

PLANNING COMMITTEE AGENDA - 6th July 2016

Applications of a non-delegated nature

- | <u>Item No.</u> | Description |
|-----------------|---|
| 1. | 16/00588/HOUSE - Erection of first floor extension with Juliet balcony, detached garage and formation of new access to replace existing at 22 Turnpike, Sampford Peverell, Tiverton.
RECOMMENDATION
Refuse permission. |
| 2. | 16/00665/HOUSE - Erection of single storey rear extension at 11 Chinon Place, Tiverton, Devon.
RECOMMENDATION
Grant permission subject to conditions. |
| 3. | 16/00712/HOUSE - Erection of a single storey rear extension at 5 St Johns Close, Tiverton, Devon.
RECOMMENDATION
Grant permission subject to conditions. |
| 4. | 16/00756/FULL - Erection of gates across existing drive entrance at Old Bartows, Bartows Causeway, Tiverton.
RECOMMENDATION
Grant permission subject to conditions. |
| 5. | 16/00757/LBC - Listed Building Consent for erection of gates across existing drive entrance, installation of ground floor window, and other internal alterations at Old Bartows, Bartows Causeway, Tiverton.
RECOMMENDATION
Grant Listed Building Consent subject to conditions. |

Application No. 16/00588/HOUSE

Plans List No. 1

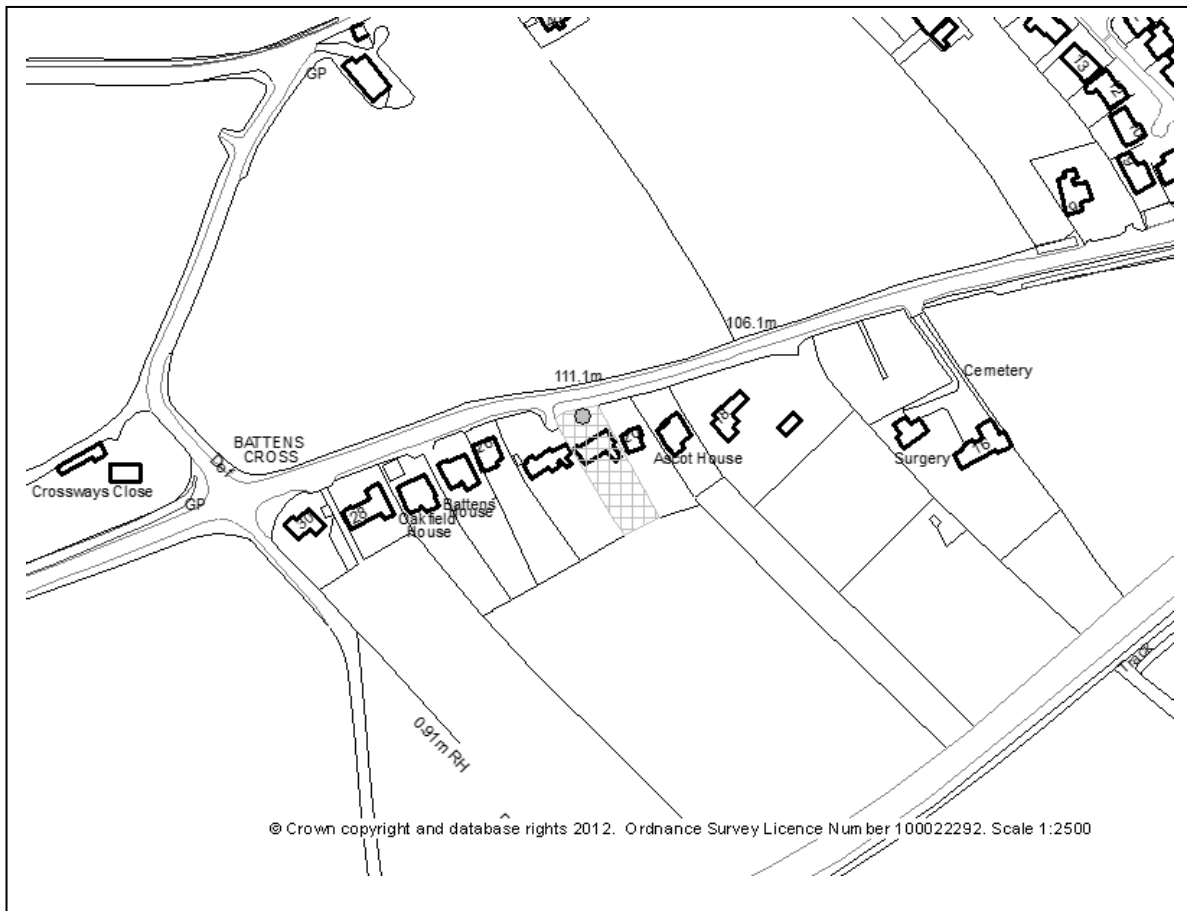
Grid Ref: 302482 : 113960

Applicant: Mr & Mrs Thomas

Location: 22 Turnpike Sampford
Peverell Tiverton Devon

Proposal: Erection of first floor
extension with Juliet
balcony, detached garage
and formation of new
access to replace existing

Date Valid: 21st April 2016



Application No. 16/00588/HOUSE

RECOMMENDATION

Refuse permission.

MEMBERS ARE ASKED TO NOTE THAT THIS IS A HOUSEHOLDER APPLICATION

COUNCILLOR HEATHER BAINBRIDGE HAS REQUESTED THAT THIS APPLICATION BE DETERMINED BY THE PLANNING COMMITTEE FOR THE FOLLOWING REASON:

To consider the impact of the proposal on neighbouring properties

PROPOSED DEVELOPMENT

The proposed development is for the erection of first floor extension with Juliet balcony, detached garage and formation of new access to replace existing at 22 Turnpike, Sampford Peverell.

