

Application Report

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

Application No: 75119
Application Type: Full application
Application Expiry: 30 May 2022
Extension of Time Expiry:
Publicity Expiry: 5 May 2022
Parish/Ward: BISHOPS NYMPTON/BISHOPS NYMPTON
Location: Rockley
Bishops Nympton
South Molton
Devon
EX36 4PL
Proposal: Demolition of existing single storey extension and replacement with two storey extension
Agent: Victoria Needham
Applicant: Mr & Mrs A Crook
Planning Case Officer: Miss C Roissetter
Departure: N
EIA Development:
EIA Conclusion:
Reason for Report to Committee (If Applicable): Application called to Planning Committee by Councillor J Yabsley

Councillor Reason for Call-in

'Concerns expressed by the Community and near Neighbours over the recent planning history of this site in particular the impact of this application on the amenity of near neighbours and on the Conservation Area.'

Site Description

Rockley is a two storey dwelling located in the Village of Bishops Nympton and is situated within the Conservation Area. The dwelling has a slate tiled roof, paint render walls, white uPVC windows and white uPVC doors. The site has adjoining neighbours to the south, west, and north, with open grassland to the east. The development would primarily be seen from two neighbouring properties: Casa Mia to the north on a higher topography, overlooking the development site, and The Great Barn to the south situated on a lower topography.

Recommendation

APPROVE

Legal Agreement Required: No

Planning History

Reference Number	Proposal	Decision	Decision Date
13487	Proposed extension to dwelling. at Rockley, Bishops Nympton, Devon, EX36 4PL	Full Planning Approval	3 April 1991
34922	Conversion of redundant barns to form 3 no units of residential accommodation at Barns Adj East Rock Cottage, West Rock Farm, Bishops Nympton, South Molton, EX36 4PL	Full Planning + S106 Approval	22 March 2004
39567	Conversion of dwelling to form 2 dwellings at Island House, Bishops Nympton, EX36 4PQ	Full Planning Approval	12 April 2005
39635	Listed Building Application for conversion of dwelling to form 2 dwellings at Island House, Bishops Nympton, EX36 4PQ	LB (Execution Works) Approval	12 April 2005
40147	Conversion of barn to form dwelling (amendment to planning permission 34922) at Barn adj to East Rock Cottage, West Rock Farm, Bishops Nympton, South Molton, Devon, EX36 4PL	Full Planning Approval	23 June 2005
40845	Demolition of single garage & erection of double garage at The Pottery, Island House, Bishops Nympton, South Molton, Devon, EX36 4PL	Withdrawn	30 November 2005
41856	Erection of single garage together with formation of access road & turning area & revised domestic curtilage (amended description) at Converted Barns Adjacent To East Rock Cottage, West Rock Farm, Bishops Nympton, South Molton, EX36 4PL	Full Planning Approval	23 June 2006
42691	Extension to dwelling, erection of conservatory & re-siting of 2 car parking spaces at Hillcross Barn, Bishops Nympton, South Molton, EX36 4PL	Withdrawn	11 September 2006
52581	Retrospective sub division of 1 dwelling to form 2 dwellings at Rockley, Bishops Nympton, South Molton, Devon, EX36 4PL	Full Planning Approval	22 September 2011
74688	Partial demolition of existing extension and erection of larger single storey extension at Rockley, Bishops Nympton, South Molton, Devon EX36 4PL	Withdrawn	6 April 2022

