

# **Application Report**

**Strategic Development & Planning**  
**Place Services**  
**North Devon Council**  
**Lynton House, Commercial Road,**  
**Barnstaple, EX31 1DG**



**Application No:** 73324  
**Application Type:** Full application  
**Parish/Ward:** MARWOOD/MARWOOD  
**Location:** Woodside  
Middle Marwood  
Barnstaple  
Devon  
EX31 4EG  
**Proposal:** Extension to detached garage to form ancillary accommodation  
**Agent:** Alan Kingdon  
**Applicant:** Mr & Mrs Hunt  
**Planning Case Officer:** Mrs B. Coles  
**Application Expiry:** 2 July 2021  
**Ext Of Time Expiry:**  
**Publicity Expiry:** 24 June 2021  
**Departure:** N  
**EIA Development:** N  
**EIA Conclusion:** Development is outside the scope of the Regulations  
**Decision Level/Reason for Report to Committee:** The application is presented to the Committee as the applicant is an Elected Member of the Council

## **Site Description**

The site comprises a timber garage/storage building and parking area situated opposite the main dwelling on the opposite site of a single track lane which provides vehicle access to the site and Middle Marwood beyond. The site is surrounded by woodland and is within a secluded valley with a watercourse running through. The site is accessed directly from the lane and has a level concrete parking area to the front of the building and a stone wall and mature hedging provides a boundary with the lane. The timber building has a dual pitched roof covered with slate tiles and timber clad walls with two double opening doors to the front and windows and pedestrian doors to the west and north. Neighbouring properties have similar timber buildings situated opposite the main dwellings and which include first floor areas.

## **Recommendation**

**APPROVED**

Legal Agreement Required: No

## Planning History

Reference	Proposal	Decision	Decision Date
32906	Demolition of existing garage/store & erection of new garage/store/workshop at Woodside, Middle Marwood, Barnstaple, North Devon, EX31 4EG	Approved	14 May 2002

## Constraints / Planning Policy

### **Constraint / Local Plan Policy**

	<b>Distance (Metres)</b>
Advert Control Area of Special Advert Control	Within constraint
Chivenor Safeguard Zone Consultation Structure or works exceeding 15.2m	Within constraint
Landscape Character is: 3H Secluded Valleys Unclassified Road	Within constraint
Within Adopted Unesco Biosphere Transition (ST14)	Within constraint
Within Braunton Burrows Zone of Influence	Within constraint
Within: SSSI 5KM Buffer in North Devon, consider need for AQIA if proposal is for anaerobic digester without combustion plant	Within constraint
Within: Braunton Burrows, SAC 10KM Buffer if agricultural development consider need for AQIA	Within constraint

SSSI Impact Risk Consultation Area Within constraint

DM01 - Amenity Considerations  
DM02 - Environmental Protection  
DM04 - Design Principles  
DM06 - Parking Provision  
DM08A - Landscape and Seascape Character  
DM25 - Residential Extensions and Ancillary Development  
ST14 - Enhancing Environmental Assets

## Consultee

Name	Comment
Councillor F Tucker	No representations received.
Marwood Parish Council  Reply Received 18 June 2021	Marwood Parish Council recommends approval.
Sustainability Officer  Reply Received 7 June 2021	7/06/2021 11:49 - The application is not currently supported by an appropriately detailed Wildlife Assessment produced by a qualified ecologist. The proposed development is likely to introduce a significant new source of light spill by virtue of glazing on the north and south elevations. An appropriately detailed assessment of the

