment Team.

If a Written Scheme of Investigation is not submitted prior to determination the Historic Environment Team would advise, for the above reasons and in accordance with paragraph 199 of the National Planning Policy Framework (2018) and the supporting text in paragraph 5.3 of the Mid Devon Local Plan Part 3: Development Management Policy DM27 (2013), that any consent your Authority may be minded to issue should carry the condition as worded below, based on model Condition 55 as set out in Appendix A of Circular 11/95, whereby:

'No development shall take place until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation (WSI) which has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out at all times in accordance with the approved scheme, or such other details as may be subsequently agreed in writing by the Local Planning Authority.

#### Reason

To ensure, in accordance with Policy DM27 and paragraph 199 of the National Planning Policy Framework, that an appropriate record is made of archaeological evidence that may be affected by the development'

This pre-commencement condition is required to ensure that the archaeological works are agreed and implemented prior to any disturbance of archaeological deposits by the commencement of preparatory and/or construction works.

I would envisage a suitable programme of work as taking the form of the archaeological monitoring and recording of all groundworks associated with the proposed development to allow for the identification, investigation and recording of any exposed archaeological or artefactual deposits. The results of the fieldwork and any post-excavation analysis undertaken would need to be presented in an appropriately detailed and illustrated report, and the finds and archive deposited in accordance with relevant national and local guidelines.

I will be happy to discuss this further with you, the applicant or their agent. The Historic Environment Team can also provide the applicant with advice of the scope of the works required, as well as contact details for archaeological contractors who would be able to undertake this work. Provision of detailed advice to non-householder developers may incur a charge. For further information on the historic environment and planning, and our charging schedule please refer the applicant to:

<https://new.devon.gov.uk/historicenvironment/development-management/> .

## **REPRESENTATIONS**

No letters of objection have been received. A petition including 227 signatures has been received in support of the application.

## **MATERIAL CONSIDERATIONS AND OBSERVATIONS**

The application site is the Exe Valley Farm Shop, Silver Street, Thorverton. The Exe Valley Farm Shop is close to the southern boundary of the Mid Devon District, and is located 1.4 miles west from the village of Thorverton, 1.6 miles south of Silverton and approximately 7.7 miles north of Exeter. It is a few hundred metres west of the junction of Silver Street with the A396.

The site is not subject to any special landscape designation, not within an AONB or Conservation Area and is not a listed building. The site is located within flood zone 1.

The site is beyond any defined settlement limit and is in the open countryside. It is surrounded by fields that are bounded by hedgerows. The site sits in a low valley plain location. The site is within the LCT3E: Lowland plains landscape character area which is typified by arable farmland with some areas of improved grassland. Gently rolling middle ground to lowland with smooth, rounded hilltops that have concave and convex upper slopes. Mixed farming is the main agrarian pattern with medium to large scale field patterns with fields generally divided by hedgerows and hedgebanks. The area is generally sparsely populated. Views are highly variable with some long extensive views afforded from on top of hilltops with the landscape being semi-open. The Mid Devon Landscape Character Assessment describes the special qualities of this landscape type as being the textured patchwork with strong sense of seasonal variety, valued contribution to the agrarian character and quality of Mid Devon, wide open spaces with great landscape views and valued hedgerows.

The supporting statement submitted with the application states that a farm shop has been established on the site for 28 years. A certificate of lawfulness for the use of the premises and outside storage areas as a farm shop was granted in 2017. The site currently consists of the existing retail farm shop, with associated indoor and outside storage and display areas for sales, car parking, and ancillary office space within the building. The farm shop is located toward the southern side of the site with parking to the north and east of the building. Access is from Silver Street which runs along the northern boundary of the site.

The management of the farm shop has recently changed which has resulted in refurbishment of the premises. It is stated that at present the farm shop sells home grown beef, lamb, potatoes, local West Country food and drink, natural products, traditional crafts and gifts, plus a range of animal foods. The farm that the existing farm shop is associated with is immediately adjacent to the site.

The proposal seeks to erect two, two storey extensions to the southern and eastern elevations, in order to provide additional internal retail floorspace, café/restaurant with toilets and kitchen facilities, a storage/distribution area at first floor, first floor offices and further shop display areas.

The site is a substantial size and incorporates parking, outside display storage and sales areas. The proposed development would seek to retain the outdoor space surrounding the building to the front (northern/western elevations), extending the building on the eastern and rear southern elevations which contains space that is not currently in use.

**The main issues in the determination of this application are:**

- Policy;
- Design of the development – scale, bulk, mass and external appearance and the impact on visual amenity of surrounding rural area;
- Impact on the vitality and viability of town centre and village shopping facilities;
- Access and parking;
- Other matters: surface water and foul drainage; landscaping

**Policy**

National Policy Context

The revised National Planning Policy Framework was published on 19<sup>th</sup> February 2019 and sets out the government's planning policies for England and how these are expected to be applied. This revised framework replaces the previous NPPF published in 2018 and maintains that the objective of the planning system is to achieve sustainable development..

Chapter 6 of the NPPF states that planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local businesses and wider opportunities for development. Paragraph 83 states that planning policies and decisions should enable the (a) sustainable growth and expansion of all types of businesses in rural areas, both through the conversion of existing buildings and well-designed new buildings and (d) the retention and development of accessible local services and community facilities, such as local shops.

Chapter 12 of the NPPF 'Achieving well-design places', paragraph 124 states that the creation of high quality buildings is fundamental to what the planning and development process should achieve as good design is a key aspect of sustainable development.

Para 127 states that planning policies and decisions should ensure that developments:

*"a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*

*b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*

*c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*

*d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;*

*e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and*

*f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience".*

Para 130 states that planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area.

Local Policy context

The Mid Devon District Council Local Development Framework consists of the Core Strategy, Allocations and Infrastructure Development Plan Document and Local Plan Part 3: Development Management Policies. In addition to this the Local Planning Authority has recently completed a Local Plan Review. These new policies have been examined in public by the Planning

Inspectorate and the Inspectors report is expected very soon. These policies currently contain some weight, but as the Plan moves through the stages toward adoption they will gain more weight in decision making. The most relevant policies for the consideration of this proposal are MDCS COR2 and COR18 and policies DM2, DM8, DM19 and DM20 LP3 (DM Policies).

Policy COR2 requires development to sustain the distinctive quality, character and diversity of Mid Devon's environmental assets through (a) high quality sustainable design which reinforces the character and legibility of Mid Devon's built environment and creates attractive places. This approach is reinforced in policy DM2 LP3 which requires development to be high quality and to demonstrate a clear understanding of the characteristics of a site, its wider context and surrounding area; efficient and effective use of the site; positive contribution to local character; creation of safe and accessible places; visually attractive places that are well integrated with surrounding buildings and landscapes taking into account architecture, siting, layout, scale and massing, orientation and fenestration, materials and landscaping; appropriate drainage.

