

Application Report

Planning, Housing and Health
North Devon Council
Lynton House, Commercial Road,
Barnstaple, EX31 1DG



Application No: 74436
Application Type: Full application
Application Expiry: 20 January 2022
Ext Of Time Expiry:
Publicity Expiry: 28 January 2022
Parish/Ward: BURREINGTON/CHULMLEIGH
Location: Lower Twitchen
Burrington
Umberleigh
Devon
EX37 9JU
Proposal: Single storey ground floor side extension together with small side entrance porch to improve accessibility to the property
Agent: Robert Davies John West Ltd
Applicant: Mr and Mrs J Short
Planning Case Officer: Mrs D. Butler
Departure: N
EIA Development:
EIA Conclusion:
Decision The agent is an NDC Councillor
Level/Reason for Report to Committee:

Site Description

Lower Twitchen is a two storey dwelling located in an isolated rural location. The property is grade II listed dating from the 18th century but has been subject to some modern alterations. The property sits in a spacious plot with private amenity space, parking and turning. The property is set at a lower ground level in comparison to the upper garden and parking area with the garden sloping up from the rear of the dwelling.

Recommendation

APPROVAL

Legal Agreement Required: No

Planning History

Reference Number	Proposal	Decision	Decision Date
74469	Listed Building consent for single storey ground floor side extension together with small side entrance porch to improve		

Reference Number	Proposal	Decision	Decision Date
	accessibility to the property at Lower Twitchen, Burrington		
16359	Proposed erection of conservatory at Lower Twitchen Farm, Burrington	Full Planning Approval	12 January 1993
16360	Listed Building Application proposed erection of conservatory at Lower Twitchen Farm, Burrington	Approval	12 January 1993
20715	Proposed extension to farmhouse at Lower Twitchen Farm, Burrington	Full Planning Approval	28 July 1995
20716	Listed Building Application proposed extension to farmhouse at Lower Twitchen Farm, Burrington	Approval	28 July 1995
21793	Proposed alterations and extension to dwelling (amended design to 20715 & 20716) at Lower Twitchen Farm, Burrington	Full Planning Approval	23 April 1996
21794	Listed Building Application proposed alterations and extension to dwelling (amended design to 20715 and 20716) at Lower Twitchen Farm, Burrington	Approval	23 April 1996
66591	Extensions & Alterations To Dwelling at Lower Twitchen, Burrington	Approved	21 August 2019
66592	Listed Building Application For Extensions & Alterations To Dwelling at Lower Twitchen, Burrington	Approved	21 August 2019

Constraints/Planning Policy

Constraint / Local Plan Policy	Distance (Metres)
Advert Control Area Area of Special Advert Control	Within constraint
Burrington Radar Safeguard Area consultation required for: All buildings, structures, erections & works exceeding 15 metres in height.	Within constraint
Class III Road	
Landscape Character is: 3H Secluded Valleys	Within constraint
Listed Building Adjacent: 1307 EH Ref 1209936 Lower Twitchen, Twitchen Lane, Burrington	Within constraint
Listed Building Curtilage (Adjacent to)	Within constraint
Listed Building Curtilage (within)	Within constraint
Listed Building: 1307 EH Ref 1209936 Lower Twitchen, Twitchen Lane, Burrington	Within constraint
Public Right of Way: Footpath 212FP8	Within constraint

Constraint / Local Plan Policy	Distance (Metres)
Unclassified Road	
Within Adopted Unesco Biosphere Transition (ST14)	Within constraint
SSSI Impact Risk Consultation Area	Within constraint
Listed Building Grade: II	
DM01 - Amenity Considerations	
DM02 - Environmental Protection	
DM04 - Design Principles	
DM05 - Highways	
DM07 - Historic Environment	
DM08 - Biodiversity and Geodiversity	
DM08A - Landscape and Seascape Character	
ST01 - Principles of Sustainable Development	
ST02 - Mitigating Climate Change	
ST15 - Conserving Heritage Assets	

Consultees

Name	Comment
Burrington Parish Council	This application was discussed at the Parish Council meeting, councillors recommend approval of this application.
Councillor K Davies	No comments as the Ward member is also the applicant/agent.
DCC - Public Rights Of Way	No comments received.
Heritage & Conservation Officer	I do not consider that this proposal will cause harm to the significance of the heritage asset.
Reply Received 21 December 2021	

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 a single storey ground floor side extension together with small side entrance porch to improve accessibility to the property.

Planning Committee

The application has been submitted by Cllr Davies who is acting agent and as such it is considered that it should be determined by Planning Committee.

Planning Considerations Summary

- Principle of development
- Design
- Heritage
- Amenity
- Landscape Impact
- Ecology

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.