The existing dwelling is a two storey detached property with internal garage. A previous application (planning reference: 16/00164/HOUSE) granted consent for the erection of first floor extension, conversion of existing garage to annexe and alterations to the roof. This application is the second phase of development proposed on the site which seeks permission to erect a first floor extension with pitched roof and Juliet balcony looking towards the existing flat roof single storey sun room to the rear of the dwelling (the sun room has consent to be converted to an annexe). A new access to the site and a large detached garage to the front of the property are proposed. The proposed works to the dwelling will allow for the formation of additional living accommodation in the form of an additional bedroom with dressing area, bathroom and office at first floor level.

Through the course of this application revisions have been made to try to lessen some of the impacts of the proposed development upon the adjacent property No.20 Turnpike. The main revisions have included bringing the southern end of the first floor extension back by approximately 2 metres and dropping the height of the pitched roof by approximately 0.6 metres to be lower than that of the approved dormers. No balcony is now proposed upon the flat roof of the existing sun room. Instead a Juliet balcony is proposed in the large opening of the main bedroom. In the extension, facing south towards the rear of the property. The garage has also been re-sited to allow more of a gap between the back of the proposed garage and the boundary.

The proposed extension measures 3 metres in width x 6.5 metres in length (totalling 19.5 square metres of additional living space). The height of the proposed extension would bring the flat roof element from 2.8 metres as existing to 4 metres to proposed eaves level with an overall height to proposed ridge level of 6 metres. There is proposed to be a 2 metre section of flat roof retained at the rear southern end of the extension.

The existing access to the site is shared with the neighbouring property (No. 24 Turnpike). The new access is proposed further to the east of the site and is proposed to serve only the application site of 22 Turnpike. A detached pitched roof garage is proposed to the front of the property. The garage is proposed to measure 6.5 metres in width x 7.5 metres in depth. A first floor is proposed to provide additional storage. One garage door, 1 single access door and 4 rooflights are proposed. The height of the proposed garage to eaves level is 2.7 metres and overall height to ridge level is 5.9 metres.

APPLICANT'S SUPPORTING INFORMATION

Site location plan, block plan, plan showing shadow lines of proposed development, new access and parking plan, existing floor plans and section plan, existing elevations plan, proposed ground floor plan, proposed first floor plan, proposed elevations plan, garage floor plans and elevations plan, section plans, photographs, and statement from landscape architect.

PLANNING HISTORY

16/00164/HOUSE Erection of first floor extension, conversion of existing garage & sun lounge with alterations to roof - PERMIT

DEVELOPMENT PLAN POLICIES

Mid Devon Core Strategy (Local Plan 1)

COR18 - Countryside

Mid Devon Local Plan Part 3 (Development Management Policies)

DM2 - High quality design

DM8 - Parking

DM13 - Residential extensions and ancillary development

CONSULTATIONS

SAMPFORD PEVERELL PARISH COUNCIL - 13th June 2016 - Sampford Peverell Parish Council has considered the revised plans submitted in connection with this application. Our planning sub-committee has discussed them and has concluded that we should maintain our objection to the application. We acknowledge that the revised plans go some way towards reducing the impact on the neighbouring property, but we do not feel that they entirely remove it. We therefore object to the application on the grounds set out in our previous comments dated 9 May 2016.

SAMPFORD PEVERELL PARISH COUNCIL - 9th May 2016 - Sampford Peverell Parish Council objects to this application.

A planning sub-committee conducted a site visit and spoke to both the applicant and the owner of the neighbouring property. We consider that the application does not meet the requirements of DM13 of the Local Plan Part 3 in that it will adversely impact upon the living conditions of occupants of the neighbouring property.

Although it is not clear from the submitted plans, 22 Turnpike is raised above the level of the property at 20 Turnpike. The garden of 20 Turnpike slopes steeply downhill, so looking from 20's garden up at the present extension of 22, it already looks high: another storey will make it look very dominant. The existing single storey extension to the rear of 22 Turnpike is very close to the boundary between the two properties. Adding an extra storey to that extension would, in our opinion, lead to an overbearing effect on 20 Turnpike, as well as reducing natural light levels in that property. There will also be a considerable loss of privacy. We thought it would be difficult for the necessary building work to be done without causing significant disturbance to 20 Turnpike.

For all these reasons we are unable to support the application in its current form. We hope that an alternative scheme can be devised to give the applicant the extra accommodation required without the adverse effects upon the neighbouring property.

Sampford Peverell Parish Council does not therefore support the application in its present form.

HIGHWAY AUTHORITY - 7th June 2016 - The Highway Authority has viewed the revised drawing and subject to the drawing being conditioned I would raise no objections. The applicant is reminded of the need to apply for a vehicle crossing licence to carry out the works on or adjacent to the public highway.

HIGHWAY AUTHORITY - 28th April 2016

The Highway Authority has visited the site and the existing visibilities are below standard for the speed of vehicles. The proposed location of the access will exacerbate this situation in its current design and would

not be acceptable to the Highway Authority. However the applicant has within the boundaries of the site the ability to provide such benefit as to accept the revised access location. While this will not achieve the full standards it would be a benefit to all users and adjacent properties, more over if the owner of the property to the north were willing to remove some vegetation and make alterations to their boundary wall a full visibility could be achieved. Therefore the Highway Authority would seek an amended plan from the applicant incorporating the following and the following conditions should be imposed.