Policy COR18 – Countryside states that development outside of settlements will be strictly controlled, enhancing the character, appearance, and biodiversity of the countryside while promoting sustainable diversification of the rural economy. Detailed development control policies will permit agricultural and other appropriate rural uses, subject to appropriate criteria, as follows:

- b) appropriately scaled retail, employment, farm diversification and tourism related development (including conversion of existing buildings);*
- c) appropriately scaled and designed extensions and other physical alterations to existing buildings;*

Policy COR18 is reinforced within the more detailed Development Management Policies of LP3. Policy DM19 (rural shopping) indicates that retail development will be permitted within defined villages, where it will meet local needs and is accessible by a range of transport modes; elsewhere in the countryside, proposals for retail development must demonstrate that:

- a) the location and scale of the development would not harm the vitality and viability of town centre or village shopping facilities;
- b) the development would not lead to an unacceptable impact on the local road network; and
- c) there would not be an unacceptable adverse impact to the character and appearance of the countryside.

The expansion of the Exe Valley farm shop would provide a considerably larger retail enterprise in the countryside. A retail business is considered to be an employment use and therefore policy DM20 is also relevant to the consideration of the proposal. Policy DM20 states that that in countryside locations, planning permission will be granted for new-build employment or expansion of existing businesses provided that the development is of an appropriate use and scale for its location. Proposals must demonstrate that:

- a) The development would not lead to an unacceptable impact on the local road network;*
- b) There would not be an unacceptable adverse impact to the character and appearance of the countryside; and*
- c) There are insufficient suitable sites or premises in the immediate area to meet the needs of the proposal.*

Matters relating to access and parking are covered by the requirements of policy COR9 MDCS and DM8 LP3. COR9 requires development and transport planning to be co-ordinated to improve accessibility to all. DM8 requires development to provide an appropriate level of parking, taking into account the accessibility of the site, the availability of public transport and the type, mix and use of the development.

## **Design of the development – scale, bulk, mass and external appearance and the impact on visual amenity of surrounding rural area.**

Policies COR2 and COR18 MDCS, DM2, DM19 and DM20 LP3 and the NPPF set out the criteria for the assessment of the proposal in terms of scale, bulk, mass, external appearance and impact on the visual amenity of the surrounding area.

The proposal seeks to erect two, two storey extensions to the southern and eastern elevations, in order to provide additional internal retail floorspace, café/restaurant with toilets and kitchen facilities, a storage/distribution area at first floor, first floor offices and further shop display areas.

The site is a substantial size and incorporates parking, outside display storage and sales areas. The proposed development would seek to retain the outdoor space surrounding the building to the front (northern/western elevations), extending the building on the eastern and rear southern elevations which contains space that is not currently in use.

The external appearance of the existing farm shop consists of render block walls and green painted timber panels above with a slate roof. The proposed extensions would have an external appearance consisting of rendered block with vertical timber boarding above, a slate roof to match the existing, lindab guttering and UPVC double glazed windows and doors. The materials palette could potentially be acceptable, if the scale of the proposals was considered to be acceptable as the proposed materials are commonly used for the external facades of rural buildings.

The extensions would wrap around the south and eastern side of the existing building, would be 2m higher than the existing building and would also project northwards of the north elevation of the existing building. The existing farm shop would be engulfed by the extensions and effectively lost within the bulk, mass and overall scale of the proposed development.

The extension to the south of the existing building would be 26.5m long, 8m wide and 7.5m high to the ridge. This would represent a doubling of the footprint of the current building. The extension to the north would be 22m long, 8.5m wide and 7.5m high to the ridge of the roof. The footprint of the building would be almost triple that of the existing building.

Internally the extensions would allow for the following additional floorspace:

- Additional retail space = 144 square metres;
- Café/restaurant = 187 square metres;
- First floor office = 131 square metres;
- First floor storage = 136 square metres.

Cumulatively this represents a floor area of 598 square metres (as stated in the planning statement submitted) and a 300% increase in floor area upon the existing retail floor space of 146 square metres.

It is accepted in principle that policy DM19 supports the provision of retail development (particularly where it is the expansion of an existing retail facility) in the open countryside subject to meeting certain criteria. While the Local Planning Authority consider the principle of utilising part of the unused area to the east and southern sides of the current building to provide a larger facility may be acceptable, the excessive scale of the proposed extensions has not been justified and would have a detrimental impact on the visual amenity of the surrounding rural area.

The planning statement submitted with the application states that the proposal will aid in facilitating the growth of the business, with the scale and design of the proposal seeking to reflect the existing

site and its rural surroundings. While this may be the aspiration of the proposal, and the Council supports the sustainable growth and expansion of business and enterprise in rural areas, while protecting the predominance of town centres for meeting the district's retail needs; the local planning authority consider that the proposed development does not reflect the character and appearance of the conspicuous rural location; the scale of the existing farm shop or an acceptable scale for a rural retail facility.

The scale of the proposed extensions are considered to be unacceptable and out of keeping with the scale, bulk and mass of the existing farm shop. Neither are the external appearance of the extensions considered to be acceptable as although the design approach to the north elevation extension is not without some merit, the appearance of the south and east elevations, particularly with regard to the size and placement of window openings, are considered to be incongruous with the appearance of the farm shop and detrimental to the visual amenity of the surrounding rural area.

The applicant has described the inclusion of large windows and doors, particularly on the northern and eastern elevations, to allow for extensive amounts of natural light to enter the tea rooms/café, integrating the external rural landscape with the new inviting spacious internal layout. The Local Planning Authority consider that the placement, pattern and size of the window openings detracts from the more straight forward agricultural appearance of the premises. The size and form of this fenestration results in confusing and unattractive elevations suggestive of an office enterprise/industrial use in an urban environment rather than reflecting the rural context of the site and the function of the building. The large glazed opening across the ground floor of the northern side of the easterly extension is more successful with a better form and appearance.

In addition the proposal would not integrate well with the existing building and its surroundings and would be extremely visible within the local landscape which would add to the impact on the visual amenity of the rural area. While being very visible, particularly from a main road such as the A396 is likely to be good for additional business and advertisement by default, this would be at the detriment to the surrounding open rural area. The proposed extensions would result in an architecturally unattractive building with an incoherent design that would not preserve or enhance the visual amenity of the site, would not result in a sustainable form of rural development and would not be sensitive to the rural surroundings contrary to the applicants planning statement and to policies COR2, COR18 MDCS and DM2, DM19 and DM20 LP3.

The proposed internal layout would allow the flow of customers through the retail and café/restaurant areas on the ground floor. The proposed plans show the provision of a very large office area at first floor as well as the provision of a very large store area also at first floor. The practicalities of having storage at first floor, only accessible by an internal stairwell do not appear to have been considered and would result in an unworkable arrangement. The size and potentially illogical location of uses within the building could have an effect on its external appearance and is considered to be a matter that would need to be addressed to improve the functionality of the building in its extended form.

### **Impact on the viability and vitality of town centre or village shopping facilities**

Policy DM19 (a) Local Plan Part 3 (Development Management Policies) requires retail development in the open countryside to demonstrate that the location and scale of the development would not harm the vitality or viability of town centres or village shopping facilities.