Name	Comment
	<p>protected species activity in the surrounding area, particularly following the stream and along the woodland edge to the west should be submitted. Further design revisions in the form of landscaping and/or proposed glazing extent maybe necessary to mitigate potential impacts. There is currently no demonstration of measures which would result in a net gain for biodiversity.</p> <p>Although the proposal is for ancillary development, it appears to be a sufficiently significant structure to be used as holiday accommodation or a stand-alone dwelling and therefore the Braunton Burrows SAC contribution will be required.</p> <p>In terms of the location of the site, it is within the Zone of Influence (ZOI) identified through the Local Authority's Appropriate Assessment in relation to the Braunton Burrows Special Area Conservation (SAC) under the Habitat Regulations 2017. As such, any new residential development in the ZOI is considered to have recreational impacts on the SAC and is therefore required to pay a contribution of 190 per unit in order to mitigate the impacts of development. At present developers can either enter into a S106 agreement or make a direct payment to the LPA under Section 111 of the Local Government Act 1972.</p> <p>Based on the information provided, the application will increase residential capacity and is therefore likely to have an indirect impact on the Braunton Burrows SAC due to its proximity and the likelihood of recreational impacts associated with visitor impacts. North Devon Council must have regard for any potential impacts that a plan or project may have and are required to conduct a Habitat Regulations Assessment to determine the significance of these impacts on the SAC and the scope for mitigation. North Devon Council's Habitat Regulations Assessment (HRA) at the Joint Plan level (JLP) identified the main recreational pressure as coming from the Braunton, Wrafton, Chivenor area and concluded that there is unlikely to be an adverse effect on the integrity of the interest features of the SAC. However, since adoption of the JLP, new evidence has concluded that recreational impacts are evident and contributions towards strategic mitigation will be required from all development within an identified Zone of Influence.</p>

**Neighbours**

Comments	No Objection	Object	Petition	No. Signatures
0.00	0.00	0.00	0.00	0.00

Site notice displayed and no nearby neighbour representations received.

## **Considerations**

### **Proposal Description**

This application seeks detailed planning permission for the erection of first floor accommodation above an existing detached garage and storage building to provide accommodation for visiting members of the applicant's family and includes a games room and bedroom with shower room and balcony area.

The footprint of the existing building will remain unaltered and the existing dual pitched roof will be removed and replaced with a hipped roof measuring 7.30 metres in height from ground level, an increase of 2.50 metres from that existing. The west facing roof slope will have 2 gable dormer windows and double patio doors will be housed within a similar style gable projection which will provide access to the balcony area.

The proposed balcony will extend 3.02 metres from the west elevation and will measure 12.7 square metres and situated at a height of 2.90 metres.

Additional windows are proposed with two windows on the north elevation and one on the south elevation which are similar in size to those existing.

The proposal includes the use of external materials which match those existing and includes timber cladding to the walls with a slate roof and stained timber windows.

### **Principle of Development**

The development proposed is an ancillary development and therefore deemed acceptable in principle by Policy DM25 Residential Extensions and Ancillary Development of the North Devon and Torridge Local Plan subject to design and amenity considerations. The proposal is not located within a protected landscape however the landscape setting and secluded nature of the site will be a haven for wildlife, a principle consideration of this application will include its impact upon the landscape setting and ecology. Additional considerations include flood risk and drainage and highways and parking.

### **Planning Considerations Summary**

- Design Principles and Landscape Setting
- Amenity Considerations
- Ecology
- Flood Risk and Drainage
- Highways and Parking

### **Planning Considerations**

In the determination of a planning application Section 38 of the Planning & Compulsory Purchase Act 2004 is relevant. It states that for the purpose of any determination to be made under the planning Acts, the determination is to be made in accordance with the development plan unless material considerations indicate otherwise. The development

plan for this area includes the Devon Waste Plan and North Devon and Torridge Local Plan. The relevant Policies are detailed above.

The National Planning Policy Framework (NPPF) is a material consideration.

### **Design and Landscape Setting**

Policy ST04 of the Local Plan states that development will achieve high quality inclusive and sustainable design to support the creation of successful, vibrant places. Design will be based on a clear process that analyses and responds to the characteristics of the site, its wider context and the surrounding area taking full account of the principles of design found in policy DM04.

Policy DM04 of the Local Plan encourages good design and ensures that development proposals should be appropriate and sympathetic to setting in terms of scale, density, massing, height, layout appearance, fenestration, materials and relationship to buildings and landscape features in the local neighbourhood; reinforce the key characteristics and special qualities of the area in which the development is proposed; and contributes positively to local distinctiveness, historic environment and sense of place.

Policy DM25 of the Local Plan states that the extension of a residential dwelling and other ancillary development, beyond that enabled through permitted development, will be supported subject to: (a) the form, scale, setting and design of the proposal respecting existing development, its context, setting and surroundings.

