

## Application Report

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

**Application No:** 75090  
**Application Type:** Full application  
**Application Expiry:** 26 May 2022  
**Extension of Time Expiry:**  
**Publicity Expiry:** 29 April 2022  
**Parish/Ward:** BARNSTAPLE/BARNSTAPLE WITH PILTON  
**Location:** 15 Westaway Close  
 Barnstaple  
 Devon  
 EX31 1RU  
**Proposal:** Extension to dwelling  
**Agent:** D & J May Architectural Services  
**Applicant:** Mr Roome and Ms Lewis  
**Planning Case Officer:** Mrs B. Coles  
**Departure:** N  
**EIA Development:**  
**EIA Conclusion:** Development is outside the scope of the Regulations.  
**Decision Level/Reason for Report to Committee (If Applicable):** Applicant is a Councillor

### Site Description

The site is a modern semi-detached two storey modern dwellinghouse, formally a linked detached. The site is situated within the hammerhead of a cul-de-sac and faces towards the access road. The site has light brickwork to the ground floor with painted render to the first floor and a dual pitched roof covered with concrete tiles and has white UPVC windows and doors and is similar in style to neighbouring dwellings. The site has an open amenity area to the front with off street parking and to the rear is a private garden enclosed by fencing.

### Recommendation

#### **APPROVAL**

Legal Agreement Required: No

### Planning History

Reference Number	Proposal	Decision	Decision Date
17798	Proposed extensions over existing garages at 14 & 15 Westaway Close, Barnstaple, EX31 1RU	Full Planning Approval	3 November 1993

## Constraints/Planning Policy

<b>Constraint / Local Plan Policy</b>	<b>Distance (Metres)</b>
Advert Control Area of Special Advert Control	Within constraint
Burrington Radar Safeguard Area consultation required for: All buildings, structures, erections & works exceeding 45 metres in height.	Within constraint
Chivenor Safeguard Zone Consultation Structure or works exceeding 45.7m	Within constraint
Landscape Character is: 7 Main Cities and Towns	Within constraint
Tree Preservation Order: 154 - A1, North Devon District Tree Preservation Order 1982 No.1	Within constraint
Unclassified Road	
USRN: 27501049 Road Class: A Ownership: Highway Authority	13.20
USRN: 27501177 Road Class: R Ownership: Highway Authority	Within constraint
Within adopted Development Boundary: Barnstaple North Development Boundary ST06	Within constraint
Within Adopted Unesco Biosphere Transition (ST14)	Within constraint
Within Braunton Burrows Zone of Influence	Within constraint
Within Surface Water 1 in 1000	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 DM04 - Design Principles DM08 - Biodiversity and Geodiversity DM25 - Residential Extensions and Ancillary Development ST14 - Enhancing Environmental Assets	

## Consultees

<b>Name</b>	<b>Comment</b>
Barnstaple Town Council	No comments received at time of preparing report.
Councillor I Roome	No comments.
Councillor J Orange	No comments received at time of preparing report.
Councillor M Lovering	No comments received at time of preparing the report.
Sustainability Officer	1/04/2022 12:14 - No comment

Name	Comment
Reply Received 1 April 2022	

### **Neighbours / Interested Parties**

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

No neighbour responses received at time of writing report.

### **Considerations**

#### **Proposal Description**

This application seeks detailed planning permission for the erection of a single storey rear extension to a 2 storey semi-detached dwelling to provide additional ground floor living space.

The extension proposed will extend from the rear elevation of the main house by 3.30 metres and across the rear elevation for 5.50 metres with a footprint measuring 18.15 square metres. The roof proposed has a mono pitch layout at a height of 4.20 metres above ground level with the pitch level situated above the cills of the first floor windows. Glazed doors are proposed of the east elevation facing into the rear garden with two roof lights.

Two narrow high level ground floor windows are proposed on the south elevation, one serving the extension and one the main dwelling and a single window is proposed on the north facing elevation of the proposed extension.

The proposed external materials are similar to and match those existing at the site.

#### **Principle of Development**

The development proposed is a residential extension which is 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 principle considerations of this application will also include its impact upon, ecology, flood risk and drainage, and highways and parking.

#### **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. The relevant Policies are detailed above.

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

## **Design**

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.

The proposed development will be situated over an area of hardstanding to the rear of the site. The proposal is a modest single storey extension with mono pitched roof layout which is subordinate to the main dwelling and set back from the side elevation to the south and boundary with the attached neighbouring property to the north. The use of external materials will reflect those of the main dwellinghouse and it is considered that the extension is of an acceptable size, scale, design and height to complement the main dwellinghouse without affecting the existing design layout. It is considered the proposed development will not be detrimental to the site or its setting.

In summary the proposed development will not be harmful to the overall character and appearance of the dwelling and its setting. The development thereby accords with the design considerations of the Local Plan as detailed above. 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 rear of the site is surrounded by high level fencing and the proposed narrow high level windows on the south facing side facing elevation and the single ground floor window on the north elevation will not cause overlooking or loss of existing privacy. The proposed glazed doors face into the rear garden and does not directly face towards neighbouring properties.

Whilst neighbouring dwellings are located within close proximity to the north and south of the site the development will not result in harm to neighbour amenity. Levels of privacy currently enjoyed will be retained, there will be no concern regarding overlooking than already currently exists and the development will not result in the loss of light due to the size and scale of the proposed development and is considered to meet the requirements of Policies DM01 and DM25 above.

## **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).

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 extension being brought into use, a bat box shall be sited on south elevation of the building and shall be retained thereafter as per submitted drawing, 0 22-012-3 Proposed Floor Plan and Elevation. This will achieve a net gain in biodiversity in compliance with Policies DM08, ST14 of the North Devon and Torridge Local Plan and paragraph 174 of the National Planning Policy Framework.

## **Flood Risk and Drainage**

The site is not located within a flood zone nor Critical Drainage Area and is at very low long term risk of flooding from rivers and the sea but at high risk of long term flooding from surface water. The development is modest in its scale and situated over an existing area of hardstanding. The proposal will not alter the level of hardstanding associated with the site or lead to additional run-off and as such flood risk and drainage is not a constraint to the proposed development.

## **Highways and Parking**

The proposal will not impact upon highway capacity and safety.

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 proposal provides additional accommodation which will not increase the living capacity of the site. The proposal does not alter the existing off-street parking arrangement which provides parking to the front of the site and it is considered that the existing level of parking will meet the anticipated needs of the dwelling and requirements of Policy DM06.

## **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

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**

### **APPROVE**

Legal Agreement Required: No

If further comments or representations are received these will be reported at the planning committee meeting.

## **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:  
022-012-1 Location Site Plans received on the 30/03/22  
022-012-3 Proposed - Floor Plan & Elevations received on the 30/03/22  
022-012-4 Proposed - Perspective and section received on the 30/03/22  
(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 external materials:

Roof - Marley Modern interlocking concrete tiles

Walls - Brickwork and render to match existing

Doors - Aluminium

Windows - white UPVC

Facia boards and rainwater goods - white UPVC

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 development hereby approved being brought into first use, a bat box shall be sited on the south elevation of the building hereby approved and shall be maintained and 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. This has included a schedule of approved external materials and the installation of a bat box.

### **Insert**

- 1) Location Plan