The proposed development would provide a considerably larger retail floorspace, as shown on the submitted plans, and even more additional space if the internal layout of the extended building

were to be reorganised. No details have been provided of the goods and products that would be sold from the expanded retail facility, only details of what type of goods have been sold on site recently have been included. It is assumed with a premises 300% larger overall than existing building that the goods being sold will not be restricted to products that originate from the farm associated with the farm shop. While the business would be able to expand if the extensions as proposed were approved, it is not known what product lines or types would be added. There are currently no restrictions on the products that can be sold from the premises as permission was granted through the issuing of a Certificate of Lawfulness in 2017. Rather than remaining as a farm shop, the scale of the proposed extensions could result in the premises becoming a rural shopping destination in the open countryside, the scale of which could have an impact on the district's wider retail needs.

No information has been submitted with the application to demonstrate what impact a considerably larger retail facility in this location (452 square metre (300%) increase in the size of the building) will have on the vitality or viability of town centre or village shopping facilities or to justify the size of the extensions. As the building is proposed to be substantially increased in size it is considered to be essential that the impacts of the proposal are understood. In the absence of this information and because an unrestricted retail facility with a total floor area of approximately 600 square metres in the open countryside is not considered to be in accordance with the criteria of policy DM19, the proposed development is considered to be contrary to policy DM19 (a) Local Plan Part 3 (Development Management Policies) and policy COR18 MDCS.

The applicants statement, while noting a number of the relevant planning policies does not make any reference to policy DM19 'Rural shopping' which is arguably one of the most important planning policies in the assessment of this application. Assessment of the proposal against this policy identifies that the application proposal has not been justified and is contrary to the requirements of this policy.

### **Access and parking**

The proposal seeks to use the existing access to the site from Silver Street. The site access is relatively close to the junction of Silver Street with the A396. It is acknowledged in the supporting planning statement that the expansion of the premises would attract more visitors to the site, who are most likely to arrive by private vehicle due to the location in the open countryside. The existing site access provides good visibility when entering and leaving the premises. The application does not propose to make any physical changes to the access to the site.

There is sufficient parking on the site to accommodate the existing number of visitors. The Highway Authority advised that further spaces and potentially the formalising of spaces to the front (north side) of the building would be needed in association with the proposed extensions. A revised plan has been received that addresses the previous concerns of the Highway Authority. The Highways Authority have raised no objections to the proposed development. The development is considered to be in accordance with policies COR9 and COR18 MDCS and policies DM2, DM8, DM19 and DM20 LP3 (DM Policies) with regards to access and parking for the proposed development.

### **Other matters: surface water and foul drainage, landscaping**

#### **Surface Water and Foul Drainage**

The planning statement submitted with the application indicates that surface water is proposed to be connected to an existing drainage system. Lindab guttering is proposed to be provided around the roofline of the extensions to connect surface water into downpipes to the existing soakaway. The site is additionally located within flood zone 1 and therefore the use of soakaways is achievable in principle.

Foul sewage will be disposed of via the main sewage drainage system which the existing building is already connected to. As satisfactory drainage solution has been suggested the development is considered to be in accordance with policy DM2 LP3 (DM Policies) with regards to drainage provision.

#### Landscaping

No additional landscaping has been proposed as part of the proposal, however the applicants planning statement indicates that landscaping could be provided if considered to be necessary. While the establishment of a native hedgerow and tree planting around the perimeter of the site, especially to the east and south of the site, would upon maturity help to filter views of the proposed development, it would take a considerable amount of time for new landscaping to sufficiently filter views of the development to help it assimilate into the surrounding landscape sufficiently. The Local Planning Authority consider that a more appropriate scale of extension to the building on the site plus additional landscaping would potentially be a considerably more effective way of establishing a larger development on the site that could sit comfortably within the landscape.

#### Impact on nearby residents

There are some neighbouring dwellings and their associated outbuildings situated towards the northern and north west side of the site, however these are not in very close proximity to the site. The Ruffwell Inn is north east of the site. The provision of the extensions to the farm shop would not result in any significantly detrimental impacts on the privacy or amenity of occupiers of nearby dwellings or users of the facilities at the public house. The natural boundaries to the west of the site would help to filter some views of the site from the west. The north, south and east of the building would be visible in the landscape, although there would be no detrimental impact on privacy of nearby residents as a result. With regard to impact on occupiers of nearby properties the development is considered to be in accordance with policy DM2 (e).

#### Conclusion

Overall, the proposed extensions to the existing building at Exe Valley Farm Shop by virtue of their excessive scale, including their considerable height, bulk and mass and their external appearance are not considered to reflect the context of the site in the open countryside and would have an adverse impact on the character and visual amenity of the surrounding rural area. The proposed building as extended would not integrate well with the existing farm shop building, it would be engulfed by the scale of the proposals and would become a minor part of a considerably larger retail function. The building, following the extensions as proposed would be 300% (452 square metres) larger than the current building at 146 square metres.

The proposed development would provide considerably more retail floorspace. No details have been provided of the goods and products that would be sold from the expanded retail facility, only details of what type of goods have been sold on site recently have been included. No information has been provided regarding an assessment of what impact the considerably larger retail facility in this location could have on the vitality and viability of existing local village shops. It is not considered that an unrestricted rural retail facility of circa 600 square metres is in accordance with the requirements of policy COR18 MDCS or policies DM2 and DM19 LP3 (DM Policies).

In addition to the concerns regarding the proposed scale of the extended farm shop, it is also considered that the external appearance of the proposed extensions would detract from the simplicity and typically rural/agricultural character and appearance of the existing building and would have a detrimental impact on the visual amenity of the surrounding rural area. The increased height of the buildings on site would dwarf the existing building and along with the increased mass of the building through the expanse of the southern and eastern extensions, would make the building considerably more visible in the local landscape. The poor external appearance of the proposed southern and eastern elevations, the excessive height, bulk and mass of the

proposed extensions, coupled with the low lying open countryside location, would result in the building having a harmful impact on the character and visual amenity of the surrounding rural area contrary to policies COR2 and COR18 MDCS, policies DM2, DM19, DM20 LP3 (DM Policies) and the NPPF.

## **REASONS FOR REFUSAL**

1.The proposed extensions to the existing building at Exe Valley Farm Shop, by virtue of their excessive scale, including their considerable height, bulk and mass and their external appearance, are not considered to reflect the context of the site which is in a visibly prominent position in the open countryside. The proposed development would have an adverse impact on the visual amenity and character of the surrounding rural area. The proposed building as extended would not integrate well with the existing farm shop building; the design is incoherent and incongruous with the simplicity, scale, character and appearance of traditional rural buildings in the area. The proposal is therefore contrary to policies COR2 and COR18 Mid Devon Core Strategy, policies DM2, DM19 and DM20 Local Plan Part 3 (Development Management Policies) and the NPPF.

2.Policy DM19 (a) Local Plan Part 3 (Development Management Policies) requires retail development in the open countryside to demonstrate that the location and scale of the development would not harm the vitality or viability of town centres or village shopping facilities. No information has been submitted with the application to demonstrate what impact a 452 square metre (300%) increase in the size of the building will have on the vitality or viability of town centre or village shopping facilities. As the building is proposed to substantially increased in size it is considered to be essential that the impacts of the proposal are understood. In the absence of this information the proposed development contrary to policy DM19 (a) Local Plan Part 3 (Development Management Policies).

