

# Application Report

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



**Application No:** 74469  
**Application Type:** Listed Building Consent  
**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:** Listed Building Consent for 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:** Development is outside the scope of the Regulations  
**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
74436	Single storey ground floor side extension together with small side entrance porch to		

Reference Number	Proposal	Decision	Decision Date
	improve 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

<b>Constraint / Local Plan Policy</b>	<b>Distance (Metres)</b>
Within Adopted Unesco Biosphere Transition (ST14)	Within constraint
SSSI Impact Risk Consultation Area	Within constraint
Listed Building Grade: II	
DM07 - Historic Environment	
ST15 - Conserving Heritage Assets	

### **Consultees**

<b>Name</b>	<b>Comment</b>
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**

<b>Comments</b>	<b>No Objection</b>	<b>Object</b>	<b>Petition</b>	<b>No. Signatures</b>
0.00	0.00	0.00	0.00	0.00

### **Considerations**

#### **Proposal Description**

This application seeks Listed Building consent 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**

- Heritage 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.

### Heritage Impact

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.

Lower Twitchen is a grade II listed building dating from the 18th century. At its core is a traditional farmhouse, which appears to have been remodelled in the early 19th century. The proposals contained in these applications relate to the rear of the house, and include a single storey rear extension and new side porch.

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 following alterations are demonstrated on the proposed plans and are set out in the Design and Access Statement:

- The existing retaining wall, porch and interconnecting flat roof will be removed.
- A new retaining wall will be constructed and outside access paths levelled.
- A utility room coming off from the kitchen will be added, with a sliding door between them to connect the two spaces.
- A small stud partition will create a pantry in the utility, creating more storage.
- 3 new rooflights will be added to ensure the maximum amount of daylight is provided in each space, as well as a 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.

- New utility units and sink will be added to the utility.
- The internal wc wall will be infilled and will form part of the utility/ pantry area.
- A small porch will be added to the side extension, this will improve access into the house and work more effectively for the client. The porch incorporated a shallow external cupboard to accommodate the existing water purification system.

The proposals would not harm any features of historic significance and the traditional core of the building will be retained. It is not considered that there would be any impact on the significance of the heritage asset and there are no objections to the proposal.

### 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 proposed development would not result in any harm to the features of historic significance and would be in keeping with the traditional materials of the dwelling. 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. This Listed Building Consent is granted subject to the condition that the works to which it relates must be begun not later than the expiration of three years beginning with the date on which the Consent is granted.

#### Reason

The time limit condition is imposed in order to comply with the requirements of Section 18 of the Planning (Listed Buildings and Conservation Areas) 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 and GRP coloured Grey

Windows and doors: Timber

#### Reason

In the interests of the appearance of the development and the impact on the setting and character of the listed building in accordance with Policy DM07 and 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. INFORMATIVE NOTE: -

The Planning [Listed Buildings and Conservation Areas] [England] [Amendment] Regulations 2003

SUMMARY OF REASONS FOR THE DECISION TO GRANT LISTED BUILDING CONSENT.

The Local Planning Authority considers that listed building consent should be granted as it does not consider that permitting the proposed works would conflict with its duty under Section 16 of The Planning [Listed Buildings and Conservation Areas] Act 1990 to 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.