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 90 metres in height.	Within constraint
Class III Road	
Conservation Area: 8 Bishops Nympton Adopted 01/09/1983;	Within constraint
Landscape Character is: 3A Upper Farmed & Wooded Valley Slopes	Within constraint
Listed Building Adjacent: 953 EH Ref 1162936 East Rock Cottage, Bishops Nympton	Within constraint
Listed Building Adjacent: 954 EH Ref 1107266 Rock Cottage, Bishop's Nympton	12.46
Listed Building Adjacent: 955 EH Ref 1162828 Hills View, Bishop's Nympton	12.86
Listed Building Adjacent: 956 EH Ref 1107267 The Retreat, Bishop's Nympton	13.33
Listed Building Adjacent: 958 EH Ref 1325501 Island House, Bishop's Nympton	9.55
Listed Building Curtilage (Adjacent to)	5.83
Listed Building Curtilage (within)	Within constraint
USRN: 27503193 Road Class: C Ownership: Highway Authority	3.40
Within Adopted Unesco Biosphere Transition (ST14)	Within constraint
Within Surface Water 1 in 1000	Within constraint
Within: Culm Grasslands, SAC 10KM Buffer if agricultural development consider need for AQIA	Within constraint
Within: Exmoor Heaths, SAC 10KM Buffer if agricultural development consider need for AQIA	Within constraint
SSSI Impact Risk Consultation Area	Within constraint
Conservation Area: BISHOPS NYMPTON	
DM01 - Amenity Considerations DM04 - Design Principles DM05 - Highways DM06 - Parking Provision DM07 - Historic Environment DM08 - Biodiversity and Geodiversity DM25 - Residential Extensions and Ancillary Development ST07 - Spatial Development Strategy for Northern Devon's Rural Area ST14 - Enhancing Environmental Assets ST15 - Conserving Heritage Assets	

Consultees

Name	Comment
Bishops Nympton Parish Council	<p>This comment is on behalf of Bishops Nympton Parish Council which supports the application.</p> <p>The Council regard the design of this application as having less amenity impact on immediate neighbours than previous versions. However the Council strongly advise that planning conditions regarding the management of the construction at the site are imposed.</p> <p>There is only pedestrian access (e.g. wheelbarrow or small trolley) to the site and all materials will need to be unloaded on the public highway which is narrow at this point with no footpaths. One delivery vehicle would obstruct other traffic.</p> <p>The site is near the village primary and pre-schools where young children walk to gain access to school and various school busses deliver and collect children.</p> <p>The Council therefore suggest that conditions are imposed which</p> <p>a) specify that deliveries can only occur outside of school access times (08:00 to 09:30 and 15:00 to 16:30)</p> <p>b) require a Traffic Management Plan to be agreed, before commencement of work, to manage the obstruction likely to occur during delivery of materials</p> <p>Otherwise the Council would expect the usual working time restrictions to be imposed to minimize noise at neighboring properties.</p>
Councillor E Ley	No comments received.
Heritage & Conservation Officer	3/05/2022 - I do not consider that this proposal will harm the significance of the heritage asset, please condition the use of natural slate.

Neighbours / Interested Parties

Comments	No Objection	Object	Petition	No. Signatures
1	0	1	0	0

Chanter, G (Casa Mia, Bishops Nympton) - received 11/04/22

As this represents a less obtrusive option than that preciously soug under 74688 I do not wish to raise an objection.

Cotterell, J (no address provided) - received 20/04/22

This two storey extension will affect:

1. Overlooking
2. Loss of daylight
3. Loss of Privacy
4. Loss of Open view
5. Insufficient Vehicle Parking

Considerations

Proposal Description

This application seeks detailed planning permission for the erection of two storey side extension.

Planning Considerations Summary

- Previous Applications
- Principle of Development
- 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.