The Human Rights Act 1998 came into force on 2nd October 2000. It requires all public authorities to act in a way which is compatible with the European Convention on Human Rights. This report has been prepared in light of the Council's obligations under the Act with regard to decisions to be informed by the principles of fair balance and non-discrimination.

Application No. 18/01691/FULL

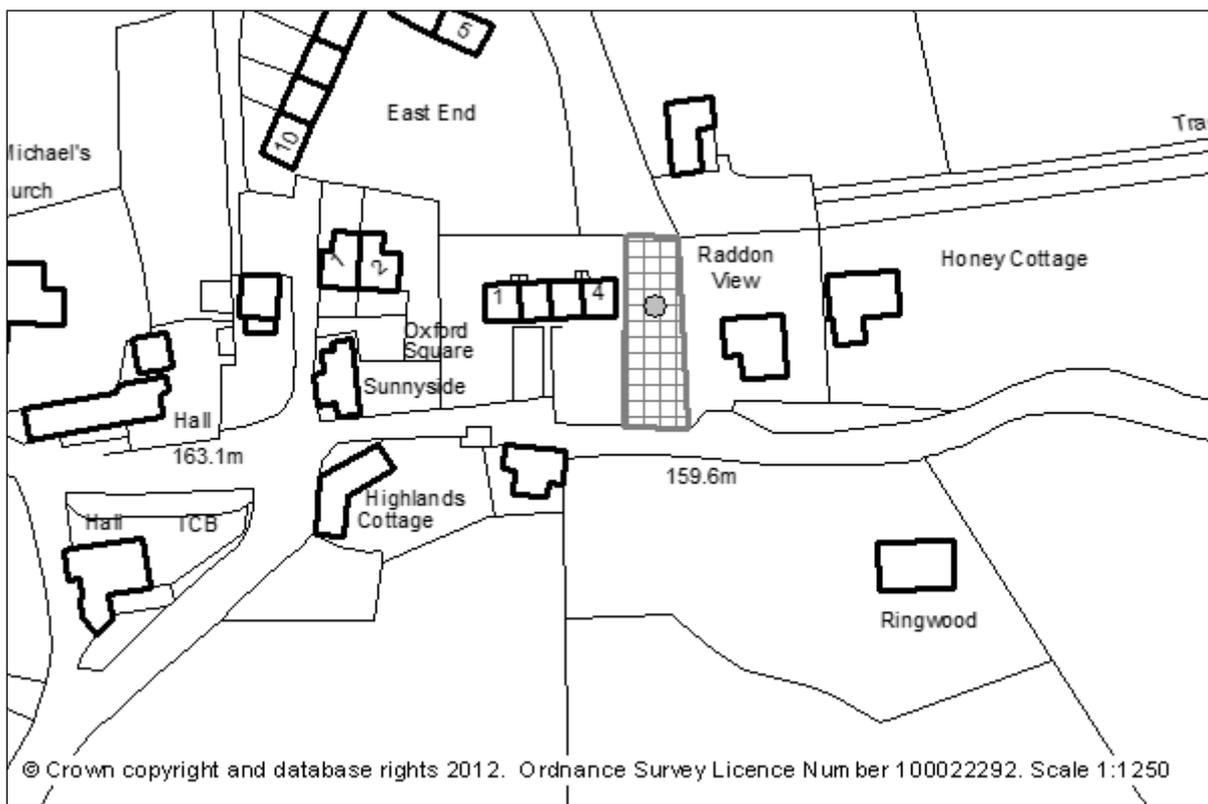
Grid Ref: 285772 : 108457

Applicant: Mr A Busby

Location: 3 - 4 East End  
Poughill  
Crediton  
Devon

Proposal: Erection of a dwelling with associated access

Date Valid: 17th October 2018



## **APPLICATION NO: 18/01691/FULL**

### **MEMBER CALL-IN**

This application is to be determined by the planning committee as the applicant is the Local Authority.

### **RECOMMENDATION**

Refuse permission

### **PROPOSED DEVELOPMENT**

Planning Permission is sought for the erection of a dwelling with associated access on land to the east of 3 - 4 East End, Poughill. The site which is fenced off has been used as a private garden for 4 East End. The proposal seeks to create a detached two storey property which would have 4 bedrooms and attached single garage, with an associated driveway to be created with 2 no. parking spaces.

### **APPLICANT'S SUPPORTING INFORMATION**

Application form, site location, survey plan, floor plans and elevations (proposed). Design and Access Statement

### **RELEVANT PLANNING HISTORY**

09/00604/FULL - WD date 1st May 2009

Creation of hardstanding and parking bay and formation of ramp

09/00775/FULL - PERMIT date 9th July 2009

Creation of hardstanding and parking bay and formation of ramp

### **DEVELOPMENT PLAN POLICIES**

#### **Mid Devon Core Strategy (Local Plan 1)**

COR1 Sustainable Communities

COR2 Local Distinctiveness

COR3 Meeting Housing Needs

COR7 Previously Developed Land

COR8 Infrastructure Provision

COR9 Access

COR11 Flooding

COR12 Development Focus

COR18 Countryside

#### **Mid Devon Allocations And Infrastructure Development Plan (Local Plan 2)**

AL/IN/3 Public Open Space

#### **Mid Devon Local Plan Part 3 (Development Management Policies)**

DM1 Presumption in favour of sustainable development

DM2 High Quality Design

DM3 Sustainable Design  
DM8 Parking  
DM14 Design of Housing  
DM15 Dwelling sizes

## **CONSULTATIONS**

Poughill Parish Council – 20th November 2018

Poughill Parish Council is of the belief that, in or around 2013, there was consideration, by MDDC, to using this plot for social housing. If so, the view is that such use should be prioritised again.

Public Health – 6th November 2018

Contaminated Land - No objection to this proposal

Air Quality - No objection to this proposal

Environmental Permitting - No objection to this proposal

Drainage - No objection to this proposal

Noise & other nuisances - No work shall be carried out on the site on any Sunday, Christmas Day or Bank Holiday or other than between the hours of 0730 and 1900 hours on Monday to Fridays and 0730 and 1300 on Saturdays.

Reason: To ensure that the proposed development does not prejudice the amenities of neighbouring properties.

Housing Standards - No comment

Licensing - No comments

Food Hygiene - Not applicable

Private Water Supplies - If a private supply is to be used by more than one property or has a commercial function, The Private Water Supply (England) Regulations 2016 as amended will apply. A risk assessment and sampling regime will be necessary. The supply must not be used until the Local Authority (Mid Devon District Council) is satisfied that the supply does not constitute a potential danger to human health, including single domestic use.

Please contact Public Health at Mid Devon District Council on completion of proposal.

If mains water is to be used, would have no comment.

Health and Safety

Highway Authority – 7th November 2018

Standing advice applies please see Devon County Council document

<http://www.devon.gov.uk/highways-standingadvice.pdf>

The proposal would provide an access with a parking area for two vehicles.