The proposed development will develop above the existing garage/store with two habitable rooms above which will be on the same footprint as the existing building. The pitch height of the roof will be increased to 2.50 metres above the existing pitch height and of a similar style using materials similar to the existing structures. The hipped style roof ends to the north and south will reduce the impact of the increase in the roof height. The proposed dormer projections will be on the west facing elevation away from the road and will not be clearly visible.

The proposed development will not increase the footprint of the site. The proposed first floor extension will be softened with the hipped style ends which will reduce the impact of the increase in roof height. The use of external materials that match existing are all natural and will ensure the appearance of the proposal reflects the main building and existing buildings in the neighbourhood. The development is considered to be of an acceptable size, scale, design and height and it is considered the proposal will not be detrimental to the site or its setting and will not detract from the natural beauty of the surrounding area.

The site is situated within the landscape setting of secluded valleys which are unspoilt, secluded and secretive in character with broad leaf woodlands and coppice covering valley sides with a rich pattern of water and are important wildlife havens. It is not considered that the development will have a negative impact upon the landscape setting, no habitats will be lost with the existing footprint of the existing building being retained. The use of natural exterior materials will ensure the development blends into its setting over time and due to the nature of the low lying valley the development will not impact upon long range views.

In summary the proposed development will not be harmful to the overall character and appearance of the existing building and its setting. The development thereby accords with the design considerations of the Local Plan. The materials as detailed in the application form are acceptable and therefore it is reasonable that any grant of planning permission should be subject to a condition that ensures such.

#### Amenity

Policy DM01 of the Local Plan (Amenity Considerations) states that development will be supported where:

- (a) it would not significantly harm the amenities of any neighbouring occupiers or uses; and
- (b) the intended occupants of the proposed development would not be harmed as a result of existing or allocated uses.

Policy DM25 states that (b) adequate residential amenity space and parking provision being maintained; and (c) there being no significant adverse impact on the amenity of the occupants of neighbouring properties.

The only nearby neighbouring dwelling is situated approximately 40 metres to the south of the site beyond the main dwellinghouse. The development will not result in harm to neighbour amenity. Levels of privacy currently enjoyed will be retained with no anticipated harm from additional first floor windows facing south. There will be no concern regarding overlooking and the development will not result in the loss of light due to the size, scale and distance of the proposed development.

It is proposed the use of the first floor accommodation will be for visiting members of the family and in order to ensure that the proposal does not have a negative impact upon neighbouring occupiers the use of the site will be restricted to providing ancillary accommodation only with no commercial use permitted.

As a result of the proposed extension a significant amount of residential amenity space at the site will be retained for the occupiers to enjoy and the development will not have an adverse impact upon the occupants as the proposal provides additional living space whilst retaining amenity space and parking provision and it is considered the development accords with the amenity considerations of the Local Plan.

#### **Ecology**

Local Planning Authorities have a statutory duty to ensure that the impact of development on wildlife is fully considered during the determination of a planning application under the Wildlife and Countryside Act 1981 (as amended), Natural Environment and Rural Communities Act 2006, The Conservation of Habitats and Species Regulations 2017 (Habitats Regulations 2017).

Consultation with the Sustainability Officer regarding the proposed development raised the following concerns

*“The application is not currently supported by an appropriately detailed Wildlife Assessment produced by a qualified ecologist. The proposed development is likely to introduce a significant new source of light spill by virtue of glazing on the north and south elevations. An appropriately detailed assessment of the protected species activity in the surrounding area, particularly following the stream and along the woodland edge to the west should be submitted. Further design revisions in the form of landscaping and/or proposed glazing extent maybe necessary to mitigate potential impacts. There is currently no demonstration of measures which would result in a net gain for biodiversity.*

*Although the proposal is for ancillary development, it appears to be a sufficiently significant structure to be used as holiday accommodation or a stand-alone dwelling and therefore the Braunton Burrows SAC contribution will be required....”*

On the advice of the Sustainability Officer a Preliminary Ecological Appraisal Report prepared by Orbis Ecology has been submitted in support of the application. The appraisal was carried out on 7<sup>th</sup> July 2021 with the aim to provide baseline ecological conditions and determine potential ecological constraints to the proposed works such as the presence or potential presence of protected species or habitats of conservation significance. Following to survey the report prepared detailed the following required actions:

*“As the site was found to have moderate suitability to support roosting birds, additional information is needed to establish if impacts to bats will result from the proposed works. This should be a minimum of:*

- *Two dusk or one dusk and one pre-dawn survey between the months of May and the end of August (inclusive) with two surveyors used to establish presence or absence of bats in the building.*
- *To minimise potential impacts from increased light levels, lighting design shall follow the recommendations put forward by the Institute of Lighting Professionals and the Bat Conservation Trust*
- *The proposed works should be programmed to commence outside of the bird nesting season which extends from 1<sup>st</sup> March to 31<sup>st</sup> August unless a competent ecologist has undertaken a careful, detailed check of the building for active birds’ nests immediately before works commence and provided written confirmation that no birds will be harmed or that there are appropriate measures in place to protect nesting bird interest on site.*
- *New nesting provision for sparrows will be provided in the form of a sparrow terrace.”*

Dusk emergence surveys were carried out subsequently by Orbis Ecology during August 2021 and a Final Bat Survey report was prepared on 18<sup>th</sup> August 2021 which found bat species passing the site and which found that the development site is not being used by roosting bats.

Given the information received, it is unlikely that the development would result in harm to protected species. However, it is reasonable that any grant of planning permission be subject to a condition that states that prior to the approved development being brought into use, 2 bat boxes and 2 sparrow terraces box shall be sited on the south and west elevations and east and north elevations respectively and shall be retained thereafter as

advised by Orbis Ecology. This is considered to be reasonable to achieve net gains in biodiversity in compliance with Policy DM08, ST14 of the North Devon and Torridge Local Plan and paragraph 170 of the National Planning Policy Framework.

It is also considered reasonable to request that any external lighting, if necessary for safety and security, meets the requirements of the Institute of Lighting Professionals and the Bat Conservation Trust by way of a condition which is also advised by Orbis Ecology

As the proposed development is for an ancillary purposes and is not providing self-contained living accommodation the Braunton Burrows SAC contribution is not required.

### **Flood Risk and Drainage**

The site is not situated within a flood zone or Critical Drainage Area and the site is at very low risk of long term flooding from both rivers and the sea and from surface water and flood risk is not a constraint to the proposal.

The site is however, situated over an existing mains water pipeline and South West Water have raised concerns with the applicant's Agent regarding the use of the first floor as habitable accommodation. In order to ensure this matter is addressed to the satisfaction of SWW an informative note has been included.

### **Highways and Parking**

Policy DM05 of the Local Plan (Highways) states that: (1) All development must ensure safe and well-designed vehicular access and egress, adequate parking and layouts which consider the needs and accessibility of all highway users including cyclists and pedestrians, and (2) All development shall protect and enhance existing public rights of way, footways, cycle ways and bridleways and facilitate improvements to existing or provide new connections to these routes where practical to do so.

Policy DM06 of the Local Plan (Parking Provision) states that development proposals will be expected to provide an appropriate scale and range of parking provision to meet anticipated needs, having regard to the:(a) accessibility and sustainability of the site; (b) availability of public transport; (c) provision of safe walking and cycling routes; and (d) specific scale, type and mix of development. Proposals must also encourage the use of sustainable modes of transport through careful design, layout and integration to the existing built form.

The site is located off of an unclassified narrow rural lane with an established access and will not impact upon the highway. The site has an adequate level parking area for several vehicles together with turning. The proposal will not impact upon the off-street parking capacity with the site continuing to provide parking for 2 vehicles within the building and up to a further two or three with turning to the south of the site which is an acceptable level to meet the anticipated needs of the site and meeting the requirements of Policy DM06 above.

## **Conclusion**

The application is considered to accord with the adopted development plan. Approval of the application is therefore recommended subject to the imposition of planning conditions.

## **Human Rights Act 1998**

The provisions of the Human Rights Act and principles contained in the Convention on Human Rights have been taken into account in reaching the recommendation contained in this report. The articles/protocols identified below were considered of particular relevance:

Article 8 – Right to Respect for Private and Family Life  
THE FIRST PROTOCOL – Article 1: Protection of Property

## **Recommendation**

### **APPROVED**

Legal Agreement Required: No

## **Conditions**

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.