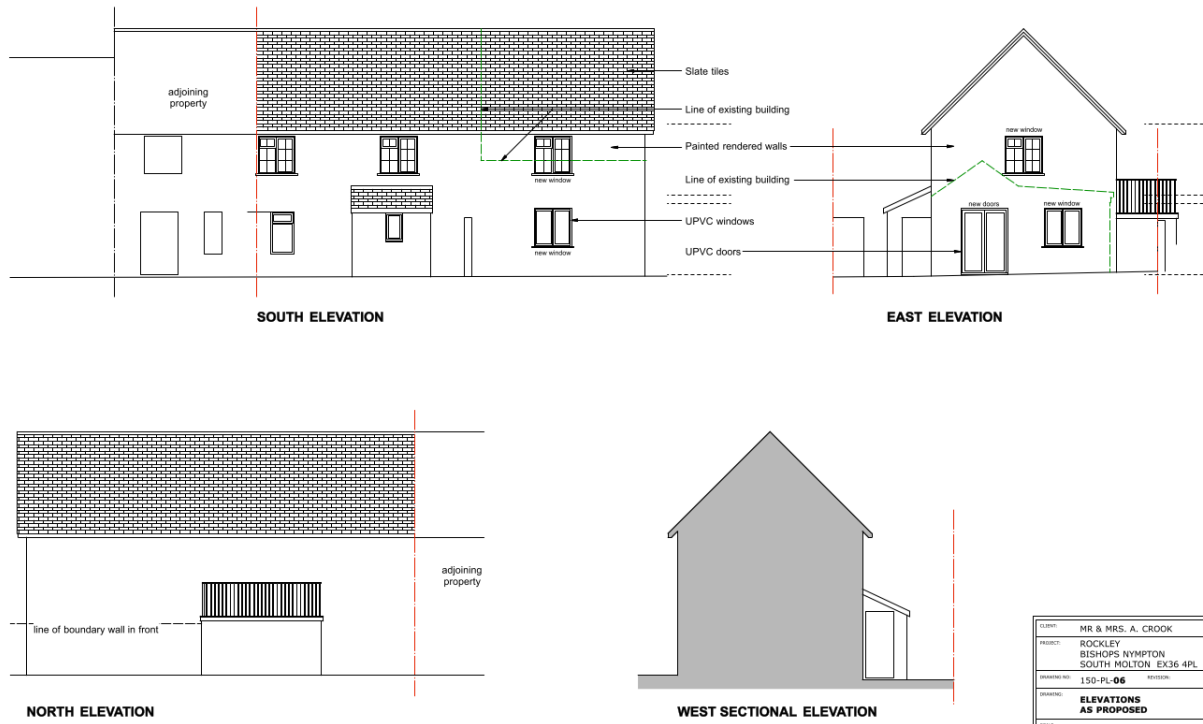
Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states a general duty of a Local Planning Authority as respects conservation areas in exercise of planning functions. In the exercise, with respect to any buildings or other land in a conservation area special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

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

Previous Applications

64191 – Two Storey Side Extension

In 2017, an application was submitted for the erection of a two storey extension on the east elevation of Rockley, as shown overleaf.



This application received letters of representations objecting to the proposal due to the height of the extension and the subsequent implication on natural light to the neighbouring properties. Additionally, it also received a letter of objection from the Parish Council because of the loss of light on neighbouring properties and due to concern regarding incomplete works from the previous division of the site.

Having conducted a site visit and in light of the received letters of representation, the Case Officer, at the time, wrote to the Agent and commented the following;

“I have considered the objections from Casa Mia to the north and on site I can appreciate the angles and heights of Casa Mia in relation to Rockley. It is apparent that the existing roof ridge impacts on daylight to the window and amenity space on the south of the property. I have a photo illustrating this which was taken in the afternoon last week (I can forward if required).”

Following my site visit, I have carried out the British Standard light impact tests which illustrate that the proximity of the 2-storey element of the scheme will considerably impact further on daylight offered to the conservatory, one window and an area of amenity space on the south elevation on Casa Mia, contrary to policy DVS3 – amenity and paragraph 17 of the framework. I also consider the proximity to the boundary, and additional 2-storey height would result in an overbearing impact to the window and part of the conservatory.