Environment Agency: - Operational development less than 1 ha - within flood zone 1 - No EA consultation required.

## **REPRESENTATIONS**

Four letters of objection have been received with the objections summarised as follows:

- Statements made within the planning application are incorrect. The site concerned is currently a vacant plot; it is not currently being used as a private garden by either 3-4 East End or Raddon View, the two adjacent properties. Both adjacent properties have gardens of their own which are separated from the site by fencing.

- The existing boundaries are not 'post and rail fence and hedge' as one of the boundaries is chain link fencing and another is chain link fencing with some very old and dilapidated wooden fencing in places.
- There is currently no pedestrian access from the public highway.
- Parking provision is required as private transport is essential given the very limited bus service (one bus a week to Tiverton, one bus a week to Crediton, two buses a week to Exeter and five buses a week to Sandford).
- There is a mature hedge running along the boundary with Raddon View and the plans appear to propose building right up to this boundary, therefore risking disturbance to the roots of the hedge during the laying of the foundations.
- Reference to a 'previous structure that was burnt down' is actually the house on the adjacent site at 3-4 East End damaged by fire but since repaired and refurbished.
- Planning Application 03/05097/FUL is not relevant to this application as whilst it concerns the land on the opposite side of the road, the house itself and the vehicle access are some way further down South Yeo Hill.
- The dwelling proposed does not take design details, scale, position and orientation from the surrounding existing buildings to integrate itself into the local character as stated. Other four bedroom properties have gardens to either side where as this dwelling will be built to the boundary, representing overdevelopment being out of keeping with the character of the area.
- The land on site drops away quite steeply by about 5 feet between the East boundary and the foot of Raddon View, which means that the new development will sit at a higher level than Raddon View.
- Foundations of the new development could impact the existing bank if it is positioned right on the boundary as proposed.
- This particular site has never been 'previously developed' as referred to in the submission.
- With regard to Policy COR9, there is no real sustainable transport to serve the development.
- There are few facilities with no 'Poughill school' as indicated in the submission.
- The proposed rear amenity space is quite small, especially for a four bedroom detached property and when compared to the garden area of the three nearby four bedroom detached houses (Raddon View, Honey Cottage and Ringwood).
- It is stated here that the proposed new development will connect the 'two existing properties of Raddon View and Honey Cottage to the settlement pattern' but these two properties are already connected to the settlement pattern.
- The property proposed would have front facing dormers which are not in existence on neighbouring properties.
- The proposed development seems to be more suited to an urban setting rather than the open countryside setting at Poughill.
- Concerns are raised to another house being built on South Yeo Hill, given the state of the road at the bottom which is essentially un-driveable by car.
- Concerns are raised that contractors will block the road during any construction of a new dwelling resulting in residents having to use the bottom road which is in a poor state in need of repair.
- It is a pity that MDDC are seeking to maximise their revenue from the sale of this plot by seeking for permission to squeeze a four bedroom property in, rather than encouraging a developer to build a house that would be affordable to first time buyers in order to meet the real housing need in this area.

## **MATERIAL CONSIDERATIONS AND OBSERVATIONS**

The application is for the erection of a new dwelling with associated access on land located in the small village of Poughill which is located approximately 8km north of Crediton and 9km southwest of Tiverton. The site is surrounded on two sides by residential dwellings which are 2 storeys in height with the dwellings set back from the road. To the North of the site is a dense wooded area whereas to the West is the property of 3-4 East End with the neighbouring property of Raddon View to the east. To the South, the site is bounded by the public highway 'South Yeo Hill'.

**The main issues in the determination of this application are:**

- 1. Policy**
- 2. Highways and highway safety**
- 3. Design and appearance of development and visual impact on landscape**
- 4. Living conditions of the occupiers of nearby residential properties**
- 5. Other issues raised**
- 6. The planning balance**

### **1. Policy**

S.38 [6] of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the Development Plan, unless material considerations indicate otherwise. The National Planning Policy Framework (the Framework), published by the Government in March 2012 and revised in 2018, is noted as one such material consideration. Poughill is not classified within the local plan as a village with a settlement limit, with the nearest such settlement being Cheriton Fitzpaine which is two miles to the south east. As such, a key issue relates to the principle of the development for an open market dwelling on this site as this proposal represents the creation of new dwelling outside the recognised settlement limits, being countryside in policy terms.

The Mid Devon Core Strategy 2007, in its Policy COR1, sets the distribution of new development to meet sustainability objectives; with Policy COR12 concentrating development principally on the 3 main towns. Outside the main town areas, developments are to be limited to those which support rural uses. Policy COR2 seeks to ensure development that will 'sustain the distinctive quality, character and diversity of Mid Devon's environmental assets', particularly through requiring high quality sustainable design which will reinforce the character and legibility of its built environment. The site is outside any settlement limit boundary and is therefore considered to be in the open countryside in planning terms, where restrictive policies apply. Policy COR18 seeks to restrict new development in the countryside. It sets out the types of development which are considered to be acceptable in principal and this does not include new open market dwellings. The proposal is therefore considered to be contrary to policy COR18.

In view of the above and having regard to what the NPPF states, the issue then is whether there are material considerations that would justify the development despite this conflict with the development plan. At appeal in 2016 the Authority was found not to be able to demonstrate a 5 year housing land supply. The NPPF advises that where a five year land supply of deliverable housing sites cannot be demonstrated, policies on housing supply should not be considered up to date. This includes settlement limits identifying areas which are countryside and those which are within defined settlements. At the present moment in time, the Local Planning Authority is awaiting the publication of the Housing Delivery Test by the government to enable the most up to date position however the Forward Planning Team are of the view that the Local Planning Authority can demonstrate that the LA have a 5 year housing land supply with the public examination sessions

of the emerging local plan having now taken place in February of this year with an update expected shortly by the Planning inspector.

Notwithstanding this, in the event that the view is taken that a 5 year housing land supply could not be demonstrated, Paragraph 11 of the NPPF states that where development plan policies are considered to be out of date, planning permission should be granted unless adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the NPPF as a whole OR specific policies in the NPPF indicate development should be restricted. Housing applications need therefore to be considered in the context of sustainable development, unless specific policies indicate development should be restricted. Paragraph 8 of the NPPF outlines the three objectives of sustainable development, being those of economic, social and environmental. It is considered that each objective needs to be satisfied for a proposal to be considered a sustainable development.

With regard to the Council's emerging policy (Local Plan Review), the strategy for development focus will be at Tiverton, Cullompton and Crediton as identified in policy S1 and S2. It does not propose to allocate any part of the site as a residential allocation but accordingly only limited weight can be attached to the policies and proposals, but this could change shortly following the Planning Inspectors report. The application scheme here would lead to the provision of a new dwelling in the countryside in policy terms, which would in most circumstances be contrary to the policies of restraint in the Development Plan. The village of Poughill comprises few facilities and services with the village set within a rural setting with a reliance on private transport by residents to access necessary day to day services.