- Visibility splays measuring 2.4m back along the centre line of the new access and extending parallel over the entire frontage with no obstruction greater than 1.0m above the road surface should be provided (please note the relocation of the Telegraph Pole is not considered necessary in this instance).

- The access shall be hard surfaced in a bound material (tarmac, concrete, block etc.) no loose stones or chippings for the first 6.00m. The Highway Authority would accept the area between the two drains, which for avoidance of doubt are acceptable and necessary.

- Plan 01371/11 should be conditioned for parking and turning.

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. The frontage of the site shall be set back 2.4 metres from the nearer edge of the existing carriageway and the land in front of this new boundary shall be cleared of any obstruction to visibility and the level reduced to 1000 mm above the carriageway level.

REASON: To provide adequate visibility from and of emerging vehicles and to allow for future improvement of the road.

2. The site access road shall be hardened, surfaced, drained and maintained thereafter to the satisfaction of the Local Planning Authority for a distance of not less than 6.00 metres back from its junction with the public highway or between the two drains as shown on plan 01371/11.

REASON: To prevent mud and other debris being carried onto the public highway.

3. In accordance with details that shall previously have been submitted to, and approved by, the Local Planning Authority, provision shall be made within the site for the disposal of surface water so that none drains on to any County Highway.

REASON: In the interest of public safety and to prevent damage to the highway.

4. No development shall take place until details of the layout and construction of the access have been submitted to and approved in writing by the County Planning Authority.

REASON: To ensure the layout and construction of the access is safe in accordance with paragraph 32 of NPPF.

ENVIRONMENT AGENCY - 17th June 2016 - Householder development and alterations within Flood Zone 1 - No EA consultation required.

REPRESENTATIONS

One letter of representation has been received from the neighbouring property to the east of the application site (No. 20 Turnpike). The main issues contained in the letter of objection are summarised below:

1. The extension is a significant addition to the property and cannot be considered as subservient;
2. The extension would not relate well to the character, scale or setting of the host dwelling;
3. The extension would be an unacceptably over dominant, overbearing and oppressive development;
4. Would cause significant harm to the living conditions of occupants of neighbouring property;
5. Would give rise to significant and unacceptable level of overshadowing;
6. Loss of light/ shadowing affecting neighbouring properties amenity and enjoyment of property, terrace and garden;
7. Overdevelopment of the site along the boundary;
8. Balcony would give clear views of the neighbours garden from elevated position removing privacy;
9. Would make garden unpleasant to use;
10. Garage being so close to the boundary would be detrimental on the health of trees;
11. Would not want to remove part of the wall/ trees to accommodate the neighbour's proposed new access.

Following the revised plans the neighbours were consulted and further comments were given as follows:

1. The extension is still considered to be over dominant, overbearing and oppressive as it is so close to the boundary;
2. Would cause significant harm in terms of overshadowing, excessive overlooking, removing any privacy, amenity and enjoyment of the property;
3. The new two storey element would appear over dominant on the host building when viewed from the rear due to the substantial slope of the gardens;
4. The proposed garage to the front of the property is large and would appear over dominant and incongruous in the street scene, to the detriment of the character and appearance of the semi-rural area.

MATERIAL CONSIDERATIONS AND OBSERVATIONS

The main issues in the determination of this application are:

1. **The principle of development on the site**
2. **Whether the proposal complies with the criteria of policies DM2 (High quality design) and DM13 (Residential extensions and ancillary accommodation)**
3. **Access and parking**

1. The principle of development on the site

The dwelling subject to this application is not located within a defined settlement limit as set out in the Mid Devon Local Plan Part 1 (Core Strategy). The site is therefore considered to be located in the open countryside as defined by COR18 of the Mid Devon Core Strategy. Policy COR18 strictly controls development outside of settlements defined by COR13-17; limiting development to appropriately scaled and designed extensions and other physical alterations to existing buildings.

Development Management Policies as set out in the Mid Devon Local Plan part 3 further support residential extensions and ancillary development subject to specific criteria contained in policies DM2 (High quality design) and DM13 (Residential extensions and ancillary development). An assessment of the application scheme against these policies can be found in the below section of this report.

2. Whether the proposal complies with the criteria of policies DM2 (High quality design) and DM13 (Residential extensions and ancillary accommodation)

DM13 of the Local Plan part 3 (Development Management Policies) deals with residential extensions and ancillary development. The policy permits extensions to existing dwellings and other ancillary development provided that they meet the following criteria:

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

properties.

A summary assessment of the application scheme against these criteria is set out below:

- A) The proposed erection of first floor extension with Juliet balcony is not considered to respect the character, scale or setting of the existing dwelling. The proposed extension is to be erected above the existing sun lounge to the rear of the property. The scale of the proposed scheme is very large when compared to the rest of the dwelling and its location so close to the boundary line exacerbates this further. The design of the proposed extension is not considered to be of a high quality. The movement of the first floor extension back now leaves a 2m x 3m section of flat roof which appears out of keeping with the rest of the design. Even with the installation of a Juliet balcony, without a condition to limit the use, there is nothing to stop the flat roof from being used to sit or stand on. The side elevation of the extension facing the side of the neighbouring properties has no window or door openings shown on the plans. As such the neighbouring property has a view of a very large blank wall. As such the application scheme is not considered to be supportable due to the overbearing, over dominant and oppressive scale of the first floor extension. The design of the extension is also not considered supportable due to the mass of the large blank wall as seen from the neighbouring property and the section of flat roof in front of the Juliet balcony.
- B) The property enjoys a reasonable size curtilage to both the front and rear of the property. The curtilage is considered to be sufficient to support the proposed development and parking provision in terms of the additional floor space to be utilised within the plot. It is not considered that the proposed development would result in the over-development of the dwelling curtilage in the sense that this criteria of DM13 is intended, however it is considered that the scale and setting of the proposed development would result in an overdevelopment of the boundary when assessed against the adjacent neighbouring property.
- C) The existing single storey flat roof extension already causes some issues with light loss and overbearing impact particularly for the side windows of No. 20 Turnpike. No. 22 Turnpike is set at a higher level than that of the neighbouring property No. 20 Turnpike. The application scheme proposes to build a further storey with pitched roof on top of the existing arrangement which would further the overbearing nature of the development so close to the boundary line to an unacceptable level. The introduction of the first floor with pitched roof will create shadowing across the garden throughout the day above the existing arrangement and will lead to an unacceptable level of loss of privacy and overlooking which is particularly evident in the area most used by occupiers of the neighbouring property to the rear of No. 20 Turnpike. As mentioned above, without a condition, there is nothing to stop the flat section of roof to the front of the Juliet balcony from being used to sit or stand on. The full length doors are considered to result in overlooking resulting in loss of privacy and amenity for the occupants of the neighbouring property. A distance of approximately 4.1 metres separates the properties (No's 20 & 22). The proposed extension is approximately 2 metres from the side boundary where there is some vegetation. This vegetation is not considered sufficient to adequately surround views from the proposed extension.

Further to policy DM13, DM2 of the Local Plan part 3 (Development Management Policies) seeks high quality design stating that designs of new development must be of high quality bases upon and demonstrating certain principles including:

- a) Clear understanding of the characteristics of the site, its wider context and the surrounding area;
- b) Efficient and effective use of the site, having regard to criterion (a);
- e) Visually attractive places that are well integrated with surrounding buildings, streets and landscapes, and do not have an unacceptably adverse effect on the privacy and amenity of the proposed or neighbouring properties and uses, taking account of:
 - ii) Siting, layout, scale and massing
 - iii) Orientation and fenestration.

It is not considered that the proposal has considered the characteristics of the site and the varying levels and topography between No's 20 and 22 Turnpike. This lack of understanding has led to a design which has been revised to attempt to balance some of the impacts of the proposal to a level which is still considered to be unacceptable in terms of height and its overbearing nature on the neighbouring property. The large floor

length doors with Juliet balcony on the rear elevation at first floor level is considered to result in a significant loss of privacy for occupants of the neighbouring property, particularly the section of garden directly to the rear of the neighbours property which is most likely to be used by the occupants of the property.

In terms of the efficient and effective use of the site, it is not considered that the proposal has used the site effectively by simply building on top of an existing flat roof extension so close to the boundary between the site and the neighbouring property. As mentioned previously, the site enjoys a reasonable sized garden to both the front and rear which is considered to be more than sufficient to accommodate the needed accommodation by the application. The current location of the extension and first floor nature of the development is not considered appropriate given the amount of potential options for extension and development on the site.

The proposal does not integrate well with the surrounding buildings; in particular the neighbouring property of No. 20 Turnpike. Criteria (e) of policy DM2 requires that development should be well integrated with surrounding buildings and should not have an unacceptably adverse effect on the privacy and amenity of the neighbouring properties; particularly in terms of sub-criteria (ii) and (iii) which deal with the scale and massing and fenestration of new development. As mentioned in the assessment of the proposal against policy DM13 of the Local Plan part 3 (Development management policies), the proposal strongly conflicts with policies DM2 and DM13.

3. Access and parking

Policy DM8 of the Local Plan Part 3 deals with parking. The application scheme has set out 2 car parking spaces to be used by the proposed dwelling which is in accordance with the standard of 1.7 car parking spaces per residential dwelling. The turning and manoeuvring area between the new proposed access, new proposed garage and dwelling is considered to be acceptable and the Highway Authority has made no comments suggesting issues with the revised access and garage plan.

REASONS FOR REFUSAL

1. In the opinion of the Local Planning Authority, it is considered that the proposed first floor extension above the existing single storey flat extension to the rear of the property would have unacceptable adverse impacts on the amenity of the occupiers of the neighbouring property (No. 20 Turnpike). On the rear southern end of the extension is proposed a Juliet balcony which would allow views overlooking the neighbouring garden; removing privacy and enjoyment of the terrace and garden to an unacceptable degree. The application scheme is therefore not considered to comply with the criteria set out in policies DM2 and DM13 of the LP3 DMP which require high quality design and extensions and other ancillary development to be of a suitable design which does not impact negatively on the privacy and/or amenity of neighbouring properties.
2. In the opinion of the Local Planning Authority, it is considered that the proposed first floor extension would be dominant in scale and massing when viewed from the neighbouring dwelling (No. 20 Turnpike), when compared to the existing dwelling. The proposed extension would create a first floor with pitched roof over the existing flat roof single storey rear projection from the main mass of the dwelling, close to the boundary with the neighbouring dwelling. The total height of the proposed extension would increase from 2.8 metres to 6.5 metres, an increase of 3.7 metres which, due to the lower level of the neighbouring property, would be approximately 7 metres in height when viewed from the neighbouring property, and represent an overbearing structure close to the boundary. The application scheme is therefore not considered to comply with the criteria set out in policies DM2 and DM13 of the LP3 DMP which require design to be of a high quality and extensions and other ancillary development to be of suitable scale, massing and design and not to impact negatively on neighbouring properties.

