

Application Report

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



Application No: 79152
Application Type: Non-Material Amendment
Application Expiry: 26 September 2024
Extension of Time Expiry:
Publicity Expiry:
Parish/Ward: BURREINGTONCHULMLEIGH/CHULMLEIGH
Location: Riverside House
Newnham Bridge
Umberleigh
Devon
EX37 9EU

Proposal: Application for a non-material amendment to planning permission 77868 (demolition of existing workshop building (following approval for conversion ref 77597) and erection of a detached dwelling house along with new access, amenity space, car parking and landscaping (amended description)) in respect of minor re-positioning of the proposed new house, reduction in footprint, amended fenestration, external materials (walls and roof) and inclusion of glazed section to covered veranda on south elevation

Agent: Mr Kevin Davies
Applicant: Mrs J Glenister
Planning Case Officer: Mr D. Jeffery
Departure:
EIA Development:
EIA Conclusion: Development is outside the scope of the Regulations.
Decision Level/Reason for Report to Committee (If Applicable): Committee – Agent is a District Councillor

Site Description

The application site lies in the countryside, approximately 2.75 miles north-west of Chulmleigh. It forms part of a wider pocket of development at the convergence of the A377, the B3226, the Tarka Railway Line and the River Taw north of Kings Nympton Railway Station.

The application site contains an existing dwelling and small cottage along with a steel framed garage/ workshop. Recent permission (ref 77868) has been received for the demolition of existing workshop building (following approval for conversion ref 77597) and erection of a detached dwelling house along with new access, amenity space, car parking and landscaping.



Existing Site View from Roadside

Recommendation

Approved

Legal Agreement Required: No

Planning History

Reference Number	Proposal	Decision	Decision Date
16004	PROPOSED EXTENSION TO DWELLING. at GREENVALE, SOUTH MOLTON ROAD, UMBERLEIGH, EX37 9EU	FULL PLANNING APPROVAL	22 September 1992
40952	EXTENSION TO DWELLING TOGETHER WITH CONVERSION OF GARAGE TO FORM ADDITIONAL LIVING ACCOMMODATION at RIVERSIDE HOUSE, NEWNHAM BRIDGE, UMBERLEIGH, DEVON, EX379EU	FULL PLANNING APPROVAL	23 December 2005
48447	DEMOLITION OF STEEL FRAMED BUILDING & ERECTION OF DOUBLE GARAGE WITH OFFICE & STORAGE ABOVE at RIVERSIDE HOUSE, NEWNHAM BRIDGE, UMBERLEIGH, EX379EU	FULL PLANNING APPROVAL	12 August 2009
50063	APPLICATION FOR A LAWFUL DEVELOPMENT CERTIFICATE IN RESPECT OF AN EXISTING USE OF AGRICULTURAL LAND AS DOMESTIC GARDEN at RIVERSIDE HOUSE, NEWNHAM BRIDGE, UMBERLEIGH, DEVON, EX37 9EU	CERT OF LAWFULNESS REFUSED	18 August 2010
60829	APPLICATION FOR A LAWFUL DEVELOPMENT CERTIFICATE FOR THE EXISTING USE OF LAND AS DOMESTIC GARDEN & FOR THE SITING OF THE EXISTING SHED at RIVERSIDE HOUSE, NEWNHAM BRIDGE, UMBERLEIGH, DEVON, EX37 9EU	CERT. OF LAWFULNESS ISSUED	3 July 2016