It is noted that a recent planning decision was allowed on appeal for a dwelling in the village of Uplowman which is also a village with no settlement limit. In this case the Planning Inspector concluded that applying the 'tilted balance' outlined in paragraph 11(d) of the Framework, this indicates that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. With the proposal in Uplowman the Planning Inspector commented 'I have found that no harm would arise in respect of character and appearance, biodiversity or drainage. These matters are, therefore, neutral in the planning balance. However, I have found that the proposal complies with the Framework in terms of the location of development. The delivery of housing in accordance with the policies of the Framework is a benefit as is the potential support for local services that would result. Given the reduced weight that I have attributed to the conflict with the development plan, that harm does not significantly and demonstrably outweigh the benefits. Therefore, applying the tilted balance the presumption in favour of sustainable development applies. I give this substantial weight.'

With respect to the village of Poughill it is considered that there are even fewer facilities within the village having to school for example. Paragraph 78 indicates that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Where there are groups of smaller settlements, development in one village may support services in a village nearby. Neither the adopted or proposed Development Plan documents propose new development at Poughill. The village itself has limited local services such as a church, hall and small scale upholstery business. Therefore the creation of a single dwellinghouse in Poughill is unlikely to support these very limited local services. The potential use of home delivery grocery shopping services from supermarkets in Tiverton or Crediton (there is no evidence that more local shops would provide this service), would be of no benefit to the existing services in the local rural community.

Paragraph 79 indicates that planning decisions should avoid development of isolated homes in the countryside unless one or more circumstances apply. In this case there is no evidence that there

are special circumstances that would justify the development on the basis of a claimed essential need. None of the other circumstances apply in this instance.

Therefore, there are no material considerations that would outweigh the conflict of the development with Policy COR1, COR12, the limited weight given to COR18 and national planning policies.

Whilst reference made to the site being previously developed land, The High Court in March 2017 held that the term 'previously developed land' as defined by the glossary forming part of the NPPF does include private residential gardens in an area that is not built-up. In any event this finding is not determinative, because paragraph 118 of the NPPF requires that planning decisions should give substantial weight to the value of using suitable brownfield land within settlements (our emphasis) for homes and promote and support the development of under-utilised land and buildings especially if this would help to meet identified needs for housing where land supply is constrained. However, the NPPF also (at paragraph 170) indicates that planning decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside. This is pertinent in the three dimensions of sustainable development which should not be considered in isolation. Therefore, even if the vacant site was previously used as garden and therefore considered as previously developed land, the planning balance carried out as a measure of sustainable development later in this report, indicates that planning permission should not be granted.

## **2. Highways and highway safety**

Policy COR9 of the Mid Devon Core Strategy [Local Plan part 1] requires that proposals are in accessible locations and road safety is managed through control of development. Policy DM2 of the Local Plan 3 Development Management Policies requires development to be safe and accessible. The site plan shows that the proposed access to serve the residential development would be located centrally with visibility splays on either side. Sufficient space to provide at least 2 parking spaces for the dwelling are to be provided which would accord with the parking standards required by policy DM8 of the Local Plan 3 Development Management Policies.

Notwithstanding the above concerns relating to the location of the site remain. From a highway safety point of view, it is considered that the development would be able to achieve the required safety requirements relating to access width and visibility splays. The accessibility of the site from main services and facilities such as schools and shops, outside of use of a private vehicle is questioned from a sustainability point of view with little scope to encourage sustainable modes of travel such as walking and cycling as outlined through DM2 of the Local Plan 3 Development Management Policies and Policies COR8 [Infrastructure Provision] and COR9 [Access] of the Core Strategy which require new development to be planned to meet the social and economic needs of the community and reduce the need to travel by car.

The National Planning Policy Framework aims to guide development to sustainable locations and reduce the need to travel and facilitate sustainable modes of transport. As commented upon, the bus service is limited with the site being remotely located from services, schools and shops which occupiers might need, with the nearest town centre with a wide range of facilities being either those of Tiverton (approximately 9 miles by car) or Crediton (approximately 6.5m by car). Therefore occupiers of the development are more likely to be dependent on private transport.

## **3. Design and appearance of development and visual impact on landscape**

As far as the general design, scale and appearance of the dwelling proposed is concerned, a proposal for a two storey dwelling having a natural slate roof covering and red brick plinth and painted render walls would be acceptable in accordance with Policies DM2 and DM14 of the Local

Plan 3 Development Management Policies. The overall size of the dwelling would meet the minimum internal floorspace requirements as outlined within Policy DM15 [Dwelling sizes] of the Local Plan 3 Development Management Policies.

In terms of the visual impact on the landscape, amended plans have been received which reduce the scale of the development from that originally submitted which would allow for a dwelling having an access along the boundary with the neighbour to the east. The neighbouring property to the east is located lower down but given that the property proposed is two storey with a maximum height of 8.8m and set further back into the site, it is considered that the relationship would be acceptable and not sufficient alone to warrant a planning refusal.

#### **4. Living conditions of the occupiers of nearby residential properties**

Paragraph 17 of the NPPF indicates that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. This is reflected in policy DM14 of the Local Plan 3 Development Management Policies which sets out that new development should respect the privacy and amenity of neighbouring residents. The overall design and layout of the proposed dwelling would ensure adequate separation distance between the proposed dwelling and any other neighbouring residential property. No windows are proposed in the side elevations which could result in overlooking and given the position of the dwelling, it is not considered to result in any significant loss of light to a neighbouring property. Overall, it is considered that the development would comply with policy DM2 of LP3 DMP with regard to allowing sufficient amenity for neighbouring users.

#### **5. Other issues raised**

A number of objections have been raised to the disrepair of a lower section of the road and potential disruption from construction traffic, but it is not considered that these matter would be sufficient to warrant a refusal of the planning permission as it is a public highway and can be used by all road users and any blockages could be dealt with by the police.

The application involves land currently fenced off but was used for garden land and therefore is not accompanied by a Wildlife Report to confirm the presence or absence of any noted wildlife. However the applicant would still need to comply with the Wildlife and Countryside Act 1991, and the Conservation of Habitats and Species Regulations 2010.

#### **6. Planning Balance**

The NPPF sets a strong emphasis on the delivery of sustainable development. Fundamental to the social role is supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations. The NPPF is clear that delivering sufficient housing is a key consideration for Local Authorities. Notwithstanding whether or not the Council is able to demonstrate that it has a 5 year supply of housing land this proposal would only make an incremental numerical contribution to housing stock, rather than in terms of appropriateness.

The NPPF sets out that in order to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously. A new open market home in this location would entail some social and economic benefits in supporting jobs during construction and as future occupants would make use of services and facilities in the wider area. Officers also note the financial implications of the proposal with reference to the New Homes Bonus.

However the social and economic benefits of one new home would inevitably be modest and it is not being proposed as an affordable dwelling to meet a recognised community need. Moreover the support for delivering new homes in the NPPF is not at the expense of ensuring that all dwellings are appropriately located. Consequently the clear harm arising in respect of this case, considered together, would significantly and demonstrably outweigh the benefits of the proposal, as shown below.