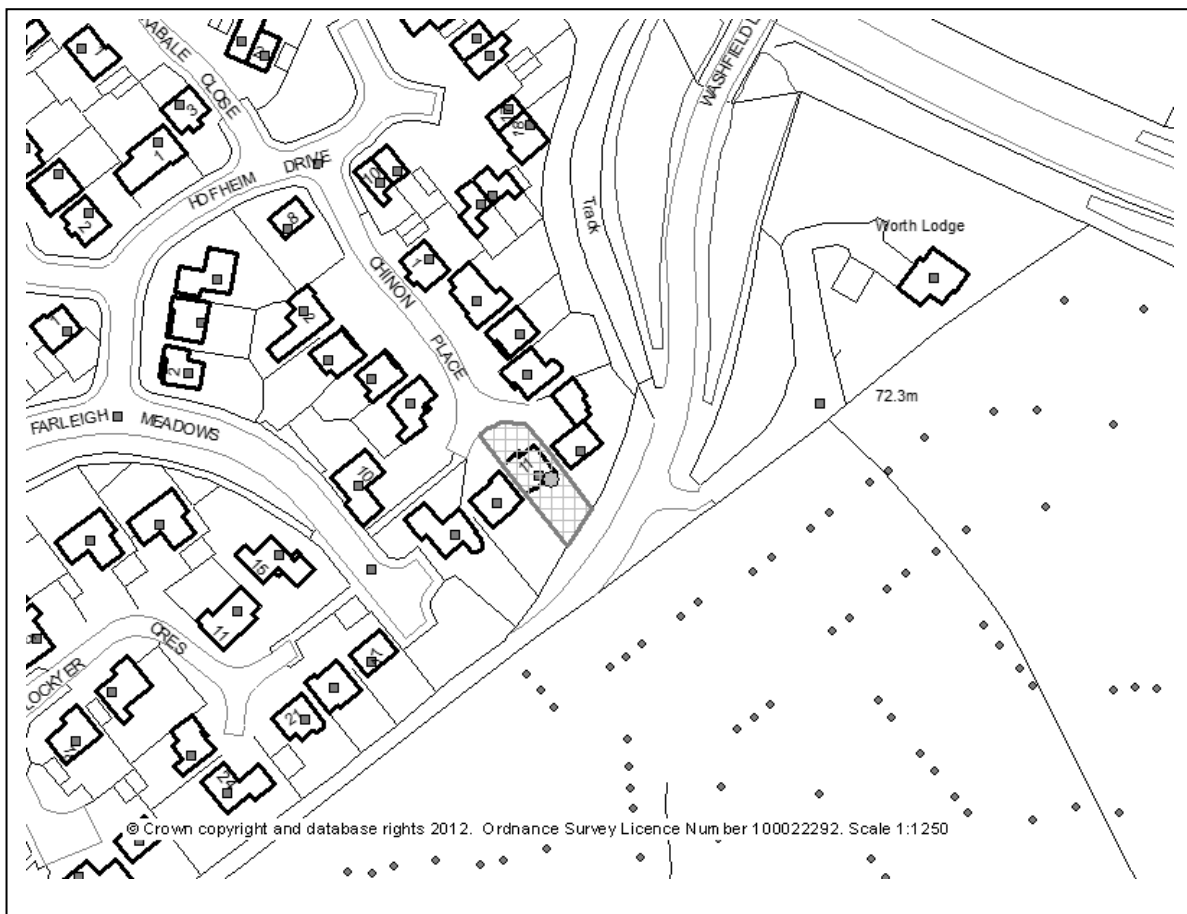
Grid Ref: 294493 : 113715

Applicant: Mr D Sanders

Location: 11 Chinon Place
Tiverton Devon EX16
5QE

Proposal: Erection of single
storey rear extension

Date Valid: 3rd May 2016



Application No. 16/00665/HOUSE

RECOMMENDATION

Grant permission subject to conditions.

MEMBERS ARE ASKED TO NOTE THAT THIS IS A HOUSEHOLDER APPLICATION

PROPOSED DEVELOPMENT

This application proposes the erection of a single storey rear extension at 11 Chinon Place, Tiverton, EX16 5QE. The proposed extension will measure approximately 2.5 metres in length x 6.2metres in width. The height of the proposal measures 3.4metres to the abutment and 2.4metres to the eaves. The materials proposed to be used within the scheme will match those used within the existing dwellinghouse, these include brick walling, a tile roof and uPVC windows and doors.

This property has permitted development rights removed.

APPLICANT'S SUPPORTING INFORMATION

None

PLANNING HISTORY

86/00080/FULL Erection of dwellings with garages, drainage and access roads thereto (revised drawings) - PERMIT

DEVELOPMENT PLAN POLICIES

Mid Devon Core Strategy (Local Plan 1)

COR2 - Local Distinctiveness
COR13 - Tiverton

Mid Devon Local Plan Part 3 (Development Management Policies)

DM2 - High quality design
DM13 - Residential extensions and ancillary development

CONSULTATIONS

TIVERTON TOWN COUNCIL - 18th May 2016 - Support

HIGHWAY AUTHORITY - 6th May 2016 - No comments

ENVIRONMENT AGENCY - 9th June 2016 - Householder development and alterations within Flood Zone 1
- No EA consultation required.