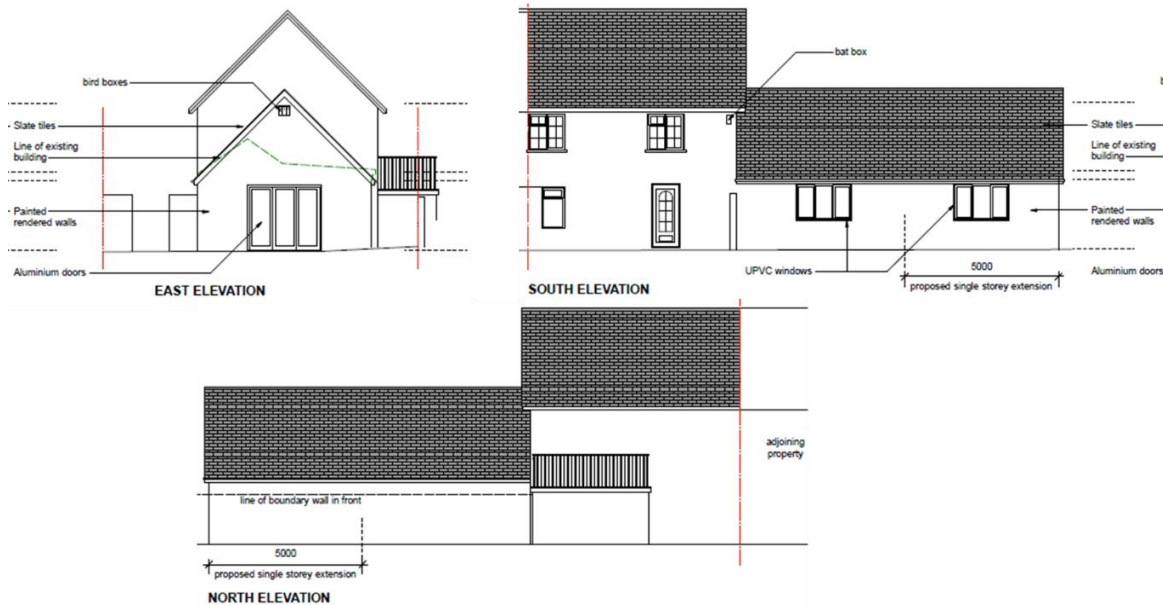
In light of this I cannot support the proposal as submitted.”

Following these comments the Case Officer mentioned that a single storey extension, allowing more space at ground floor level may be more appropriate in comparison to the two storey extension, and suggested that the applicant may wish to withdraw the current application and investigate the possibility of a resubmission with a less impacting development.

As a result of these comments and advice the Agent and the Applicant withdrew the two storey application and subsequently, submitted a single storey extension application.

74688 – Single Storey Extension

In January 2022, an application was submitted for the erection of a single storey extension on the east elevation of Rockley, as shown below.



This application also received letters of objection from neighbours and the Parish Council due to the potential amenity implications on Casa Mia and for the perceived impact of the development on the Conservation Area.

The proposed extension was considered to be a good design and would not adversely impact on the character of the Conservation Area as a result, it was indicated that the application was likely to be recommended for approval. However, prior to determination the application was called to committee by the ward Councillor to discuss the impact on neighbour amenity and the Conservation Area. Subsequently, the agent advised that the application was to be withdrawn at the request of the agent and, following a discussions between the applicant, and ward Councillor, to allow the submission of new two storey extension application

Principle of Development

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 principle of the extension is therefore accepted.

Design and Impact on Conservation Area

Policy DM04 (Design Principles) of the NDTLP requires development to 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.

