

Application Report

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

Application No: 74908
Application Type: Full application
Application Expiry: 9 May 2022
Extension of Time Expiry:
Publicity Expiry: 11 April 2022
Parish/Ward: SOUTH MOLTON/SOUTH MOLTON
Location: 13 Exmoor View
 South Molton
 Devon
 EX36 3BD
Proposal: Extension to dwelling
Agent: Mr Matthew Bushell
Applicant: Mr Matthew Bushell
Planning Case Officer: Miss C Roissetter
Departure: N
EIA Development:
EIA Conclusion: Development is outside the scope of the Regulations.
Decision Level/Reason for Report to Committee (If Applicable): Delegated
 The application is presented to Committee as the applicant is a District Councillor.

Site Description

13 Exmoor View is a modest two storey semi-detached dwelling within the development boundary for South Molton. The dwelling is finished with a pitched concrete tiled roof, red brick facade walls, and white uPVC windows. The dwelling is attached to Number 14 Exmoor View on the east elevation and is neighboured by Number 12 Exmoor View to the west of the dwelling. The front of the dwelling looks onto Exmoor View and the rear of the dwelling faces the rear gardens of the properties along the east side of North Road.

Recommendation

APPROVE

Legal Agreement Required: No

Planning History

Reference Number	Proposal	Decision	Decision Date
25424	Proposed erection of residential development comprising 21 no. Dwellings, garages, roads and sewers (amended	Full Planning Approval	24 June 1999

Reference Number	Proposal	Decision	Decision Date
	plans) at land adj. Parsonage Lane, South Molton, EX36 3BD		
26805	Erection of dwelling and garage at land at (Plot 5), Parsonage Lane, South Molton, EX36 3AX	Withdrawn	13 August 1999
27687	Amended porch design to plot no. 6 (amended description) at Phase 1, Land Adjacent Parsonage Lane, South Molton, EX36 3AX	Full Planning Approval	24 September 1999
47234	Extension to dwelling at 13 Exmoor View, South Molton, Devon, EX36 3BD	Full Planning Approval	31 October 2008

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
Landscape Character is: 3A Upper Farmed & Wooded Valley Slopes	Within constraint
Unclassified Road	
USRN: 27504080 Road Class:F Ownership: Private	12.79
USRN: 27504953 Road Class:R Ownership: Highway Authority	11.87
Within adopted Development Boundary: South Molton Development Boundary ST06	Within constraint
Within Adopted Unesco Biosphere Transition (ST14)	Within constraint
Within:Exmoor Heaths, 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 DM05 - Highways DM06 - Parking Provision DM08 - Biodiversity and Geodiversity DM25 - Residential Extensions and Ancillary Development ST06 - Spatial Development Strategy for Northern Devon's Strategic and Main Centres ST14 - Enhancing Environmental Assets	

Consultees

Name	Comment
Councillor D Worden	No comments received.
Councillor M Bushell	Councillor Bushell is the applicant.

Name	Comment
Councillor P Henderson	No comments received.
South Molton Town Council	30/03/2022 - It was resolved that this application be recommended for approval.

Neighbours / Interested Parties

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

No representations received

Considerations

Proposal Description

This application seeks detailed planning permission for a first floor extension to dwelling.

Planning Considerations Summary

The main considerations in the determination of the applications are:

- 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.

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

Principle of Development

Policy DM25 (Residential Extensions and Ancillary Development) of the NDTLP supports the development of residential extension to a dwelling and other ancillary development where:

- (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.

The proposed development is considered acceptable in principle provided the proposal complies with relevant planning consideration and development management policies of the NDTLP including design and amenity.

Design

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.

The extension would be situated on the west elevation of the dwelling, above the existing garage. The proposed extension would measure approximately 8.15metres by 2.75 metres with an eaves height of 5.85 metres from ground level and a roof pitch height of 7.75 metres from ground level. The extension would be finished with materials to match the existing dwelling which is considered appropriate and the proposed fenestration is considered acceptable. The design, scale and materials of the proposed extension would not result in any adverse impact to the character of the dwelling and would not adversely affect the wider street scene as it is set back from the principle elevation. As such the proposal is considered to be in accordance with policies DM04 and DM25 of the NDTLP.

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.

No representations have been received from any neighbouring properties.

The site is located with the Exmoor View cul-du-sac and is adjoined to Number 14 Exmoor View on the east elevation of the dwelling and is neighboured by Number 12 Exmoor View to the west of the dwelling. The front of the dwelling looks onto Exmoor View and the rear of the dwelling faces the rear gardens of the properties along the east side of North Road.

The proposed extension will be set back from the principle elevation of the existing dwelling which would reduce any visual impact on the neighbouring dwellings to the east and south-east. The existing screening of well-established trees adjoining the rear of the site would minimise any overlooking into the rear gardens of the properties along the east side of North Road. As such, there will be no significant effect on the amenities of neighbours or of the occupiers of the dwelling in accordance with policies DM01 and DM25 of NDTLP.

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 from the application's supporting wildlife report, there is no evidence that the existing roof space is being habited by any local wildlife or protected species. Additionally, given the location of the site within a busy residential area the impact of the proposed development on wildlife would not be significant. The scheme will be required to provide a biodiversity net gain through the installation of a bird and bat box on the development, which has been included as a condition on the grant of permission. Therefore, there are no conflicts in terms of policies ST14 and DM08 of the NDTLP.

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, as there is no increase in surface water run-off, flooding and surface water drainage are not considered to be a constraint.

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 works would not impact on the safety or function of the local road network and development would no impact on the existing parking provision for the site. Therefore, the proposal would comply with Policies DM05, DM06 and DM25 of the NDTLP.

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:

NDC 007 Proposed Roof detail attic space received on the 27/05/22

NDC001 Location Plan received on the 03/03/22

NDC006 West Elevation Existing & Proposed received on the 03/03/22

NDC005 South Elevation Existing & Proposed received on the 03/03/22

NDC004 North Elevation Existing & Proposed received on the 03/03/22

NDC003 Floor Plans Existing & Proposed received on the 03/03/22

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

Roof - concrete tiles

Walls - red brick facade

Windows - 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 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 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, amenity, ecology, highways, and parking.
2. The submitted drawings have been numbered as set out in condition 2. Please refer to the planning application tracker on the District Council's website to view the drawings and their allocated numbers, <http://planning.northdevon.gov.uk/search.asp>
3. As the proposed works affect / are in close proximity to the boundary with a neighbouring property, this decision does not convey any other form of consent or agreement that may be necessary in conjunction with these works and does not override or supersede any civil rights, which the neighbour may have. The attention of the applicant is drawn to the information contained in the Guide to the Party Wall etc. Act 1996 booklet. Copies available from the Communities and Local Government website www.communities.gov.uk/publications/planningandbuilding/partywall.

Inserts

- 1) Location Plan