#### Reason

The time limit condition is imposed in order to comply with the requirements of Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in accordance with the following approved plans/details:

21/0112/04 Location Plan received on the 21/04/21

21/0112/02C As Proposed received on the 18/08/21

21/0112/03 Site Plan received on the 21/04/21

ORB0552OC Final Bat Survey Report received on the 19/08/21

('the approved plans').

#### Reason

To ensure the development is carried out in accordance with the approved plans in the interests of proper planning.

3. The garage extension hereby approved shall be used as a private garage with ancillary accommodation for the benefit of the occupiers of Woodside, Middle Marwood, Barnstaple Devon EX31 4EG only and for no commercial purposes whatsoever without the formal consent of the Local Planning Authority.

#### Reason

In order that the amenities in the neighbourhood are not detrimentally affected and to prevent a detrimental impact on the amenities of the occupiers of the nearby properties in accordance with Policy DM01 and DM02 of the North Devon and Torrridge Local Plan.

4. The proposed development shall be constructed in accordance with the following schedule of materials:

Walls - Timber cladding

Roof - Slate

Windows - Stained Timber

#### Reason

In the interests of the appearance of the development and locality in accordance with Policy DM04 of the North Devon and Torrridge Local Plan.

5. Prior to the first floor extension hereby approved being brought into first use, 2 bat boxes and 2 sparrow terraces box shall be sited on the south and west elevations and east and north elevations respectively of the extension hereby approved and shall be retained thereafter.

#### Reason

To achieve net gains in biodiversity in compliance with Policy DM08 and ST14 of the North Devon and Torrridge Local Plan and paragraph 174 of the National Planning Policy Framework.

6. Any external lighting shall be LED, down facing and set on motion sensors only and should follow the recommendations of the Institute of Lighting Professionals and the Bat Conservation Trust

#### Reason

To prevent impact on protected nocturnal wildlife passing over the site in accordance with recommendation from Orbis Ecology Final Bat Survey Report, Woodside, Middle Marwood, North Devon EX31 4EG dated 18/08/2021 and in accordance with Policy DM08 of the North Devon and Torrridge Local Plan and paragraph 174 of the National Planning Policy Framework..

### **Informatives**

1. It is an offence under section 1 of the Wildlife and Countryside Act 1981 (as amended) to intentionally take, damage or destroy the nest of any wild bird while it is in use or being built. It is strongly recommended that any buildings or land where consent for work has been granted are checked for nesting birds prior to any work being undertaken. Where inspection is obscured i.e. Hedgerows, Ivy and in trees of dense foliage it is advised that work is scheduled for outside the nesting season i.e. not undertaken between March and August (inclusive). For further advice please contact the RSPB Southwest Regional Office 01392 432691.

2. Bats and bat roosts are protected by law under Schedule 5 of the Wildlife & Countryside Act 1981 [as amended], Schedule 2 of the Conservation [Natural Habitats, &c] Regulations 1994, the Countryside Rights Of Way Act 2000, and the Conservation of Species and Habitats Regulations 2017. It is an offence to recklessly or deliberately kill, injure or capture [take] bats, recklessly or deliberately disturb bats, damage, destroy or obstruct access to bat roosts. For further advice contact the Bat Helpline 0345 1300 228.
3. Should the approved development be pursued to provide habitable first floor accommodation the applicant is advised to liaise with South West Water to address their concerns.
4. If you are planning a new development or extending an existing property over, or within 3 metres of public assets you need to contact South West Water.

Note: SWW will not permit building within 4.5 metres of public water mains, sewage rising mains or sewers on a new development or redevelopment site. For more information please refer to the information on SWW website:

Clean water – <https://www.southwestwater.co.uk/developer-services/water-services-and-connections/building-near-water-mains/>

Waste water - <https://www.southwestwater.co.uk/buildover>

5. **Statement of Engagement**  
In accordance with paragraph 38 of the National Planning Policy Framework the Council has worked in a positive and pro-active way and has imposed planning conditions to enable the grant of planning permission. This has included a schedule of approved materials, the installation of bat and bird boxes and requirement for all external lighting to meet the requirements of the Institute of Lighting Professionals and the Bat Conservation Trust.