Section 16 of the Listed Building Act, in considering whether to grant listed building consent for any works the Local Planning Authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

In considering to grant planning permission which affects a listed building or its setting the Local Planning Authority shall have special regard to the desirability of preserving the building or its setting or any features of architectural or historic interest which it possesses in accordance with Section 66 of the Listed Building Act.

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

Principle of development

Policy DM25 supports residential extensions where the scale, form and design are in keeping with the main dwelling and there is no impact on amenity. The principle of the extension is therefore accepted.

Design

Both paragraphs 83 and 124 of the NPPF support good design and the integration of new development into the natural, built and historic environment. Policy DM04 of the NDTLP also requires good design.

Permission has previously been granted for extensions and alterations however these have not been implemented. The revised proposals under this application are modest and remove the first floor element.

The proposed development is for a ground floor rear extension to the kitchen to create a utility room and relocate the WC. There will also be small porch added to the side. This will enable a better living arrangement and better levelling of the site.

The pictures below show the existing side and rear elevations:



The proposed extension would be moderately scaled at around 3m x5m cut into the existing bank. The roofline would follow the existing with 3 new rooflights added. One North facing window and one of the existing door openings will be filled with glass blocks to improve the amount of natural light in the space. The exterior walls will be rendered with a slate roof. The proposed porch would be flat roof measuring 1.25m by 2m and finished in timber with a grey roof. Externally due to the ground levels a new retaining wall will be required with the paths levelled.

The overall design, scale, materials and positioning of the proposed extension and alterations would be in keeping with the character of the existing dwelling.

Heritage

Paragraph 193 of the NPPF and policy DM07 of the NDTLP states that great weight should be given to the conservation and enhancement of any heritage asset and its setting. The property is grade II listed with some 19th century remodelling. The Heritage Officer has advised that the proposals would not result in any harm to the significance of the building.

Amenity

Policy DM01 seeks to protect the amenity of any neighbours. The closest residential property is Higher Twitchen 45m away to the north. Due to the level changes and intervening planting it is not considered there would be any impact on amenity in accordance with policy DM01.

Landscape Impact

Policy DM08A states that development should be of an appropriate scale, mass and design that recognises and respects landscape character of both designated and undesignated landscapes. The property is not within a designated landscape and due to the surrounding topography is not visible from the wider area.



The proposed works will only be visible from the rear and side of the dwelling and even then most of it will be screened by the surrounding planting and ground level as shown in the above picture. The development would not result in any wider landscape impact.

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).

The NPPF and policy DM08 of the NDTLP states that adverse impact on protected species should be avoided where possible and sufficient mitigation used. The works would not result in changes to the existing roof and as such there is no requirement for a wildlife report to be submitted. The applicants have agreed as per the previous approval for a condition relating to the provision of a bird box to provide some biodiversity enhancement.

Conclusion

The overall scale, design and materials of the proposed extension would be in keeping with the existing dwelling. The works would protect the historic core of the main dwelling and would not harm any features of significance. There is sufficient separation from any neighbouring dwelling to ensure there is no harm to amenity. The provision of a bird box will also ensure there is a biodiversity gain from the works. 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

Section 149(1) of the Equality Act 2010 places a statutory duty on public authorities in the exercise of their functions to have due regard to the need to (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it (the Public Sector Equality Duty or 'PSED'). There are no equality implications anticipated as a result of this decision.

Recommendation

APPROVAL

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:

2134 18 100 Topographical Survey received on the 25/11/21
2729 Rdjwl Xx Xx Dr A 0017 Block Plan received on the 25/11/21
2729 Rdjwl 01 Zz Dr A 0025 Floor, Elevation and Section Proposed received on the 25/11/21
(‘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 proposed development shall be constructed in accordance with the following schedule of materials:

Walls: Rendered and timber cladding
Roof: Natural Slate, GRP coloured grey
Windows and doors: Timber

Reason

In the interests of the appearance of the development and locality and the setting and character of the listed building in accordance with Policies DM04 and DM07 of the North Devon and Torridge Local Plan.

4. Prior to the extension hereby approved being brought into first use, a bird box shall be sited on either the south or west elevation of the dwelling 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. The building is of an age where materials containing asbestos may have been used in its construction or subsequent modification. The building should be checked for such materials prior to works commencing by a competent person. Where found, materials containing asbestos must be treated and, where relevant, disposed of in accordance with current legislation and guidance.
2. 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 considerations of the design, scale, amenity, impact on the listed building and impact on the wider area



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74436 - Lower Twitchen, Burrington EX37 9JU

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Scale: 1:5000
Date: March 2022