

Application Report

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



Application No: 73872
Application Type: Full application
Parish/Ward: CHULMLEIGH/CHULMLEIGH
Location: Wilsons Tenement
Chulmleigh
Devon
EX18 7EG
Proposal: Extension to dwelling to create additional living accommodation
Agent: Mr Kevin Davies
Applicant: Ms A Rhodes
Planning Case Officer: Miss C Roissetter
Application Expiry: 25 October 2021
Ext Of Time Expiry: 25 October 2021
Publicity Expiry: 7 October 2021
Departure: N
EIA Development: N
EIA Conclusion: Development is outside the scope of the Regulations
Decision Level/Reason for Report to Committee: Agent is a Councillor

Site Description

Wilson's Tenement is located in the open countryside, approximately 5.7 km north east of Chulmleigh. The site has a handful of neighbouring properties in the vicinity with the adjoining neighbours located approximately 25 metres west (Lower Bearly Court Orchard), 50 metres south (Lower Bearly Court Farm), and metres east (Cole Park).

The development site is approximately 0.0327 hectares and consists of the existing dwelling and a court yard/parking area. The applicants also own two agricultural buildings opposite the principle elevation of the existing dwelling and a substantial area of land south and east of the agricultural buildings.

The existing dwelling contains one bedroom, a bathroom, and an open plan living/kitchen dining area. The dwelling is finished with painted render, galvanised steel sheeting and stone exterior walls, galvanised steel sheeting for the roof, and timber framed windows and doors.

In December 2018, prior approval was granted to convert the previously redundant single storey duo-pitched roof barn into one dwelling under Class Q of the Town and Country Planning (General Permitted Development) Order 2015 (GPDO) (as amended), application ref: 65473.

Recommendation

APPROVED

Legal Agreement Required: No

Planning History

Reference	Proposal	Decision	Decision Date
65473	Prior Approval For Change Of Use Of Agricultural Building To One Dwellinghouse (Class Q (A)(B))	Prior Approval Granted	14 December 2018

Constraints / Planning Policy

Constraint / Local Plan Policy	Distance (Metres)
Advert Control Area Area of Special Advert Control	Within constraint
Burrington Radar Safeguard Area	Within constraint
Class III Road	
Landscape Character is: 1F Farmed Lowland Moorland and Culm Grassland	Within constraint
Within Adopted Unesco Biosphere Transition (ST14)	Within constraint
DM01 - Amenity Considerations	
DM04 - Design Principles	
DM05 - Highways	
DM06 - Parking Provision	
DM08 - Biodiversity and Geodiversity	
DM25 - Residential Extensions and Ancillary Development	
ST07 - Spatial Development Strategy for Northern Devon's Rural Area	

Consultees

Name	Comment
Chulmleigh Parish Council Reply Received 24 September 2021	Chulmleigh Parish Council have no objections to this Application.
Councillor K Davies	Agent

Neighbours

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

Considerations

Proposal Description

This application seeks detailed planning permission for the erection of a single storey side extension to dwelling to create additional living accommodation.

Planning Considerations Summary

- Design
- Amenity
- 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 (NDTLP). The relevant Policies are detailed above.

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

Policy DM25 (Residential Extensions and Ancillary Development) of the NDTLP states:

- (1) 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;
 - (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.

Criteria (a), (b), and (c) of policy DM25, link to other development management policies, which will be discussed in detail within the relevant sections below.

Design

Policy DM04 (Design Principles) of the NDTLP requires development to be considered as good design through scale, density, massing, height, landscape, layout, materials, access and appearance of new development. It seeks not just to manage land use but support the creation of successful places and respond to the challenges of climate change.

The proposed development would be 12.30 meters in length along the north elevation, 10.65 metres in along the south elevation and 7.36 metres in width. The proposed development would have a height of 4.30 metres where it would join to the exiting dwelling and 4.65 metres on the east elevation. As the proposed development is located on an easterly slope, a step down in the proposed ridge and eaves has been introduced to minimise the visual implication and any potential overbearing impact on the existing dwelling and the local setting.

The proposed development would be finished with similar material to the existing dwelling to ensure that the proposed extension is in keeping with the character of the existing dwelling and the local setting. The materials include painted render, galvanised steel sheeting and stone exterior walls, galvanised steel sheeting for the roof, and timber framed windows and doors.

In terms of design, the proposed application has been refined since the initial pre-application enquiry in June and as such the design is considered to a high quality in regards to scale, appearance, and relationship to the existing dwelling and the local setting. As a result, the proposed development is considered to comply with policy DM04 and part (a) of policy DM25.

Amenity

Policy DM01 (Amenity Considerations) of the NDTLP states 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.

The site has a handful of neighbouring properties in the vicinity with the adjoining neighbours located approximately 25 metres west (Lower Bearly Court Orchard), 50 metres south (Lower Bearly Court Farm), and metres east (Cole Park). The proposed development is unlikely to result in any significant harm to the neighbouring properties to the south and west as there is existing well-established screening between the properties. The neighbouring property to the east will likely see the proposed development however, the distance between the properties will unlikely result in any significant harm the neighbour amenities. In addition, the proposed development would not harm the amenities of the intended occupants. Therefore, the proposed development is considered to comply with policy DM01 and parts (b) & (c) of policy DM25.

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).

Policy DM08 (Biodiversity and Geodiversity) of the NDTLP requires that:

- (1) Development should conserve, protect and, where possible, enhance biodiversity and geodiversity interests and soils commensurate with their status and giving appropriate weight to their importance. All development must ensure that the importance of habitats and designated sites are taken into account and consider opportunities for the creation of a local and district-wide biodiversity network of wildlife corridors which link County Wildlife Sites and other areas of biodiversity importance

Given the information received, and the site's location it is unlikely that the development would result in harm to protected species or their habitat. Due to the scale and nature of the development a biodiversity net gain on the site is required through the installation of a bird/bat box on the existing dwelling in compliance with policy DM08 and will be condition subject to approval.

Flood Risk and Drainage

The site is not located within a Flood Zone 2 or 3 and is not located within a Critical Drainage Area. Therefore, flooding and drainage are not considered to be constraints.

Highways and Parking

Policy DM05 (Highways) and Policy DM06 (Parking Provision) of the NDTLP have been considered.

The proposed development would be positioned along the site boundary adjacent to the highway. However, the development is unlikely to impact of the safety or function of the road network as there is an existing stone wall along the boundary and the site has adequate vehicle access. The site has a large courtyard/concrete area that would provide the appropriate parking provision for the site. The proposed development is considered to comply with policies DM05 and DM06, and part (b) of policy DM25.

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:

2589-Rdjwl-Xx-Xx-Dr-A-0015C1 Location Plan received on the 03/08/21
2589 Rdjwl Xx Xx Dr A 0016C1 Block Plan received on the 03/08/21
2589 Rdjwl Zz Zz Dr A 0025C2 Floor and Elevation received on the 03/08/21
(‘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 external finishing materials to be used for the extension shall match those of the existing dwelling/building in colour, form and texture.

Reason:

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

4. Prior to the building hereby approved being brought into first use, a bat and bird box shall be sited on either the south or west elevation of the building hereby approved and shall be retained thereafter.

Reason:

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

Informatives

1. 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.