Reference Number	Proposal	Decision	Decision Date
74839	Application for a lawful development certificate for existing use as a dwellinghouse at The Cottage Riverside House Newnham Bridge Umberleigh Devon EX37 9EU	Approved	10 May 2022
75571	Application for a lawful development certificate for existing use of two storey building attached to Riverside House as an independent dwellinghouse at Annexe Riverside House Newnham Bridge Umberleigh Devon EX37 9EU	Approved	9 September 2022
77597	Conversion of garage / workshop to create a four bedroom dwelling together with new access (Amended Description). at Riverside House Newnham Bridge Umberleigh Devon EX37 9EU	Approved	11 January 2024
76435	Demolition of existing workshop building and erection of a detached house with an integral garage, amenity space, car parking, access and landscaping, together with a change of use from two houses to one house by the re-integration of an existing annex dwelling into the main house at Riverside House Newnham Bridge Umberleigh Devon EX37 9EU	Not Determined	22 January 2024
77868	Demolition of existing workshop building (following approval for conversion ref 77597) and erection of a detached dwelling house along with new access, amenity space, car parking and landscaping (amended description). at Riverside House Newnham Bridge Umberleigh Devon EX37 9EU	Approved	4 April 2024
76435	Demolition of existing workshop building and erection of a detached house with an	Dismissed	15 Jan 2024

Reference Number	Proposal	Decision	Decision Date
	integral garage, amenity space, car parking, access and landscaping, together with a change of use from two houses to one house by the re-integration of an existing annex dwelling into the main house at Riverside House Newnham Bridge Umberleigh Devon EX37 9EU		

Constraints/Planning Policy

Constraint / Local Plan Policy	Distance (Metres)
Advert Control Area Area of Special Advert Control	Within constraint
Ancient Woodland: BRIDGE WOOD Ancient & Semi-Natural Woodland	50.6599999999999936
Ancient Woodland: HEAD WOOD (NORTH) Ancient & Semi-Natural Woodland	388.18
Ancient Woodland: HEAD WOOD (NORTH) Ancient Replanted Woodland	370.89
Ancient Woodland: NEWHAM WOOD Ancient & Semi-Natural Woodland	437.91
Burrington Radar Safeguard Area consultation required for: All buildings, structures, erections & works exceeding 15 metres in height.	Within constraint
Burrington Radar Safeguard Area consultation required for: All buildings, structures, erections & works exceeding 45 metres in height.	Within constraint
Class I Road	
Land is potentially contaminated, site was used for:Railways, Is ranked:MEDIUM, Year:1891	12.03
Land is potentially contaminated, site was used for:Railways, Is ranked:MEDIUM, Year:1906	12.03
Land is potentially contaminated, site was used for:Railways, Is ranked:MEDIUM, Year:1964	12.03
Landscape Character is: 3C Sparsely settled farmed valley floors	Within constraint
USRN: 27506537 Road Class:A Ownership: Highway Authority	2.99
Within 10m of Network Rail Line	8.38000000000000128
Within Adopted Unesco Biosphere Transition (ST14)	Within constraint
Within Flood Zone 2	Within constraint
Within Flood Zone 3	Within constraint
Within Surface Water 1 in 1000	Within constraint
DM01 - Amenity Considerations DM02 - Environmental Protection	

Constraint / Local Plan Policy	Distance (Metres)
DM04 - Design Principles DM05 - Highways DM06 - Parking Provision DM08 - Biodiversity and Geodiversity DM08A - Landscape and Seascape Character ST01 - Principles of Sustainable Development ST03 - Adapting to Climate Change and Strengthening Resilience ST04 - Improving the Quality of Development ST14 - Enhancing Environmental Assets	

Consultees

Name	Comment
Reply Received	

Neighbours / Interested Parties

Comments	No Objection	Object	Petition	No. Signatures
0.0	0.0	0.0	0.0	0.0

Considerations

Proposal Description

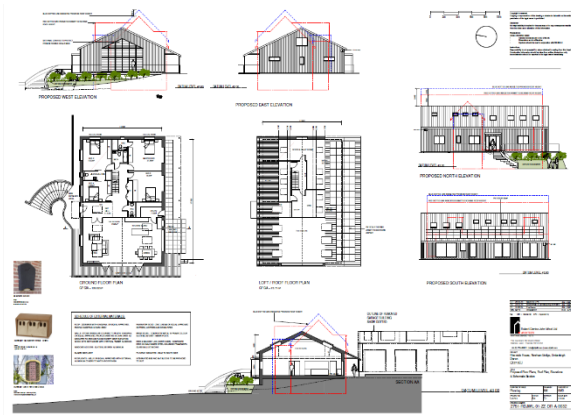
This application seeks a non-material amendment to planning permission 77868 in respect of minor re-positioning of the proposed new house, reduction in footprint, amended fenestration, external materials (walls and roof) and inclusion of glazed section to covered veranda on south elevation.