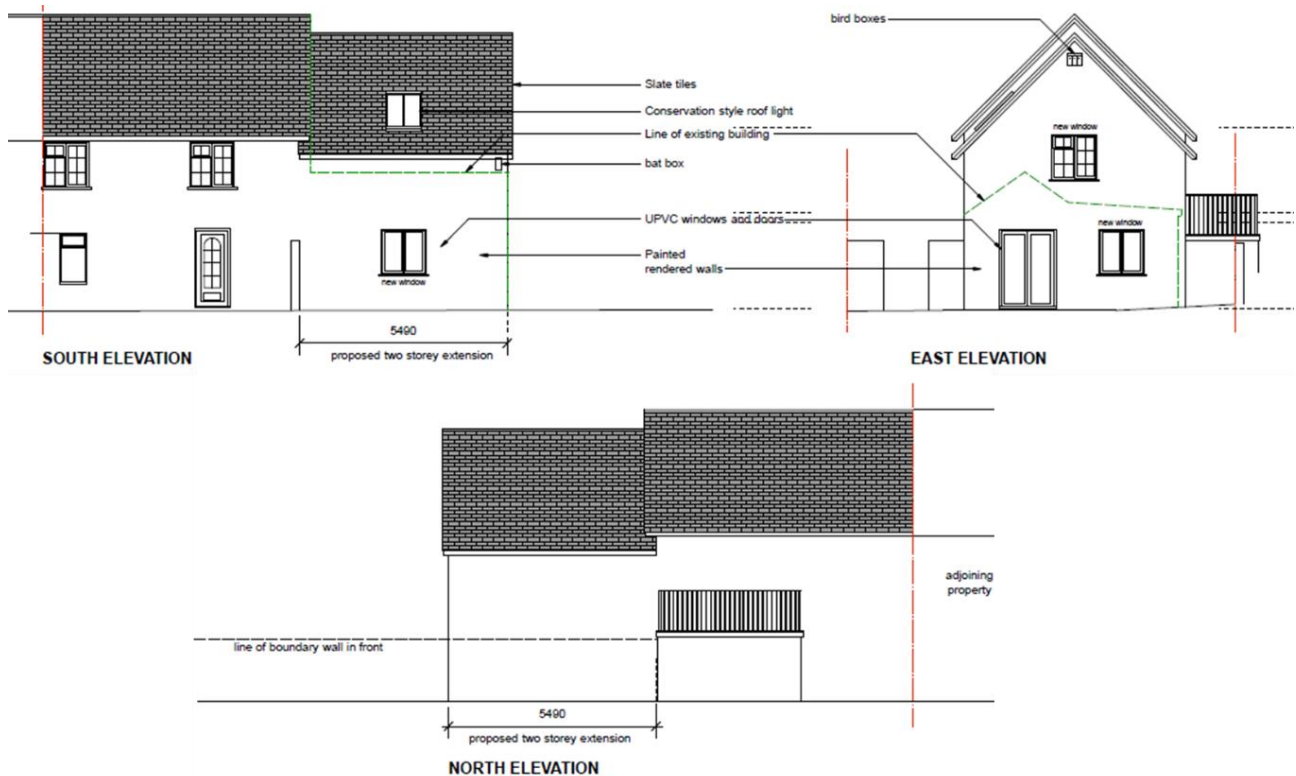
Policy ST15 (Conserving Heritage Assets) of the NDTLP aims to preserve and enhance northern Devon's historic environment by:

- (a) conserving the historic dimension of the landscape;
- (b) conserving cultural, built, historic and archaeological features of national and local importance and their settings, including those that are not formally designated;
- (c) identifying and protecting locally important buildings that contribute to the area's local character and identity; and
- (d) increasing opportunities for access, education and appreciation of all aspects of northern Devon's historic environment, for all sections of the community

The pictures below show the existing elevations:



The proposed development involves the demolition of the existing single storey extension and erection of a two storey extension. The two storey extension would measure approximately 5.49m by 5.80m with an eaves height of 4.00m and a roof ridge height of 7.35m. The extension would be finished to match the existing dwelling with a slate tiled pitched roof, paint render walls, uPVC windows, and uPVC doors.



Whilst it was previously stated to the applicant that a two storey extension would not be acceptable, this application has proposed to drop the roof ridge from the previous two storey extension, to reduce the overall height and scale of the development, and therefore, can be considered, on balance, to meet design policies DM25 and DM04.

In addition, the site is situated within the Bishops Nympton Conservation Area and as such heritage and conservation matters must be assessed. The design of the extension and the proposed materials will ensure the development matches the existing dwelling. As a result, it is considered that the development would not have a negative impact upon the setting or nearby heritage assets, as agreed by the Heritage & Conservation Officer.

The overall design, scale and materials of the proposed development is considered to be in-keeping with the character of the existing dwelling. The proposed development will not cause harm to the significance of nearby heritage assets or the character of the conservation area. The proposed design of development is considered acceptable on balance and therefore, is considered to accord with the design considerations of Policy DM04, DM25 and ST15.