REPRESENTATIONS

None received on the date of officer report (07/06/2016)

MATERIAL CONSIDERATIONS AND OBSERVATIONS

The principal of appropriately scaled and designed extensions and ancillary development within Tiverton is

established by COR13 of the Mid Devon Core Strategy. More specifically, policy DM13 deals with residential extensions and ancillary development, and supports this development subject to the following criteria;

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

The above criteria are considered to be the material planning considerations in this case, and a summary assessment of the application scheme is set out below;

- a) The proposed extension is minor in its scale and is not considered to negatively impact on the character and appearance of the existing dwelling or the surrounding area. This is supported by the reasonable screening surrounding the site and the use of matching materials to those used in the construction of the existing dwelling.
- b) The property has a reasonable garden, and this extension is not considered to result in an over development of the curtilage.
- c) Given the scale of the proposal and its relationship to the neighbouring properties it is not considered that it would result in a significant adverse impact to neighbouring amenity. This includes overbearing impacts, loss of light and loss of privacy.

There are not considered to be any other material considerations to weight against the grant of planning permission.

CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule on the decision notice.

REASONS FOR CONDITIONS

1. In accordance with the provisions of Section 51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt and in the interests of proper planning.

REASON FOR APPROVAL OF PERMISSION/GRANT OF CONSENT

In the opinion of the Local Planning Authority, the proposed single storey rear extension is considered to be supportable in policy terms. The proposal is considered to respect the character, scale, setting and design of the existing dwelling and given its scale is not considered that it would result in overdevelopment of the dwelling curtilage. Given the scale of the extension and the nature of the proposal, it is not considered that it would result in any significant adverse amenity impacts on the neighbouring properties. The proposed development is considered to be in accordance with the following policies: COR2 and COR13 of the Mid Devon Core Strategy (Local Plan part 1), DM1, DM2, DM13 of the Local Plan Part 3 (Development Management Policies) and government advice in the National Planning Policy Framework.

Grid Ref: 296470 : 113628

Applicant: Mr R Galt

Location: 5 St Johns Close
Tiverton Devon EX16
6XD

Proposal: Erection of a single
storey rear extension

Date Valid: 16th May 2016



Application No. 16/00712/HOUSE

RECOMMENDATION

Grant permission subject to conditions.

MEMBERS ARE ASKED TO NOTE THAT THIS IS A HOUSEHOLDER APPLICATION

PROPOSED DEVELOPMENT

The proposal is for the erection of a single storey rear extension to 5 St. Johns Close, Tiverton. The site comprises an existing two storey detached dwelling on a modern estate in Tiverton constructed approximately 10 years ago. The proposed extension will project 4 metres from the rear elevation to a width of 4 metres, with an eaves height of 2.4 metres and ridge of 3.48 metres. The extension will have brick walls, white uPVC doors and windows and brown double Roman interlocking concrete roof tiles.

APPLICANT'S SUPPORTING INFORMATION

None

PLANNING HISTORY

01/00328/OUT Outline application for residential development - PERMIT

DEVELOPMENT PLAN POLICIES

Mid Devon Core Strategy (Local Plan 1)

COR2 - Local Distinctiveness

COR13 - Tiverton

Mid Devon Local Plan Part 3 (Development Management Policies)

DM2 - High quality design

DM13 - Residential extensions and ancillary development

CONSULTATIONS

TIVERTON TOWN COUNCIL - 9th June 2016 - Support

HIGHWAY AUTHORITY - 23rd May 2016 - No comments

ENVIRONMENT AGENCY - 20th June 2016 - Householder development and alterations within Flood Zone 1 - No EA consultation required.

REPRESENTATIONS

None received at the time of writing this report.

MATERIAL CONSIDERATIONS AND OBSERVATIONS

The main issues in the determination of this application:

- 1. Whether the proposal respects the character, scale, setting and design of the existing dwelling**
- 2. Whether the proposal results in overdevelopment of the site**

3. Impact on the privacy and amenity of neighbouring properties

1. Whether the proposal respects the character, scale, setting and design of the existing dwelling

The principal policy against which the proposal is to be considered is DM13 'Residential extensions and ancillary development'. Criterion a) of the policy states that extensions will be permitted where they respect the character, scale, setting and design of the existing dwelling. The proposed extension will use materials to match the existing, including white uPVC windows, doors soffits and fascias, red brickwork walls and concrete double Roman tiles. The scale of the proposal is modest, and will provide only 12.5 square metres additional internal floorspace on the ground floor. The design is typical of a modest extension to a recently constructed estate house and is considered appropriate. Overall the proposal is considered acceptable in terms of its size, scale, design and overall compatibility with the existing dwelling. The proposal is considered to be policy compliant with criterion a) of DM13.

2. Whether the proposal results in overdevelopment of the site

The proposed development will extend on to land which forms the rear garden of the property. The dwelling only benefits from a modest garden to the rear, measuring approximately 8 metres in depth from the rear elevation of the property. The garden wraps around the east elevation of the property, providing a strip of land adjoining the house, but which by its narrowness is of much more limited use (generally usable for storage only). The size of the garden is not untypical of houses within the immediate area, being somewhere in the order of 65-70 square metres inclusive of the strip to the side. The extension would result in a loss of approximately 25% of the garden land, and a higher proportion if excluding the land to the side. It is considered that the loss of land is on the edge of acceptability, and that had the proposal been any greater refusal would have been sought. Had permitted development rights not been removed for all the houses on the estate, then the scale of the proposal (and larger proposals) would have been allowable without the need for permission from the local planning authority. This consideration has been weighed in the balance and overall it is not considered that the loss would merit refusal alone. Criterion b) of DM13 is considered satisfied.