The site falls within open countryside in policy terms with the nature of its surroundings being remote from services and facilities. Policy COR18 establishes only certain types of development are permissible in the open countryside, of which new open market housing is not expressly one. The Council has been mindful of whether there is a lack of 5 year supply of housing land and has given Policy COR18 appropriately restricted weight in the planning balance. However, paragraph 79 of the NPPF (2018), a significant material consideration in the determination of this application sets out that new isolated homes in the countryside should be avoided other than in special circumstances; the development proposed would represent none of the special circumstances identified in that paragraph.

Policies COR2 'Local Distinctiveness', DM2 'High Quality Design' and DM14 'Design of Housing' seek to ensure that development respects landscape character and otherwise integrates appropriately with its surroundings. The NPPF sets out that planning should recognise the intrinsic character and beauty of the countryside and that it is appropriate to reinforce local distinctiveness. It could be argued that a two storey dwelling on a site located between two residential dwellings within a village setting would be in accordance with these policies but does not overcome the principle objection of an open market dwelling in this location.

Whilst acknowledging that opportunities to maximise the use of sustainable modes of transport will vary from urban to rural areas, the NPPF nonetheless sets out that planning should actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling. The avoidance of environmental harm resulting from private vehicular use to access services and facilities is an underlying aim common also to the spatial approach in the local plan. Poughill itself has little in the way of local services. Therefore, the creation of a single dwellinghouse in this village is unlikely to support these very limited local services. The nearest services and facilities catering for the majority of day-to-day needs are beyond a convenient walking distance from the site. Moreover the nature of the route that must be taken to such is unwelcoming to pedestrians or cyclists, being at least in part along winding, narrow and unlit rural lanes without dedicated footways (particularly during inclement weather or outside of daylight hours).

Officers acknowledge that residents' need to travel might be reduced, to a degree, by the growing propensity for homeworking, and online grocery shopping. Nevertheless, it is likely that the proposal would lead to the overwhelming majority of trips to and from the site, for work, shopping, or other purposes, being undertaken by private car in a way that would not accord with the focus in the Framework on securing radical reductions in greenhouse gases. This reliance would not be meaningfully reduced by the existing bus services on offer. Indeed, the locational characteristics of the site would have harmful social implications too, particularly for those who do not run a car.

Therefore, the provision of a single dwelling would provide a minor social benefit. There would also be an economic benefit though the construction and subsequent maintenance of the dwelling. Turning to the environmental dimension of sustainable development, it is clear that the Framework seeks to promote the reuse of brownfield land. As a core planning principle, it is far better to bring forward development on acceptable brownfield land than build on undeveloped green fields. However, in this instance, the brownfield land is not acceptable. It is unlikely that one dwelling

would also enhance and maintain the vitality of this rural community by supporting services in a nearby village, which can be accessed by public transport.

For the above reasons, the application site is not an appropriate location for the development proposed. The proposal is not in accordance with relevant elements of LP policy COR1, COR2, COR9, DM2, or paragraph 79 or 170 of the NPPF, and would result in an uplift in private vehicular usage and environment harm (notwithstanding that the harm arising from one dwelling would be relatively modest).

## **REASON FOR REFUSAL**

1. The NPPF sets out that in order to achieve sustainable development, economic, social and environmental objectives/gains should be sought jointly and simultaneously. A new open market home in this location would entail some social and economic benefits. However, the Local Planning Authority considers that the environmental harm arising from the proposed development outweighs these benefits. In drawing this conclusion, the Local Planning Authority have considered the remote location of this site within a village without any recognised settlement limit and the environmental harm resulting from private vehicular use to access services and facilities. Therefore the proposed development is not in accordance with policies Mid Devon Core Strategy COR1, COR2, COR9, COR18 and Mid Devon Local Plan part 3 (Development Management Policies), DM1, DM2 or paragraphs 77 or 79 of the NPPF.

The Human Rights Act 1998 came into force on 2nd October 2000. It requires all public authorities to act in a way which is compatible with the European Convention on Human Rights. This report has been prepared in light of the Council's obligations under the Act with regard to decisions to be informed by the principles of fair balance and non-discrimination.

Application No. 19/00337/HOUSE

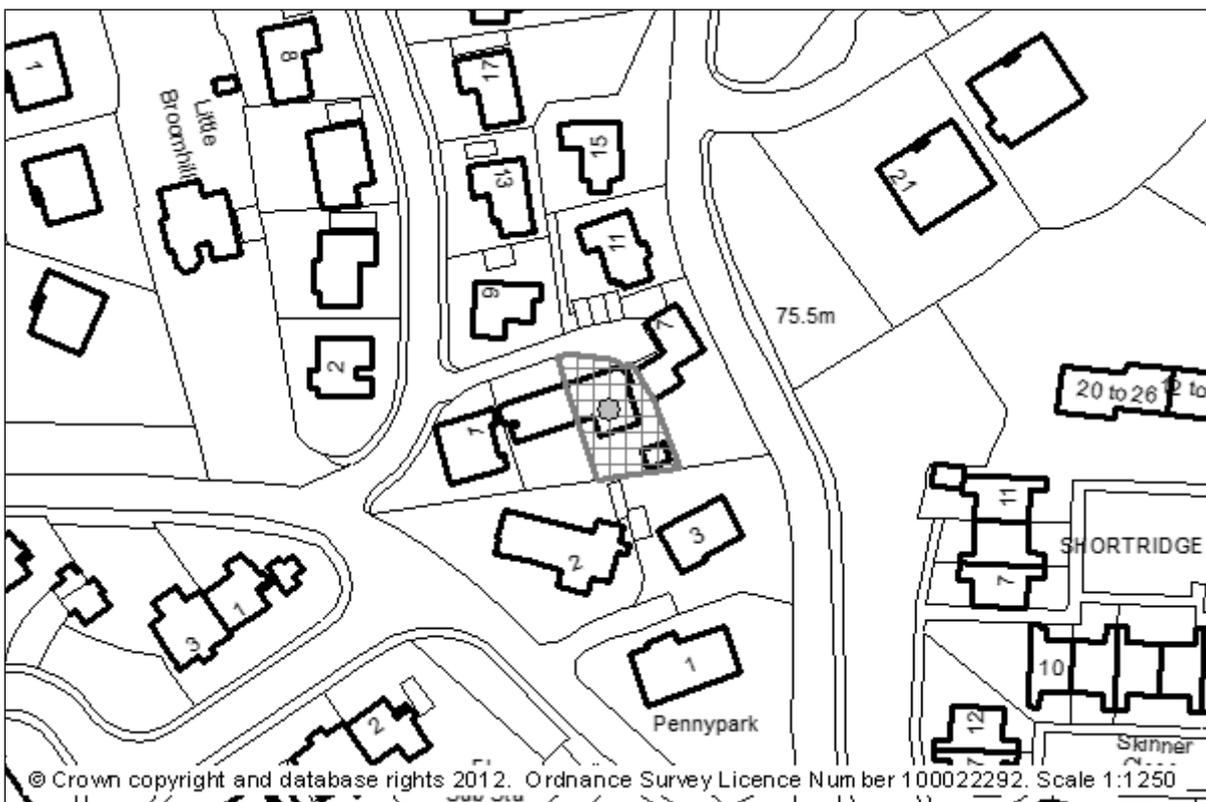
Grid Ref: 294724 : 112810

Applicant: Mr & Mrs Kearley

Location: 5 Broomhill  
Tiverton  
Devon  
EX16 5AP

Proposal: Installation of a dormer window on front elevation to provide first floor accommodation and formation of a raised decking area to rear

Date Valid: 1st March 2019



## **APPLICATION NO: 19/00337/HOUSE**

### **MEMBER CALL-IN**

Not applicable, this application has been made by a member of staff and therefore must be determined by planning committee.