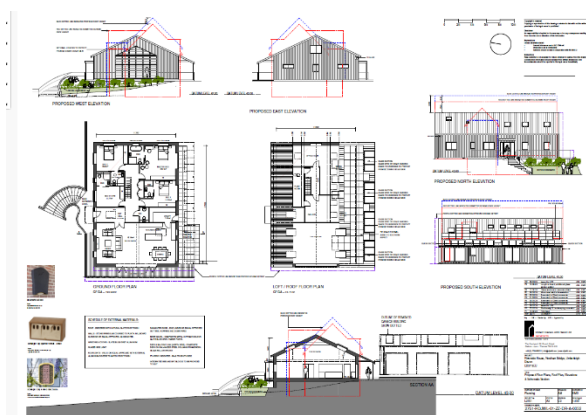
Previously Approved



Amended Proposal



Previously Approved



Amended Proposal

Planning Considerations

This application for a 'non-material amendment' removes the need for an entirely new planning application to be submitted as only a very small change is sought. This application would form an amendment to the original planning permission and would be subject to the conditions and time limit of the original permission. It does not form a new planning permission.

There is no statutory definition of 'non material' as it dependant on the context of the overall scheme. Whether or not a change can be considered as a 'non-material amendment' is defined according to established legal concepts of materiality and is normally only a very small change to the development (what is referred to as 'de minimus').

Design / Visual Impacts

Policy DM04 'Design Principles' requires that development proposals (a) are 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 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 amendments relate to the following:

- Minor re-positioning of the proposed new house to create separation from existing structure
- Reduction in footprint
- Amended fenestration
- Amended external materials (walls and roof)
- Inclusion of glazed section to covered veranda on south elevation

The repositioning of the dwelling involved a very slight move of around 1.5m to the North West. Given the size of the site, that this will move it further away from the existing dwelling and that the proposals also involve a slight reduction in the dwelling's footprint, this is not considered to be a material change to the existing permission. The alterations to fenestration and the veranda are minor in nature and when combined with the slightly reduced massing of the building, are not considered material.

The varied proposals raise no conflict with policies DM04 and DM08A in relation to design and visual impacts.

Neighbouring Amenity

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

There will be no increase in amenity impacts as a result of the scheme. The proposals, accord with LP Policy DM01.

Flood Risk and Drainage

No changes proposed through the NMA. The proposal complies with NDTLP Policies DM02 and ST03.

Highways/Access

No changes proposed to the highway or parking layout through the NMA. The varied proposal complies with NDTLP Policies DM05 and DM06.

Ecology / Biodiversity

The proposal will deliver ecological mitigation as agreed in 77868 with no changes proposed in this respect. The amendments comply with policies DM08 and ST14.

Conclusion

The proposal is for a very small change to the development already granted planning permission. The proposed amendment does not alter the development significantly from what was approved on the original planning permission and does not conflict with any conditions of the permission. No adopted planning policy is breached.

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

Approved

Legal Agreement Required: No

Conditions

Informatives

1. Having now considered the submitted details:

2751-RDJWL-ZZ-ZZ-DR-A-0020C6 Proposed Site Plan received on the 29/08/24
2751-RDJWL-01-ZZ-DR-A-0032C2 Proposed Elevations, Floor & Roof received on the 29/08/24

The Local Planning Authority have determined that these are acceptable as a non-material amendment to application 77868.

The works are now required to be carried out in accordance with these details.

You are reminded that this decision has to be read in conjunction with application 77868 and the conditions and informatives relating to this previous consent remain applicable.