3. Impact on the privacy and amenity of neighbouring properties

The final criterion of DM13 considers the impact on the privacy and amenity of neighbouring properties. Policy DM2 also considers the impact of proposals on the privacy and amenity of the proposed/extended property. The nearest neighbours are no. 3 St Johns Close to the east and no's 7 and 9 to the west. Only the rear second storey windows of no. 9 currently overlook the rear garden to some extent, whilst no. 7 primarily looks on the gable end of the application dwelling. Tree cover along the boundary between 3 and 5 largely screens views between the properties. Being only a single storey extension, there is little in the way of an impact in terms of privacy/overlooking towards neighbouring properties. No rooflights are proposed, nor is there to be any windows on the elevation facing no. 9 so that the privacy of the occupants of the extended property will not be detrimentally affected. A window and French doors are proposed on the north and east elevations of the extension respectively, but these look either out on the garage (owned by the applicants) at the rear, or over the garden and towards the fence/tree boundary with the neighbouring property. Overall, the proposal is not considered to have an unacceptable impact on privacy or amenity and criterion c) is considered satisfied.

CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule on the decision notice.

REASONS FOR CONDITIONS

1. In accordance with the provisions of Section 51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt and in the interests of proper planning.

REASON FOR APPROVAL OF PERMISSION/GRANT OF CONSENT

The proposed development for the erection of a single storey rear extension is considered to respect the character, scale, setting and design of the existing dwelling. Whilst the proposal does result in the partial loss of only a modest sized garden this is not considered sufficient to warrant refusal alone. It is not considered that there would be any significant adverse impacts on the living conditions of the occupants of neighbouring properties or the proposed extended property. Overall, the proposal is considered to comply with the following policies: COR2 and COR13 of the Mid Devon Core Strategy, DM2 and DM13 of the Local Plan Part 3 (Development Management Policies) and the National Planning Policy Framework.

Application No. 16/00756/FULL

Plans List No. 4

Grid Ref: 295613 : 113044

Applicant: Mr S Flaws

Location: Old Bartows Bartows
Causeway Tiverton
Devon

Proposal: Erection of gates
across existing drive
entrance

Date Valid: 23rd May 2016



Application No. 16/00756/FULL

RECOMMENDATION

Grant permission subject to conditions.

PROPOSED DEVELOPMENT

Erection of gates across existing drive entrance

APPLICANT'S SUPPORTING INFORMATION

Photographs

Location plan

Block plan

Design and Access statement

Justification and schedule of works

Heritage statement

Scaled drawings: proposed entrance gate (one of pair); existing ground floor and elevation 0028/1; proposed ground floor and elevation 0028/2; existing and proposed first floor plan 0029/3

PLANNING HISTORY

93/01849/FULL - Change of use from dwelling to day centre for people with learning disabilities and provision of on site parking - NOBJ

95/00130/CAC - Conservation area consent for the demolition of defective cob and timber framed external walls and their reinstatement with blockwork cavity walls and render (County Matter) - PERMIT

16/00392/FULL - Change of use of former day centre to single residential dwelling - PERMIT

16/00757/LBC - Listed building consent for erection of gates across existing drive entrance, installation of ground floor window and other internal alterations - PENDING

DEVELOPMENT PLAN POLICIES

Mid Devon Local Plan Part 3 (Development Management Policies)

DM2 - High quality design

DM27 - Development affecting heritage assets

CONSULTATIONS

HIGHWAY AUTHORITY - 25th May 2016 - Standing advice applies please see Devon County Council document <http://www.devon.gov.uk/highways-standingadvice.pdf>

ENVIRONMENT AGENCY - 17th June 2016 - Operational development less than 1ha within Flood Zone 1 - No consultation required - see surface water management good practice advice - see standard comment.

TIVERTON TOWN COUNCIL - 9th June 2016 - Support

REPRESENTATIONS

None

MATERIAL CONSIDERATIONS AND OBSERVATIONS

This application relates to a detached listed building (grade II) lying in Tiverton conservation area. The proposal is to erect a pair of timber entrance gates at the entrance to the drive. A listed building consent application has also been submitted for these works as well as other alterations to the house.

Old Bartow's is thought to date from the early 19th century but may have earlier origins. It is an elegant property set back from the road in reasonable sized gardens. The rear wall of the house forms its rear boundary. To the front are gardens and a parking area. The property has high boundary walls on three sides. Until recently it was used as a day centre for those with learning difficulties but received permission for use as a single dwelling in 2015. The building was listed formally in 2000 some time after the initial survey was carried out by English Heritage inspectors. Between the survey and the formal listing, extensive works were carried out to the building including the near entire stripping out of the interior and its historic features (fire places, joinery, staircases etc.) as well as the replacement of all timber sash windows with uPVC windows. This was entirely within the law but has resulted in the unusual circumstances of the list description not matching the house and a substantially altered building being listed grade II. Pre-application advice was provided for this application by the conservation officer.

The entrance to the houses is currently open with no gates on the driveway. The gates proposed will provide a degree of security and privacy for the house. They are two metres high at their highest point, timber with timber posts. They are set slightly into the site to provide a pull-in space off the highway. The gates are a simple design that is considered appropriate and which will not cause any harm to the setting of the listed building.

The works are considered to be reasonable and will not cause harm to the setting of the listed building. The impact on street scene is minimal and will likely enhance the appearance of the property in its context. No other houses or neighbours are affected by the proposal - the existing dropped kerb and entrance remain and no on-street car parking spaces will be lost through the development. The works are clearly outlined in the application and it is not considered necessary to add any conditions other than those relating to time period and conformity.

CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule on the decision notice.

REASONS FOR CONDITIONS

1. In accordance with the provisions of Section 51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt and in the interests of proper planning.

REASON FOR APPROVAL OF PERMISSION/GRANT OF CONSENT

The proposed development is considered to be acceptable and will not negatively impact on neighbours, character or amenity, visual quality or the setting of the listed building. The proposal is therefore in accordance with the Mid Devon Local Plan (Part 3) policy DM5 and 27 and the National Planning Policy Framework and should be granted consent.

Application No. 16/00757/LBC

Plans List No. 5

Grid Ref: 295613 : 113044

Applicant: Mr S Flaws

Location: Old Bartows Bartows Causeway
Tiverton Devon

Proposal: Listed Building Consent for
erection of gates across existing
drive entrance, installation of
ground floor window, and other
internal alterations

Date Valid: 23rd May 2016



Application No. 16/00757/LBC

RECOMMENDATION

Grant Listed Building Consent subject to conditions.

PROPOSED DEVELOPMENT

Listed building consent for erection of gates across existing drive entrance, installation of ground floor window and other internal alterations

APPLICANT'S SUPPORTING INFORMATION

Photographs

Location plan

Block plan

Design and Access statement

Justification and schedule of works

Heritage statement

Scaled drawings: proposed entrance gate (one of pair); existing round floor and elevation 0028/1; proposed ground floor and elevation 0028/2; existing and proposed first floor plan 0029/3

PLANNING HISTORY

93/01849/FULL - Change of use from dwelling to day centre for people with learning disabilities and provision of on site parking - NOBJ

95/00130/CAC - Conservation area consent for the demolition of defective cob and timber framed external walls and their reinstatement with blockwork cavity walls and render (County Matter) - PERMIT

16/00392/FULL - Change of use of former day centre to single residential dwelling - PERMIT

16/00756/FULL - Erection of gates across entrance drove - PENDING

DEVELOPMENT PLAN POLICIES

Mid Devon Local Plan Part 3 (Development Management Policies)

DM27 - Development affecting heritage assets

CONSULTATIONS

TIVERTON TOWN COUNCIL - 9th June 2016 - Support

REPRESENTATIONS

None

MATERIAL CONSIDERATIONS AND OBSERVATIONS

This application relates to a detached listed building (grade II) lying in Tiverton conservation area. The proposals are to erect a pair of timber entrance gates at the entrance to the drive, to add one uPVC matching ground floor window on the front elevation and to create a first floor bathroom where there is currently a large landing.

Old Bartow's is thought to date from the early 19th century but may have earlier origins. It is an elegant property set back from the road in reasonable sized gardens. The rear wall of the house forms its rear boundary. To the front are gardens and a parking area. The property has high boundary walls on three sides. Until recently it was used as a day centre for those with learning difficulties but has now received

permission for use as a single dwelling. The building was listed formally in 2000 some time after the initial survey was carried out by English Heritage inspectors. Between the survey and the formal listing, extensive works were carried out to the building including the near entire stripping out of the interior and its historic features (fire places, joinery, staircases etc.) as well as the replacement of all timber sash windows with uPVC windows. This was entirely within the law but has resulted in the unusual circumstances of the list description not matching the house and a substantially altered building being listed grade II. The conservation officer has advised the owner to pursue a delisting of the building but in the mean time the requirement for listed building consent for various works remains. Pre-application advice was provided for this application by the conservation officer.

The entrance gates proposed will provide a degree of security and privacy for the house. They are set slightly into the site to provide a pull-in space off the highway. The gates are timber and of a simple design that is considered appropriate and which will not cause any harm to the listed building.

The existing ground floor WC and shower room is located in a small extension at the front of the house (added in c.1995). It has no windows. It is proposed to be converted into an office with a new window added to the front in matching uPVC. The proposal will improve the appearance of the house as the existing blank wall is out of keeping with the rest of the front elevation. It is not considered appropriate to require a timber window given the comprehensive replacement of all the other windows in the property with uPVC and the likelihood that the building will be delisted in due course. The proposed new window will be a subdivided sash in appearance with the top half opening outwards, to match the other windows.

The internal layout has been substantially altered during conversion to the day centre. There is currently a large first floor landing. The application proposes the insertion of partitions to create a first floor bathroom in this landing, retaining a corridor and linking into existing plumbing at ground floor. Currently there is no first floor bathroom and this provides an opportunity to make one in an underused part of the building which is central to the accommodation. There is no harm caused to the listed building and the works will in fact create a more viable unit of accommodation.

The works are considered to be reasonable and to fit in with the character and appearance of the listed building. The use of the building as a single dwelling is an improvement and the works will help support the continued viability of the building in this use. The works are clearly outlined in the application and it is not considered necessary to add any conditions other than those relating to time period and conformity.

CONDITIONS

1. The works hereby permitted shall be begun before the expiration of three years from the date of this consent.
2. The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule on the decision notice.

REASONS FOR CONDITIONS

1. In accordance with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt and in the interests of proper planning.

REASON FOR APPROVAL OF PERMISSION/GRANT OF CONSENT

The proposed works are considered to cause no additional harm to the listed building which has been extensively altered in the past. The remaining character and appearance is preserved and enhanced and therefore the alterations are acceptable. The proposal is therefore in accordance with the Mid Devon Local Plan (Part 3) policy DM27 and the National Planning Policy Framework and should be granted consent.

Mrs Jenny Clifford
Head of Planning and Regeneration