### **RECOMMENDATION**

Grant permission subject to conditions

### **PROPOSED DEVELOPMENT**

Installation of a dormer window on front elevation to provide first floor accommodation and formation of a raised decking area to rear.

### **APPLICANT'S SUPPORTING INFORMATION**

Application form  
Plans  
Supporting statement

### **RELEVANT PLANNING HISTORY**

97/01567/FULL - PERMIT date 9th December 1997  
Construction of pitched roof to replace existing flat roof over extension on south facing elevation

### **OTHER HISTORY**

None

### **INFORMATIVES**

None

### **DEVELOPMENT PLAN POLICIES**

#### **Mid Devon Core Strategy (Local Plan 1)**

COR13 - Tiverton

#### **Mid Devon Local Plan Part 3 (Development Management Policies)**

DM2 – High quality design  
DM8 – Parking  
DM13 – Residential extension and ancillary development

### **CONSULTATIONS**

Tiverton Town Council – Support  
Highway Authority – 8/3/19 – No Comments

### **REPRESENTATIONS**

One letter of objection has been received in conjunction with this application and is summarised as follows:

1. No concerns regarding dormer to the front.
2. Have concerns about the decking area becoming a seating area, which would infringe on the privacy of the neighbouring garden.
3. Concerns about noise impacts of the proposal.
4. Would not object to steps between the house and garden with no decking.

## **MATERIAL CONSIDERATIONS AND OBSERVATIONS**

**The main issues in the determination of this application are:**

### Policy and procedure:

The application site is located in the defined settlement of Tiverton where policy COR13 applies. The dwelling subject to this application is not listed, nor is it located within any designated landscape.

The key policy in the determination of this application is DM13. Policy DM13 deals with residential extensions and ancillary development, more specifically it supports this development subject to the following criteria;

- a) Respect the character, scale, setting and design of existing dwelling
- b) Will not result in an over development of the dwelling curtilage; and
- c) Will not have a significantly adverse impact on the living conditions of occupants of neighbouring properties.

In addition, policy DM2 also seeks to secure high quality design and policy DM8 requires the provision of sufficient parking to serve the dwelling.

### Design:

The application scheme seeks to provide a flat roof dormer window on the front roof slope of the property to enable accommodation in the form of a third bedroom and bathroom at first floor level. The dormer window will be clad, with a bitumen roof. There are five roof lights proposed, three on the front north elevation, one on the west elevation and one on the south elevation; these will increase the natural light available in the property.

In addition to other internal alterations, it is proposed to construct a new raised decking area to the rear of the property, to allow access from the lounge and kitchen into the garden area, which isn't current possible due to the levels difference between ground floor level and the external space on this sloping site. The decking area will have a maximum width of 1.875 metres and a maximum height above ground level of 1.7 metres. The decking area will have timber railings and steps down to the garden.

Whilst the dormer window cannot be considered subservient to the existing bungalow as it will to some extent dominate the front roof slope; given the age, design and position of the bungalow which is set back from the highway, it is not considered that the design and position of the dormer is harmful to the extent that it warrants the refusal of this application. In addition, the works including the roof lights, window and door alterations and the raised decking area are considered to be acceptable. Overall, it is considered that the proposal sufficiently respects the character, scale, setting and design of the existing dwelling, in accordance with this element of DM13.

The proposal does not extend the footprint of the dwelling. It is considered that sufficient garden space would remain to serve the enlarged dwelling and the existing parking arrangements would remain unaltered. Overall the proposal is not considered to result in the over development of the dwelling curtilage in accordance with policy DM13.

### Impact on neighbours:

One letter of objection has been received from the occupant of the neighbouring property to the east, raising concerns about loss of privacy and noise impacts of the proposal. The development is proposed in an existing residential area where there is a baseline level of overlooking due to the proximity and position of the properties, along with the topography of the immediate surroundings. However, it is recognised that the proposal if approved without conditions would result in the loss of privacy to the garden area of the neighbouring property to the east, as the raised decking area would provide a platform for additional views into this garden. In order to safeguard this, it is proposed to condition the provision of a 1.8 metre high privacy screen on the eastern side of the decking; the imposition of such a condition is considered sufficient to safeguard the privacy and amenity of the neighbouring property. It is not considered that the proposal would result in significant adverse impacts to the privacy and amenity of any other neighbouring properties due to the existing level of overlooking.

In relation to noise, residential development in a residential area is not considered to give rise to concerns relating to unacceptable levels of noise. Overall, there would not be any significant adverse impacts on the living conditions of occupants of the neighbouring properties subject to the conditions imposed, the proposal is considered to be in accordance with policy DM13 in this respect.

### **CONDITIONS**

1. CD1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. CD7 The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule on the decision notice.
3. Prior to the first use of the decking area hereby approved, a 1.8 metre high opaque privacy screen, measured from the floor level of the decking area shall be provided on the eastern elevation of the decking area, for the entire length of the decking area. Once installed, the privacy screen shall be retained and maintained as such thereafter.
4. Prior to its installation, details of the finish, including colour, of the cladding to be use on the dormer window shall be submitted to and approved in writing by the Local Planning Authority. Such approved materials/details shall be so used and retained thereafter.

### **REASONS FOR CONDITIONS**

1. RD1 In accordance with the provisions of Section 51 of the Planning and Compulsory Purchase Act 2004.
2. RD7a For the avoidance of doubt and in the interests of proper planning.
3. To safeguard the privacy and amenity of the neighbouring property to the east in accordance with policies DM2 and DM13.
4. To ensure the materials are appropriate to character and appearance of the area and to minimise the impact of the dormer window, in accordance with policies DM2 and DM13.

### **INFORMATIVES**

None

## **REASON FOR/ APPROVAL OF PERMISSION/GRANT OF CONSENT/ REFUSAL**

The proposed development in terms of its scale, design and position are considered to be supportable in policy terms. The proposal is considered to adequately respect the character, scale, setting and design of the existing dwelling. The proposal would not result in over development of the curtilage and it is not considered that there would be any significant adverse impacts on the living conditions of occupants of the neighbouring properties subject to the conditions imposed. Overall the proposal is considered to sufficiently comply with the following policies; Mid Devon Core Strategy (Local Plan part 1) COR13 of the Local Plan part 3 (Development Management Policies) DM2, DM13 and Government advice in the National Planning Policy Framework.

The Human Rights Act 1998 came into force on 2nd October 2000. It requires all public authorities to act in a way which is compatible with the European Convention on Human Rights. This report has been prepared in light of the Council's obligations under the Act with regard to decisions to be informed by the principles of fair balance and non-discrimination.