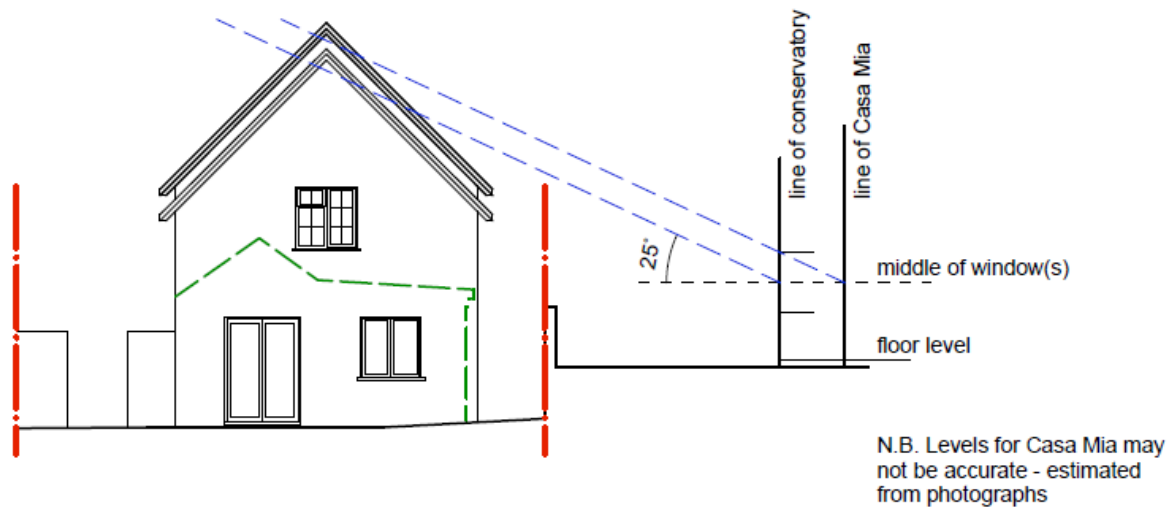
Amenity

Policy DM01 (Amenity Considerations) of the NDTLP states development will be supported where it would not significantly harm the amenities of any neighbouring occupiers or uses; and the intended occupants of the proposed development would not be harmed as a result of existing or allocated uses.

The site has adjoining neighbours to the south, west, and north, with open grassland to the east. The development would primarily be seen from two adjoining neighbours; Casa Mia and The Great Barn.

Feedback from previous two storey extension included concerns regarding the loss of light to Casa Mia however, this proposal has addressed this concern by dropping the roof ridge.

As a result, the development falls below the 25 degree line from the line of Casa Mia although, the extension would impact on the light of the conservatory of Casa Mia. However, due to the amount in which the extension exceeds the 25 degree line it is considered that the proposed extension would not result in a significant loss of light for Casa Mia.



DAYLIGHT TO CASA MIA - 25° RULE

The proposed development does not include any windows on the north elevation which face Casa Mia so there is no overlooking or privacy concerns for this property. Additionally, a letter of support has been submitted by the residents of Casa Mia therefore, there are no amenity concerns in regard to this property.

There is an existing privacy fence around the boundary of Rockley which would block the proposed window and additionally, the window on the first floor is a Velux window. As a result, proposed development would not result in any overlooking or privacy implications on The Great Barn.

Therefore, the proposed development would not result in significant harm to the amenity of the neighbouring properties and is considered to accord with Policy DM01.

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 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.

Policy ST14 (Enhancing Environmental Assets) of the NDTLP aims to protect and enhance northern Devon's natural environment by ensuring that development contributes to providing a net gain in biodiversity where possible.

Given the information received, the development would not result in any harm to protected species and their habitat. A biodiversity net-gain has been proposed through the installation of bird boxes on the east elevation of the extension. Therefore, the proposal is considered to comply with policies DM08 and ST14.

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 surface water drainage are not considered to be constraints.

Highways and Parking

Policy DM05 (Highways) of the NDTLP states 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.

Policy DM06 (Parking Provision) of the NDTLP requires development proposals to provide an appropriate scale and range of parking provision to meet anticipated needs.

The proposed development would not impact on the safety or function of the highways, and the proposal would not impact on the parking provision of the site as the existing garage and off-street parking will be maintained. Therefore, the proposal is considered to comply with policies DM05 and 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

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:

336(2)-PL-01 Location & Site plans received on the 04/04/22

336(2)-PL-04 Proposed Floor Plans received on the 04/04/22

336(2)-PL-05 Proposed Elevations received on the 04/04/22

('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 development hereby approved shall be constructed in accordance with the following schedule of materials;

Roof - natural slate

Walls - paint render

Windows - uPVC

Doors - 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 use, the biodiversity net gains as indicated on the approved plans, shall be provided in full and 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 design and amenity.